

4-10

# DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

## CENTER MOUNTAIN ALLOTMENT GRAZING STRATEGY AND ASSOCIATED IMPROVEMENTS

**Pleasant Valley Ranger District  
Tonto National Forest  
USDA Forest Service  
Gila County, Arizona**

### DECISION

It is my decision to implement Alternative 5 for the grazing strategy and associated improvements for the Center Mountain Allotment. A new 10-year Term Grazing Permit will be issued to the current permittee for the following number of livestock: 39 adult cattle from 1/1 to 4/30; 24 adult cattle from 5/1 to 9/30; 39 adult cattle from 10/1 to 12/31; and 15 yearling cattle from 1/1 to 4/30. In addition, there will be a 5 head adult cattle non-use agreement. Five head of adult cattle will be put into non-use status. This would result in actual adult cattle numbers which could be allowed to graze of 34 from 1/1 – 4/30 and 10/1 – 12/31, and 19 head from 5/1 – 9/30. The five head can be re-instated if utilization levels on the allotment are met during the first five years of implementation.

Approximately 1 mile of barbed wire fence will be constructed on the allotment in order to create the Cooper's Fork riparian pasture. This pasture is to be completely rested for the first five years of implementation. During this five year period, livestock use will be monitored following each growing season on both the uplands and the riparian area associated with Cherry Creek outside this pasture. If use levels remain at or below those identified in the Environmental Assessment, the Cooper's Fork Pasture may then be used for no longer than two months during the winter months (October 15 through April 15).

The Blackbrush and Devil's Chasm pastures will be used concurrently during the winter months (October 15 through April 15). During the first five years of implementation, this time period will be approximately 6 months. If the Cooper's Fork Pasture is able to be used (see above), use of the Blackbrush and Devil's Chasm Pastures during the winter months will be limited to 4 months. Livestock will be rotated between these two pastures during the summer months. Movements between the pastures will be dictated by the following use guidelines:

- Herbaceous species – 20% during the growing season; 30% during the dormant season
- Browse species – 50%

Utilization levels will be measured in the riparian area associated with Cherry Creek north of the Cooper's Fork pasture. If utilization levels consistently exceed Forest Plan guidelines, approximately 1 mile of barbed wire fencing will be constructed to exclude livestock from this portion of Cherry Creek.

Approximately 80 acres on the Center Mountain Allotment will be treated to reduce juniper encroachment. The following guidelines will be used to implement this action:

- Junipers less than 10 inches diameter at breast height (DBH) will be cut to within densities specified in the Tonto Land Management Plan (LMP). No junipers with a DBH of 10 inches or greater would be cut.
- Only junipers will be treated.
- All slash will be lopped and scattered to a height of less than 24 inches.

- Slash will be left on the ground for at least three years. Slash will be burned at that time if projects objectives have been achieved.
- Seeding of native grasses would occur in areas where an existing seed source does not currently exist.

The mitigation measures identified in Chapter 2 of the Environmental Assessment are incorporated into this decision.

## RATIONAL FOR THE DECISION

Five alternatives were analyzed to achieve the purpose and need for action in the project area. These alternatives included the Proposed Action, a No Action alternative that would simply continue present management, and three other alternatives, including one alternative that would discontinue livestock grazing on the Center Mountain Allotment. Each alternative to the proposed action was developed to respond to one or more of the key issues identified from both internal and public comments to the Proposed Action. The key issues identified related to potential effects to threatened and/or endangered species, adequate rest for key areas, utilization levels on the uplands and riparian areas, riparian, upland and soils conditions, and the economic impacts to the permittee and local economy

Table 1 below summarizes the impacts as they relate to the key issues identified through scoping for each of the alternatives analyzed in detail in the EA. See Chapter 3 (pages 6-17) of the EA for complete details.

ISSUE	ALT. 1	ALT. 2	ALT. 3	ALT. 4	ALT. 5
Grazing effects to threatened and/or endangered species					Section 7 consultation per the ESA with the US Fish and Wildlife Service was conducted only on the selected alternative. Concurrence has been obtained.
Riparian, upland and soils conditions (including key areas and utilization levels)	Continued negative impacts, especially in the key upland and riparian areas.	Improvement would occur on all areas of the allotment currently affected by livestock grazing.	Minimal improvement in vegetative condition; soils on slopes of 0-15% may not show appreciable improvement. No noticeable improvement in riparian condition associated with Cherry Creek outside of the Cooper's Fork Pasture.	Uplands would recover faster than that under Alternative 3; soils on slopes of 0-15% may not show appreciable improvement. Riparian condition associated with Cherry Creek outside of the Cooper's Fork Pasture is expected to improve.	Affects to uplands and soils would be similar to that described for Alternative 4. The potential to improve the riparian condition associated with Cherry Creek is greater under this alternative than all of the grazing alternatives.

<b>Economic impacts to the permittee and local economy</b>	In the short term, the permittee would not be affected. Continued decline in resource conditions could lead to larger reductions than those proposed under the other grazing alternatives, or cancellation of the permit.	There would no longer be a livestock operation on the allotment.	In the short term, the permittee would not be affected. Continued decline in resource conditions could lead to larger reductions than those proposed, or cancellation of the permit.	The effect of reducing the permitted numbers of livestock to the permittee and family will depend on the financial condition of the operation, the dependency of their operation on this particular allotment, and the dependency of the family income on the income derived from this permit. Life-style changes in response to loss of income could include decreasing family spending, possibly sending family members off the ranch to pursue alternate income opportunities, and diversifying operations to make them less dependent upon ranching.	The effect of reducing the permitted numbers of livestock to the permittee and family will depend on the financial condition of the operation, the dependency of their operation on this particular allotment, and the dependency of the family income on the income derived from this permit. Life-style changes in response to loss of income could include decreasing family spending, possibly sending family members off the ranch to pursue alternate income opportunities, and diversifying operations to make them less dependent upon ranching.
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My objective in reaching this decision was to select an alternative that maximized movement toward the management direction; and standards and guidelines as specified in the Tonto Forest Land Management Plan. I am particularly concerned with improvement in the riparian area associated with Cherry Creek. I also recognize the importance of livestock grazing to the affected permittee and the Gila County life-style and economy and want to see a beneficial level of use maintained. I believe Alternative 5 has the best potential for movement towards meeting the Forest's Land Management Plan objectives, while considering the current socioeconomic factors. Alternative 5 also addresses the Forest Service's mission to provide a sustainable flow of resources from National Forest System lands.

As stated in the EA, Alternatives 1 would not facilitate movement toward the objectives as specified in the Land Management Plan. It is this reason that I did not select this alternative.

Alternative 2 would provide the most improvement to the environmental resource conditions; however, it does not address the social and economic needs to both the affected permittee and to the local economy. It also does not address the Forest Service's Mission to provide a sustainable flow of resources from National Forest System lands.

The effects expected under Alternative 4 are very similar to those expected under Alternative 5. However, implementation of Alternative 4 would require an additional mile of fence construction. I did not select Alternative 4 because I did not feel the minimal potential for resource improvement, if any, was worth the

added expense of constructing the fence to both the taxpayer and the permittee. I also have a concern that forcing livestock into smaller pastures may cause them to impact those smaller riparian areas which are currently receiving little or no use.

Alternative 3 does not include the construction of this new fence. However, it would allow more livestock to graze on the allotment. Since I did not feel it would be prudent or necessary to add more costs for improving resource conditions on this allotment than absolutely necessary, I felt it was necessary to be conservative regarding livestock numbers. I decided on a more reasonable level of stocking that has a higher potential of achieving success of meeting identified objectives from the LMP.

## **ALTERNATIVES CONSIDERED**

The alternatives considered for the Center Mountain Allotment include a "no action" alternative, a no livestock grazing alternative, and three action alternatives which respond to the needs for action and the issues. Chapter 2 (pages 3-5) of the Environmental Assessment for the Center Mountain Allotment contains a complete discussion of alternatives.

### **Alternative 1 (no action)**

- current grazing strategy will be maintained
- no new range improvements will be constructed
- a riparian pasture would not be created
- permitted numbers would remain the same

Alternative 2 (no grazing) - developed to address the issues of effects to T&E species, improvement in riparian, upland and soils conditions (including rest to key areas and utilization levels).

- grazing by domestic livestock will not occur
- interior fences and cattleguards will be removed
- other range improvements will not be maintained with range dollars

Alternative 3 (proposed action) - developed to address the purpose and need for action, effects to T&E species, utilization of key areas, riparian, upland and soils conditions and economic impacts.

- permitted numbers would be adjusted to 34 adult cattle yearlong with 10 yearling cattle from 1/1 to 4/30.
- Two upland and one riparian pasture
- construct 1 mile of fence
- implement juniper control on 80 acres

Alternative 4 - developed to address all of the key issues identified

- actual numbers would be 34 adult cattle from 1/1-4/30; 19 adult cattle from 5/1-9/30; 34 adult head from 10/1-12/31; 5 adult head in non-use status; and 15 yearling cattle from 1/1-4/30.
- three upland pastures and one riparian pasture
- construct 2 miles of fence
- implement juniper control on 80 acres

Alternative 5 - developed to address all of the key issues identified

- actual numbers would be 34 adult cattle from 1/1-4/30; 19 adult cattle from 5/1-9/30; 34 adult head from 10/1-12/31; 5 adult head in non-use status; and 15 yearling cattle from 1/1-4/30.
- two upland pastures and one riparian pasture
- construct a riparian enclosure on Cherry Creek if warranted through monitoring

- construct 1 mile of fence
- implement juniper control on 80 acres

## **PUBLIC INVOLVEMENT**

An interdisciplinary team meeting held on October 30, 1997 generated preliminary issues and concerns (Vol. I, Doc. 10). The meeting was also used to collect existing information regarding livestock use on the Center Mountain Allotment. The NEPA analysis process was formally initiated by District Ranger James R. Soeth in November of 1997. Additional issues and concerns were raised during interdisciplinary team meetings and public scoping meetings held on November 6, 1997 (Vol. I, Doc. 14), January 29, 1998 (Vol. I, Doc. 23) and February 9, 1998 (Vol. I, Doc. 24). From these scoping activities, five letters were received and three people attended the meetings. An interdisciplinary team meeting held May 19, 1998 generated five alternatives which the deciding officer approved for further consideration (Vol. I, Doc. 40).

A comment copy of the Environmental Assessment went to the public for a 30 day comment period in August, 1999. Six letters were received in response. All comments received throughout the analysis were considered in this decision. A content analysis on the comments is contained in the Appendix of the Environmental Assessment, and is attached to this document.

## **FINDING OF NO SIGNIFICANT IMPACT**

**Context** - This project is a site specific action that by itself does not have international, national, regionwide or statewide importance. The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance in the area associated with the Pleasant Valley Ranger District.

**Intensity** - The following discussion is organized around the Ten Significant Criteria described in the National Environmental Policy Act (NEPA) regulations (40 CFR 1508.27).

Impacts associated with the alternatives are discussed in Chapter 3 of the EA (pages 6-17). These impacts are within the range of those identified in the Tonto LMP Environmental Impact Statement. The actions would not have significant impacts on other resources identified and described in the EA. Impacts from the selected alternative are not unique to this project. Previous projects have had similar activities and non-significant effects.

It is concluded that the beneficial and adverse effects of the selected alternative are not significant in the context of the proposed and cumulative effects.

### **The degree to which the proposed action affects public health and safety.**

Public health and safety was not identified as an issue during scoping. The intended action will not have an adverse effect on public safety or health. Improved watershed condition and water quality could be beneficial to public health.

Based upon this information, it is concluded that the selected alternative will not constitute a threat to public safety or health. The project does not involve national defense or security.

### **Unique characteristics of the geographic area.**

Analysis identified no impacts to any unique or special geographic area. The majority of the project area does lie within the Sierra Ancha Wilderness Area; however, no new improvements are planned to be constructed within this area. The selected Alternative 5 will not impact any wetlands or farmlands.

The project area is known to contain cultural resources of both prehistoric and historic periods. Impacts will be reduced or eliminated through adherence to the Section 106 process.

Based upon the analysis completed in the EA, the application of appropriate mitigation measures and on-site inventories, it is concluded that there will be no significant effects on unique or special resource characteristics.

### **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

This Environmental Analysis is tiered to the LMP Environmental Impact Statement. Forest-wide effects of LMP's standards were disclosed in that EIS. The selected alternative with the identified mitigation considered in the EA meet LMP standards. In addition, extensive scoping was completed during the analysis in order to identify areas of potential controversy. The scoping activities are identified in Chapter 2 of the EA (pages 3-5), this Decision Notice, and the project record. Areas of potential controversy were identified as issues. Issues were used to focus development of alternatives, mitigation measures and the Environmental Assessment itself.

There has been no information presented that could not be mitigated to indicate there are areas of potential controversy. However, I conclude that it is very unlikely that the environmental effects associated with the action will be highly controversial.

### **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

This action is similar to many past actions, both in this analysis area, and adjacent areas. Effects of this action will be similar to the effects of past, similar actions. Livestock grazing and fence construction have occurred on the Tonto National Forest for over 100 years. The Interdisciplinary Team that conducted the analysis used the results of past actions as a frame of reference, and combined that insight with scientifically accepted analytical techniques and best available information to estimate effects of the proposal.

I conclude there are no unique or unusual characteristics about the area, not previously encountered, that would constitute an unknown risk upon the human environment.

### **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

Similar actions have occurred in the watershed. Effects of this project are minor and short-term in nature. Major follow-up actions will not be necessary.

I conclude that this action does not establish precedence for future actions with unknown risks to the environment.

**Whether the action is related to other actions with individually insignificant but cumulative significant impacts.**

Chapter 3 of the EA (page 6-17) discusses the combined effects of the project with other past, current and reasonably foreseeable future actions.

Based on the discussions in the EA and information identified during public review of the EA and given in the Decision Notice, I have concluded that there are no cumulatively significant impacts.

**The degree to which the action may affect districts, sites, highways, structure, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural or historical resources.**

There are no known sites or structures within the project area which are currently listed or eligible for placement on the National Register of Historic Places. If any are identified as on the ground inventories are completed, potential adverse effects will be mitigated through the use of inventory, evaluation and consultation procedures provided for under Section 106 of the National Historic Preservation Act, as amended.

**The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

A Biological Assessment and Evaluation for endangered, threatened and Forest Service Sensitive species has been completed for the selected alternative. The project area does not contain designated critical habitat for any species, as defined by the Endangered Species Act.

The following determinations were made for threatened and/or endangered species:

Species	Federal Status	Determination
American peregrine falcon ( <i>Falco peregrinus anatum</i> )	Endangered	May effect; not likely to adversely affect
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	Endangered	May effect; not likely to adversely affect
Lesser long-nosed bat ( <i>Leptonycteris curasoae verhabuena</i> )	Endangered	May effect; not likely to adversely affect
Mexican Spotted Owl ( <i>Strix occidentalis lucida</i> )	Threatened	May effect; not likely to adversely affect
Southwestern willow flycatcher	Endangered	No Effect
Razorback Sucker ( <i>Xyrauchen texanus</i> )	Endangered	May effect; not likely to adversely affect
Blummer's Dock ( <i>Rumex orthoneurus</i> )	Proposed Threatened	May effect; not likely to adversely affect

Concurrence from the US Fish and Wildlife Service has been obtained for each of these species.

Based upon the conclusions documented in the Biological Assessment and Evaluation, I conclude that there will be no adverse effect to species or their habitat determined to be critical under the Endangered Species Act (ESA).

**Whether the action threatens a violation of federal, state or local law or requirements imposed for the protection of the environment.**

Chapters 1-3 of the EA (pages 1-17) documents the analysis for this project which does not threaten or violate any federal, state or local law imposed for the protection of the environment. This project is fully

consistent with the Tonto LMP and the National Forest Management Act (NFMA), Clean Water Act, and the Federal Land Policy Management Act of 1976.

**Based on the above considerations I have concluded that this project is in compliance with statutes imposed for the protection of the environment and that this is not a major federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not needed.**

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

The EA is appropriately tiered to and consistent with the Tonto Land Management Plan and the selected alternative is in compliance with management direction for the area.

The National Environmental Policy Act provisions have been followed as required by 40 CFR 1500. The EA analyzed a reasonable range of alternatives, including the No Action alternative. It also discloses the expected impacts of each alternative and discusses the identified issues. This document describes the decision I have made and my rationale for the decision.

The decision meets all requirements of the Endangered Species Act. To the best of my knowledge, there are no known threatened or endangered plants or animals or their designated critical habitat within the project area. Concurrence has been obtained from the US Fish and Wildlife Service as to the determinations made on Threatened and/or Endangered species in the Biological Assessment and Evaluation.

The selected alternative will comply with the provisions of the National Historic Preservation Act. Proposed units will be located and designed to avoid impacts to known sites. If additional sites are identified during implementation of the project, measures will be taken to assure full compliance with the NHPA.

Water and air quality standards will be met. There are no classified floodplains or wetlands within the project area.

## **APPEAL PROVISIONS AND IMPLEMENTATIONS**

Decisions made by the Forest Service are subject to appeal pursuant to 36 CFR 215.7. As stated in 36 CFR 215.11, an appeal may be filed by any person or any non-federal organization or entity that has provided comment or otherwise expressed interest in this proposal by the close of the comment period specified in 36 CFR 215.6. A written appeal must be submitted within 45 days after the date of the notice of this decision is published in the *Payson Roundup*, Payson, Arizona to:

Regional Forester  
Southwestern Region  
517 Gold SW  
Albuquerque, NM 87102-0084

An appeal must meet content requirements of 36 CFR 215.4. Detailed records of the Environmental Assessment are available for public review at the Tonto Basin Ranger District, HC02 Box 4800, Roosevelt, AZ 85545. For further information on this decision, contact Howard S. Okamoto; District Ranger at (520) 462-4300, or Rhonda O'Byrne; Project Leader at (520) 467-3200.

If no appeal is received, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Howard S. Okamoto  
**HOWARD S. OKAMOTO, District Ranger**  
**Pleasant Valley Ranger District**  
**Tonto National Forest**

11-30-99  
**DATE**