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**DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT**

Allotment Management Plan
Dark Canyon Allotment

Clifton Ranger District
Apache-Sitgreaves National Forests
USDA Forest Service
Greenlee County, Arizona

An environmental assessment that discusses the proposed Allotment Management Plan (AMP) for the Dark Canyon Allotment has been completed and is available upon request to the District Ranger, Clifton Ranger District, HC1, Box 733, Duncan, Arizona, 85534.

Decision and Rationale

It is my decision to approve development of an Allotment Management Plan (AMP) for livestock use on the Dark Canyon Allotment, Clifton Ranger District, Greenlee County, Arizona. Concurrently with AMP development, I will modify the Term Grazing Permit for 57 head of cattle, cow/calf, for a season of use between the time period of March 1 and February 28, annually, or 915 animal unit months. The AMP will address the grazing program needed to achieve objectives and provide for livestock production. At full development, this grazing program will use a three pasture rest rotation schedule designed to provide both rest for plant growth while grazing livestock on the allotment. Use of the Eagle Creek riparian pasture is limited to trailing cattle along, through, and across Eagle Creek while moving cattle among pastures and for shipping, twice annually.

Once this decision becomes final, the Term Permit will be modified for the Dark Canyon Allotment, for the season of use and numbers as described above, implementing Alternative C, as described in the environmental assessment. The number of livestock permitted, season of use, or range facilities will not change, however, utilization standards and monitoring needs will be established, and all Forest Plan standards and guidelines will be incorporated as part of the permit.

When compared to all other alternatives in the environmental assessment that evaluated future livestock management, the proposed action (Alternative C) provides the broadest and best approach to meet goals for Forest users, permittees, and residents of Greenlee County and other surrounding regions. This alternative supports the best direction to achieve satisfactory riparian conditions associated with Eagle Creek, addresses land capacity to support livestock production, enhance or protect federally and sensitively managed wildlife and fish species, arrest and improve declining or static soil productivity, watershed and water quality, and contributes to the stability of the social and economic well-being of Greenlee County as well as the livestock permittee. Analysis of ecological conditions indicate a variance in land productivity, with some areas of the allotment static or improving while other areas are declining under previous management strategies. Important resource issues are better addressed with management of the effects from livestock (grazing, animal impact) and rest from this disturbance, especially within Eagle Creek. This is a key element in the rationale for my decision on type of livestock use within the Eagle Creek pasture. Establishing both implementation and effectiveness monitoring will minimize both short and long-term environmental impacts from Alternative C.

Public Involvement and Scoping

Public involvement on future livestock management on the Dark Canyon Allotment began in 1995. Initial scoping of internal and external participants occurred under letter of April 17, 1995. Scoping meetings and discussions with interest and affected participants were conducted between 1995 and the end of 1997. Scoping letters were mailed to eighty seven (87) agencies, governing entities, companies, organizations, permittees, and other Forest users who expressed an interest in future forest management. Over the next year goals and resource objectives that would be consistent with Forest Plan direction and also address key resource, social and economic concerns were established. Continued interdisciplinary team interaction, especially consultation with the U.S. Fish and Wildlife Service continued over the next 24 months.

Issues and concerns raised during scoping efforts for project planning corresponded closely with key issues members of the planning team surfaced, including: capacity for livestock grazing; potential effects to federally listed species; affects to soils and riparian zones; long-term soil and land productivity; local economic impacts, social and life-style impacts; and effective monitoring to detect changes in land conditions. Agencies, groups, and individuals involved in project planning are included on pages 35 and 36 of the environmental assessment.

Letters of comment received during general project scoping were considered in conducting the analysis and developing the decision. Review of the project Biological Assessment and formal Biological Opinion issued by the U.S. Fish and Wildlife Service played a key role in final development of alternatives analyzed in the environmental assessment.

The draft environmental assessment, completed in February 1998, was sent to scoping respondents and planning team members. Five comments were received. Most expressed their preference for the no livestock grazing alternative. Comments and discussions identified the need for clarification of portions of the assessment narrative. Comments resulted in changes in the draft environmental assessment, including changes in the monitoring strategy to clarify distinctions between effectiveness and implementation monitoring; changes in the wildlife and threatened, endangered species sections to clarify the significance of effects; and changes in the watershed section to better address cumulative watershed effects. Responses to all public comments is found in Appendix D of the final environmental assessment.

Alternatives Considered

Three alternatives were considered and analyzed in detail in the environmental assessment.

Alternative A: Rest from livestock disturbance would be the only management tool applied on the allotment to address key resource issues. No livestock grazing would be permitted. Forest Service would be responsible for maintenance of National Forest boundary fences.

Alternative B: Continue with current livestock management with no action to change grazing strategy, no change in permitted livestock numbers, class of livestock, or season of use, and no change in the existing range improvements.

Alternative C: The Proposed Action, includes:

1. Modification of the Term Grazing Permit. The permit will incorporate new Forest Plan direction for enhancing federally protected species habitats, and direction from the Allotment Management Plan as part of the permit.
2. Implementation of an Allotment Management Plan for 35% maximum allowable utilization of the forage resource by domestic livestock, under a three pasture rest rotation livestock operating plan. Permitted livestock will be 57 head of cattle, cow/calf, for a total of 365 days annually, or

- 915 animal unit months of authorized livestock grazing between the months of March and February.
3. Implementation of a three main pasture rest rotation grazing program as described in detail in the assessment, combined with three additional pastures for supplemental use, and one pasture not used by domestic livestock. Use of the Eagle Creek riparian pasture is limited to trailing cattle along, through, and across Eagle Creek while moving cattle among pastures and for shipping, twice annually.
 4. Implementation monitoring of the grazing program will be accomplished through the Annual Operating Plan. As directed in the Biological Opinion, reasonable and prudent measures will be implemented through compliance with the terms and conditions, as specified.
 - a. Improve ecological conditions on the allotment.
 - 1.a Monitor livestock numbers and use levels to validate stocking within capacity.
 - 2.a Initiate a watershed analysis of the Eagle Creek watershed on or before April 15, 2000.
 - b. Provide protection to stream courses and riparian aquatic habitats from the impacts of livestock management.
 - 1.b Restrict livestock access to Eagle Creek to the minimum period necessary for trailing cattle among pastures and shipping to ensure impacts to riparian habitat are minimized.
 - 2.b Livestock crossings within Eagle Creek will be evaluated and designated by a fishery biologist to minimize impacts.
 - 3.b Riparian habitat of Eagle Creek will be surveyed before and after livestock moves to determine level of effects.
 - 4.b Accomplish maintenance of range improvements to maintain integrity of the Eagle Creek enclosure.
 - 5.b Establish two fish monitoring sites in Eagle Creek on the Dark Canyon Allotment.
 - c. Monitor grazing activities which constitute incidental take.
 - 1.c Monitor livestock forage use patterns within key areas such as riparian.
 - 2.c Submit all monitoring to the Ecological Services Field Office, annually.
 5. Effectiveness monitoring of livestock use on the allotment will be outlined in the Allotment Management Plan.
 - a. Vegetation responses to management as implemented.

Eliminated Alternatives

Two additional alternatives were considered but dropped from detail study.

No Livestock Use of Eagle Creek - An alternative was considered which included complete exclusion of the Eagle Creek pasture from all livestock use, both grazing and transit. All other pastures and rest rotation management would be similar to those described under Alternative C.

This alternative was not considered in further detail because trailing of livestock along the canyon bottom of Eagle Creek is the only practical method available to the operator to move livestock between pastures and shipping due to the rugged topography and limited access points within the allotment. This alternative would effectively equate to the no grazing alternative.

Fire - The use of fire, either natural or man made ignition, to address resource concerns.

This alternative was not considered in further detail because the use of fire for lands included in the Dark Canyon Allotment is better addressed at a later date for applicable and effective use.

Findings Required by Other Laws

The Dark Canyon Allotment is located in Management Area #2, woodland zone, and Management Area #3, riparian, in the Apache-Sitgreaves National Forest Plan, as amended. This project is consistent with the intent of the Forest Plan's long term goals and objectives. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines for livestock management in the Term Grazing Permit, Part 3, an example of which is included in the process record.

Eleven threatened or endangered species were analyzed in the Biological Assessment and Evaluation (BAE) to evaluate the effects of livestock grazing under Alternative C. Implementation of Alternative C will have no effect to the Mexican gray wolf or the Southwestern Willow Flycatcher. Formal and informal consultation with the U.S. Fish and Wildlife Service supported initial findings that Alternative C would have insignificant or immeasurable effects to the Lesser long-nosed bat, Jaguar, American Peregrine Falcon, Bald Eagle, Mexican Spotted Owl, Razorback sucker, and the Arizona hedgehog cactus. Formal consultation and the resultant Biological Opinion concluded that Alternative C may have adverse effects to the Loach minnow and Spikedace. This determination was based on the potential for direct and indirect effects from livestock trailing along, through, and across Eagle Creek while moving cattle among pastures and for shipping.

The Service defines incidental *take* in terms of loach minnow and spikedace habitat characteristics. The anticipated level of incidental *take* for this process is expressed as maintenance of the current level of habitat quality. Under the terms of sections 7(b)(4) and 7(o)(2) of the Endangered Species Act, *taking* that is incidental to and not intended as part of the agency action is not considered to be prohibited *taking* under the Act, provided that such *taking* is in compliance with the terms and conditions of the incidental take statement.

The reasonable and prudent measures described for the affected species, for which incidental *take* is anticipated, are necessary appropriate to minimize the *take*. The Forest Service will comply with the terms and conditions for the affected species, which implement the reasonable and prudent measures as described in the Biological Opinion.

A cultural resource clearance has been completed with concurrence from the State Historic Preservation Officer.

To address water quality concerns the use of Best Management Practices, as identified in the Intergovernmental Agreement between the State Department of Environmental Quality and the Forest Service, will be implemented. Best Management Practices include: annual preparation of a livestock operating plan; stocking within capacity as established; management adjustment to addresses resource concerns such as season of use, allowable use, and frequency of rest; use of range improvements and geographical barriers to improve livestock distribution patterns; and monitoring to insure consistency of application and effectiveness of the program.

The selected alternative is exempt from conformity determinations under Section 93.153(c) of the Clean Air Act.

Based on the environmental assessment, a Finding of No Significant Impact (FONSI) was made. See attached FONSI.

Decision Implementation

Where there are no appeals, modification of the Term Grazing Permit and subsequent implementation of the Allotment Management Plan will not occur sooner than five business days following the close of the appeal filing period established in the Notice of Decision in the *Copper Era* newspaper. Where an

appeal has been filed, implementation of this decision will occur no sooner than fifteen (15) calendar days after dispensation of the appeal.

Appeal Rights

36 C.F.R. 215 - This decision is subject to appeal by those who meet the criteria as specified in 36 Code of Federal Regulations 215.11. A Notice of Appeal must be in writing and clearly state that it is a Notice of Appeal being filed pursuant to 36 CFR 215. Appeals must be fully consistent with 36 CFR 215.14, "Content of an Appeal," and must be filed with Eleanor S. Towns, Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, NM 87102, within 45 days from the date of publication of the Legal Notice of Decision in the *Copper Era*.

Information Contact

For additional information concerning this decision or the Forest Service appeal process, contact Nancy Walls or Frank Hayes, Clifton Ranger District, HC1, Box 733, Duncan, AZ 85534, (520) 687-130.



FRANK A. HAYES
District Ranger

8/26/99

Date

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Context - Project area analysis encompassed the Dark Canyon Allotment, and is located within Management Area #2, the woodland zone, and Management Area #3, riparian, as designated within the Apache-Sitgreaves National Forest Plan, as amended. The planning unit includes about 18,200 acres in Township 3 South, Range 28 and 29 East, in Greenlee County, Arizona. This decision is a site specific action that by itself does not have international, national or statewide importance. The discussion of the significant criteria that follows applies to the selected alternative and is within the context of local and regional importance. 'Local' is considered to be the area associated with the Clifton Ranger District and 'regional' is considered to be Greenlee and Graham Counties.

Intensity - The following is based on the Ten Significance Criteria described in National Environmental Policy Act Regulations (40 CFR 1508.27).

1. Effects from this decision are both beneficial and adverse. As noted in the EA, implementation of Alternative C may result in direct and indirect adverse effects to Loach minnow and Spikedace and their habitat within Eagle Creek by crushing eggs, larvae or adult fish, and by causing eggs to be covered by sediments generated by livestock wading in the creek or trampling the stream bank. Livestock crossing may alter aspects of stream morphology that influence suitability for both species. The accumulation of sediments in the interstitial spaces of cobbles and gravels in riffle habitats is especially detrimental to successful reproduction of loach minnow, and may reduce the aquatic invertebrate food base. The adverse effects are limited in size (small numbers of livestock at one time) and duration (trailing is conducted no more than twice annually and only once during May) as compared to long term and cumulative effect to land, economic, and social resources. Biological Assessment and Evaluation (project record document #57, #75 and #79) and the Biological Opinion (project record document #81) contain a complete discussion of effects.

Potential benefits to riparian, soils, vegetation, and water quality with long-term benefits for wildlife species is substantial within the site specific area, but minor in regional context. Benefits will take time to develop over the 10 year length of project implementation, especially shifts and adjustments in mobile populations of wildlife species and seasonal fluctuations in fish habitat characteristics. Once initial adjustments are made in livestock management operations, benefits will also accrue for livestock production as stocking in balance with capacity assures operational stability and long term productivity on a per animal basis. Socially, both a life-style and heritage resource will be maintained while being ecologically compatible and sustainable. More detail is provided in the Riparian (B), Threatened, Endangered, Sensitive Species (E), Wildlife (F), Soils (G), Watershed (H), and Water Quality (I) sections of Chapter 3 - Environmental Consequences.

While payments to counties from FS receipts is negligible, when considering all operations (permits) currently under NEPA analyses regionally, benefits of implementing Alternative C for maintaining both livestock production levels and recreational economic benefits are substantial. More detail is provided in Table 9 in the Economic (L), Recreation (N), and Social Stability (K) sections of the Chapter 3 - Environmental Consequences.

2. The decision is expected to have no effect on public health and safety.

3. The geographic area affected by this decision, Dark Canyon Allotment, is within a RARE II roadless area. However, no impact is projected for RARE II designation that precludes future consideration of special status for lands within the allotment. The Dark Canyon Allotment is not in proximity

to any park lands, prime farmlands, wild and scenic rivers or ecologically critical areas so no significant impacts would result from implementation of the selected alternative.

The allotment contains heritage resource properties, however there will be no effects to historical and prehistoric heritage resources due to the low likelihood of significant impacts by livestock grazing. Improvement in resource conditions through implementation of Alternative C will minimize the effects of run off related process to heritage resource.

4. The effects on the quality of the human environment are not likely to be highly controversial.
5. There is no indication, nor has any data been presented, that there are highly uncertain or unique or unknown risks to the human environment as a result of implementation of the selected alternative.
6. Implementation of a decision to modify livestock grazing by Term Grazing Permit and concurrent Allotment Management Plan development, are not new types of decisions for this Ranger District or the Forest Service, so it does not establish a precedent. Authorization of livestock grazing does not preclude or predetermine any future decisions regarding authorization of other uses of lands within this planning unit.
7. Cumulative impacts in the context of the analysis, i.e., across the local (District) and region (County), were considered and found to be insignificant. Even if expanded to include both Apache County or examined on a statewide basis, effects to the human environment as defined by 40 CFR 1508.14 are not significant.
8. In accordance with the Programmatic Agreement for Region 3 and with further discussion with the Arizona State Historic Preservation Officer, permitting and managing for livestock production on the Dark Canyon Allotment is considered to have no effect on properties listed on or eligible for the National Register of Historic Places.
9. Formal consultation with the U.S. Fish and Wildlife Service, and the resultant Biological Opinion concluded that implementation of the selected alternative may have adverse effects to the Loach minnow and Spikedace. The Service defines incidental *take* in terms of Loach minnow and Spikedace habitat characteristics. The anticipated level of incidental *take* for this process is expressed as maintenance of the current level of habitat quality. Under the terms of sections 7(b)(4) and 7(o)(2) of the Endangered Species Act, *taking* that is incidental to and not intended as part of the agency action is not considered to be prohibited *taking* under the Act, provided that such *taking* is in compliance with the terms and conditions of the incidental take statement.

The reasonable and prudent measures described for the affected species, for which incidental *take* is anticipated, are necessary appropriate to minimize the *take*. The Forest Service will comply with the terms and conditions for the affected species, which implement the reasonable and prudent measures as described in the Biological Opinion.
10. The selected alternative incorporates requirements from numerous Federal laws imposed for protection of the environment, some of which are implemented through State law and agency authority (see Findings section above).

Summary - Based on the above considerations, implementation of Alternative C, including the Allotment Management Plan development and modification of the 10 year Term Grazing Permit for C.P. and Dorothy M. Corbell, on the Dark Canyon Allotment, will not have significant effect on the human environment as defined in 40 CFR 1508.14.