

Decision Notice
& Finding of No Significant Impact
Grazing Authorization and Allotment Management Plans
Duquesne, Lochiel and Hayfield Allotments
USDA Forest Service
Sierra Vista Ranger District, Coronado National Forest
Santa Cruz County, Arizona

Decision and Reasons for the Decision

Background

This decision covers the authorization of grazing for the Duquesne, Lochiel and Hayfield Allotments in the Sierra Vista Ranger District, Santa Cruz County, Arizona. The allotments encompass 21,700 acres in the Patagonia Mountains and include portions of Townships 23 and 24 South, Ranges 16 and 17 East. They include lands designated as Management Areas 1, 4, and 7 in the Coronado National Forest Land and Resource Management Plan (LMP).

The purpose and need for action arose because there are currently no long-range management plans for the allotments, permitted use on two allotments is not in balance with current grazing capacity and construction of infrastructure is needed to improve livestock distribution. In addition, the allotments currently lack sufficient environmental analysis to comply with the rescission Act (P.L. 104-19). In September 2004, an Environmental Assessment (EA) was finalized for the allotments. The EA describes the anticipated effects of the proposed action and three alternatives. It also describes specific mitigation and monitoring requirements to mitigate the risk of adverse impacts to affected natural resources. The EA is available at the Sierra Vista Ranger District and Coronado National Forest Supervisor's Offices and on the Forest website at www.fs.fed.us/r3/coronado/information.

Decision

Based upon my review of all alternatives, it is my decision to implement *Alternative 4* for all three allotments. The selected action is consistent with the management emphasis and direction for Management Areas 1, 4, and 7 of the Coronado Forest Plan and with statutory and regulatory direction for range management programs (Forest Service Manual 2201.1- 2201.3). The action is described below.

The proposed action would authorize grazing within the following defined limits for the duration, intensity, frequency and timing of grazing.

Duration of grazing. The proposed action would authorize grazing year-round on the Duquesne and Hayfield Allotments. On the Lochiel Allotment, grazing would be limited to 9 months (October-June).

Intensity of grazing. Forage utilization would not exceed 45% of key species in key areas. Resource conditions and management objectives will dictate stocking levels within the range of numbers identified in the EA.

Frequency and timing of grazing. Management systems will be designed to incorporate growing season rest on pastures at least every other year in order to provide for plant recovery.

Within these management limits, annual or seasonal adjustments may be made in response to variations in forage or other resource conditions. Initial stocking rates would be set based on existing resource and infrastructure conditions and are supported by production and utilization data collected over the past 4 years (PR Docs. 5, 6, 7, 8, 9, 19). Where a range of stocking is identified, changes in stocking would be based on successful infrastructure development and documented improvement in resource conditions. Specific numbers of livestock permitted will be identified each year in Annual Operating Instructions. The timing of pasture moves will be dictated by utilization monitoring and resource objectives.

Duquesne Allotment. A single herd would be rotated through the allotment. The herd would spend the winter months in the two southern pastures from October through March. The order in which the pastures are used will alternate in order to provide for cool season plant species growth. The southern pastures would be rested each growing season. Seven northern pastures would be divided into four units of approximately equal capacity. Cattle would be rotated through three of the northern units during each year from April through September. The fourth unit would be rested. Growing season (July-September) use will occur in two of the four pastures each year, followed by growing season rest the next two years. The Finley and Adams pasture will be used as a travel trap for moving cattle between northern and southern pastures approximately two weeks in the spring and two weeks in the fall each year.

Proposed improvements include installation of pipelines from existing wells to provide reliable water to upland portions of the allotment, which would improve livestock distribution and reduce use in lower elevations. The Santo Nino pasture would be cross-fenced in order to prevent cattle from drifting down out of higher portions of the pasture and reduce livestock impact. Encroaching small junipers would be hand-grubbed in the Harristeen, L&J and Upper Mowry pastures.

The decision would authorize a range of 2,176-2,932 AUM, equivalent to 137-185 cow-calf pairs. The stocking level would be set at 120-180 cow-calf pairs for 12 months. A range of numbers is proposed to reflect the variability in forage conditions regularly experienced on the allotment. Stocking levels would initially be set at the low end of the range. As improvements are completed and are effective at improving distribution and if monitoring demonstrates achievement of desired conditions, stocking would be allowed to increase within the range defined above.

Lochiel Allotment. The decision would authorize grazing for a range of 594-728 AUM, equivalent to 50-61 cow-calf pairs for 9 months. The two-head private land permit would be discontinued. Livestock would be rotated between the two existing pastures during the October-June grazing period. The order in which the two pastures will be used will alternate each year in order to provide for cool season plant species growth. Livestock would be removed from the allotment and placed on private land every growing season (July 1-September 30) in order to provide annual growing season rest on the entire allotment. No new fences would be required, but a new water supply would be developed in the uplands where East and West pasture meet.

Initial stocking will be 50 cow-calf pairs for 9 months, October-June (594 AUM) and would remain at this level until resource conditions improve and proposed range improvements are implemented. As improvements are completed and are effective at improving distribution, and if monitoring demonstrates achievement of desired conditions, stocking would be allowed to increase within the range defined above.

Hayfield Allotment. The decision would authorize up to 3,238 AUM, equivalent to 204 cow-calf pairs yearlong. A deferred rest-rotation management system is proposed with herd movements being dictated by utilization levels in key areas and forage and water conditions. A single herd would be rotated through 16 pastures, 1-3 pastures at a time (determined by pasture size). Management goals are to limit the use in bottoms, improve distribution in uplands and provide adequate growing season rest. No set pasture rotation would be established. The number of pastures provides sufficient flexibility that pasture rotations can be determined by management objectives and pasture condition. The grazing capacity derived from the 2000 production and utilization study (3,238 AUM) reflects allowable use based on current management and resource conditions. Within pastures, livestock distribution will be accomplished through controlling access to waters by fencing select waters. No new water developments are identified. However, should monitoring indicate the need for additional upland water sources, the following actions may be implemented.

- Construct a pipeline from an existing well on the Duquesne allotment to provide upland water to pastures 1-9 on the Hayfield allotment.
- Construct a pipeline from an existing well on the Lochiel allotment to provide upland water to pasture 14 on the Hayfield allotment.

Monitoring. The selected alternative includes monitoring that will be used to determine whether management is being properly implemented and whether the actions are effective at achieving or moving toward desired conditions. Seasonal utilization will be measured on key species in key areas. Key areas have been established and will be identified in the Allotment Management Plans for each allotment. Key species will be native perennial grasses that are palatable to livestock. The Sierra Vista District Range Staff Officer and the permittees will be responsible for monitoring livestock use to assure that use levels stay below 45%. When any single key area reaches the stated use objective, the livestock will be moved to next pasture or off the Forest.

Long term trend monitoring will track upland range condition and watershed condition (hydrologic function). Techniques may include, but are not limited to dry weight rank, comparative yield, pace transects, Parker 3-step, repeat photography, grazed plant count and clipping and weighing. Permittees will be encouraged to participate in the monitoring activities. Records of livestock numbers, movements dates, shipping records, and rainfall dates and amounts will be kept by the permittee and will be provided to the USFS annually. Mearns' quail key areas within identified high quality habitat will be identified by the District Biologist in cooperation with Arizona Game and Fish Department (AGFD) and other interested parties. Where possible, these will be located within established key areas.

Mitigation. Mitigation measures have been developed to reduce or eliminate potential wildlife impacts under the various alternatives. All range construction projects will be designed to avoid the destruction of agaves and the disturbance of lesser long-nosed bat roosts. If impacts to agaves are unavoidable, the Forest will ensure that no more than 1% of agaves within 800 meters of the project are impacted.

Sonora Tiger salamander stockpond management and maintenance guidelines are in effect on three allotments and will continue to be implemented (EA p. 15, PR Doc. 22). The Forest will continue to inventory stock ponds within the range of the salamander with the objective of identifying sites where bankline vegetation or submerged aquatic cover can be enhanced to benefit salamander habitat.

The Forest will implement conservation measures on the three allotments in order to minimize impacts to Chiricahua leopard frog (EA p. 15). These measures include requirements to survey for and salvage frogs during stock pond cleaning activities; measures designed to minimize the introduction of non-native species or chytrid contamination into occupied sites; measures to reduce direct mortality and

damage to aquatic cover as a result of livestock impacts and the requirement to monitor and report incidental take. The Forest will continue to inventory stock ponds within the range of the Chiricahua leopard frog with the objective of identifying sites where bankline vegetation can be enhanced to benefit frog habitat.

All new or reconstructed water developments will include wildlife access and escape ramps. All new fencing will be built to LRMP standards (LRMP, page 35) to provide for wildlife passage through the fence. At a minimum, this will be a 4-strand fence with a smooth bottom wire 16 inches off the ground and a total fence height of 42 inches or less. Best Management Practices for soil and watershed protection (FSH 2509.22) will apply to the selected alternative and will be incorporated into the allotment management plans.

Other Alternatives Considered

In addition to the selected alternative, I considered three other alternatives. A comparison of these alternatives is summarized in Table 2 of the EA (pp.16-18) and they are summarized below.

Alternative 1: No Action (No Grazing). Under this alternative, grazing would not be authorized and use of the allotments by domestic livestock would be discontinued. Existing structural improvements would remain in place but would not be maintained. Improvements contributing to resource protection or enhancement, such as water developments important for wildlife, would be maintained where feasible using other program funds. Periodic inspection of structural improvements would be used to determine whether maintenance or removal is needed. Removal or maintenance of improvements would be authorized by a separate decision. Where necessary, maintenance of allotment boundary fences would be reassigned to adjacent permittees with the understanding that livestock are to be kept off of the allotments.

Alternative 2: Continue Current Management. Under this alternative, grazing would continue as currently permitted and as described above under Existing Conditions (EA pp. 2-4). Existing improvements would be maintained, but no new improvements would be authorized.

Alternative 3: Light to Moderate Grazing. This alternative was identified by the ID Team as a means of comparing impacts to upland vegetation, soils and watershed and effects to wildlife species such as Mearns' quail that require herbaceous cover. It is intended to assist with defining the issues and to provide a more complete range of alternatives. Under this alternative, allowable use would be reduced to 25-35% of annual forage production of key species in key areas. Proposed improvements and management strategies on all allotments would be similar to those described under the proposed action.

When compared with the other alternatives, the selected alternative best meets the purpose and need and achieves desired condition in the following ways.

1. The permitted numbers are within the range of variability depicted in the environmental analysis and are consistent with the calculated capacity on the allotments.
2. The alternative provides for the construction and repair of infrastructure to improve livestock distribution, which will increase vegetative cover and litter accumulation and protect soils.
3. The alternative provides a basis for sharing responsibility for successful implementation of this decision with the permittees.
4. The alternative best achieves the mission of the Coronado National Forest LMP (p.9) to manage for multiple use and sustained yield and to contribute to a viable rural economy.

Public Involvement

The proposal has been listed continuously in the Forest's Schedule of Proposed Actions since September 2003. The proposal was provided to the public and other agencies for comment during scoping on December 10, 2003 (Doc. 12) and was posted on the Forest's website. Five comment letters were received in response to scoping. Using the comments from the public and other agencies, the interdisciplinary team developed a list of issues to address in the analysis. A draft of the EA was provided to parties who had expressed interest through scoping in June 2004 (Doc. 34). The public was also notified of the opportunity to comment through legal notice in the *Sierra Vista Herald and Bisbee Daily Review* on June 28, 2004, and a copy of the draft was posted on the Forest's website from June to September, 2004. Three responses were received during the 30-day comment period that ended July 28, 2004. I considered all responses received during the comment period and have identified substantive comments (PR Doc. 42). Those substantive comments not already addressed in the EA and project record were incorporated into the analysis as appropriate.

Finding of No Significant Impact

After considering the context and intensity of the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Context: The project is a site-specific action that by itself does not have international, national, region wide or statewide importance. The discussion of significance criteria that follows applies to the intended action as is within the context of local importance in the area associated with the Sierra Vista Ranger District.

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

1. Impacts from this project are both beneficial and adverse. Adverse effects are short-term in nature and will not impair land productivity. Adverse effects have been reduced or eliminated through project design and mitigation measures (EA pp.14-16). The long-term effect of rangeland improvement will be beneficial. My findings are not biased by the beneficial effects of the action. The EA and project record contain complete discussions of the anticipated effects (EA pages 19-42 and PR Documents 20, 21, 23, 25, 26, 33, 38, 46).
2. No significant effects on public health and safety were identified. Proposed developments involve the installation of water storage and distribution systems and under three miles of fencing. These activities are not known to present significant hazards to workers or the public.
3. There are no known unique characteristics associated with the allotments. Therefore, the project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources considered to have unique characteristics.
4. The effects on the quality of the human environment are not likely to be highly controversial. The environmental analysis process has documented expected environmental effects from my

decision. These effects have been disclosed in Chapter 3 of the EA and the alternatives have been designed and mitigated to address the various issues raised. The analysis represents the judgement and expertise of resource management professionals who have applied their knowledge to similar projects and resources in the past. While some members of the public are opposed to public lands livestock grazing, this proposal is not highly controversial within the context of the National Environmental Policy Act.

5. The effects analysis (EA pp. 19-42) shows the effects are not uncertain, and do not involve unique or unknown risk. The Forest Service has considerable experience with the types of activities to be implemented. The effects described in the EA are based on the judgement of experienced resource management professionals using the best available information.
6. The decision to reissue grazing permits does not establish a precedent for future actions with significant effects. Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects and project feasibility.
7. The cumulative impacts of the action on soils, vegetation and terrestrial and aquatic wildlife resources were considered and disclosed in the EA in Chapter 3. None of the effects are considered significant.
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because none are identified within the project area. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA p. 42). Consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act has been completed and the SHPO concurred with the *no adverse effect* determination (PR Doc. 38).
9. Formal consultation with the U.S. Fish and Wildlife Service (AESO/SE 2-21-98-F-0399-R4) was completed on January 7, 2005 (PR Doc. 21, 46). The Service concurred with the findings of the Biological Assessment prepared by the Forest and concluded that the proposed action is not likely to jeopardize the continued existence of the lesser long-nosed bat, Chiricahua leopard frog and Sonora tiger salamander. Terms and conditions and/or species-specific conservation measures from previous consultations are currently being implemented and will continue under the proposed action. The Service has concurred with the resource specialist's determination of *may affect, not likely to adversely affect* Mexican spotted owl and its designated critical habitat, Gila topminnow and jaguar.
10. This proposal is in full compliance with all federal, state and local law requirements. State, local and tribal governments were consulted concerning this project. The action is consistent with the Coronado National Forest Land and Resource Management Plan.

Findings Required by Other Laws and Regulations

National Forest Management Act. The Coronado Land and Resource Management Plan was adopted on August 4, 1986 and has been amended eight times. Forest planning is currently guided by Code of

Federal Regulations (CFR) at 36 CFR 219. The planning regulations state that projects implemented after the LMP is in place must be "consistent with the plan" (36 CFR 219.10 (e)). The term permit grazing authorization and AMPs for the Duquesne, Lochiel and Hayfield allotments have been deemed consistent with the long-term goals and objectives listed on pages 9-11 of the Coronado LMP, as amended. The LMP identifies large portions of the allotments included in Management Areas 4 and 7 as suitable for grazing (LMP, pages 47-82). There are no identified effects to management indicator species or sensitive species that would affect their Forest-wide populations or long-term viability (EA, pp. 19-23, Project Record Docs. 20, 23, 43). Other NFMA consistency findings relate to the management of suitable timberlands. The project area does not contain any suitable timberlands; therefore, the other NFMA consistency requirements do not apply.

Endangered Species Act. Formal consultation with the U.S. Fish and Wildlife Service was completed both as part of the Forest-wide reinitiation of consultation on ongoing and long-term grazing on the Coronado National Forest and at the project level. The conclusions of this consultation (paragraph 9, above) document that the effects of the proposed action are not likely to jeopardize the continued existence of threatened, endangered or proposed species.

National Historic Preservation Act. A Heritage Resource Investigation was completed and provided to the State Historic Preservation Office with a finding of *no adverse effect* on cultural resources. Concurrence was received from SHPO and is included in the project record (Doc. 38). Consultation with American Indian tribes was completed (PR Doc. 38).

Executive Order 13186 (Migratory Birds). The Environmental Assessment analyzed effects of the proposed action on Migratory Birds. There are no identified effect on Birds of Conservation Concern and Important Bird Areas (EA, page. 27-28).

Executive Order 12898 (Environmental Justice). This decision does not impose disproportionately high adverse human health or environmental effects on minority or low-income populations.

Implementation Date

This project will be implemented no sooner than five business days following the close of the appeal filing period established in the notice of decision published in the *Sierra Vista Herald / Bisbee Daily Review*. If an appeal is filed, implementation will not occur sooner than 15 calendar days following a final decision on the appeal. Implementation means actually issuing the new permit or accomplishing any ground disturbing actions. Field preparation work needed to implement this decision (e.g., location of monitoring sites and final fence locations, etc.) may proceed immediately.

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215 by individuals or organizations that submitted substantive comments during the comment period that ended July 28, 2004. A notice of appeal must be in writing and clearly state that it is a Notice of Appeal being filed in pursuant to 36 CFR 215. Appeals must be filed (regular mail, email, fax, hand-delivery, or express delivery) with the Appeals Deciding Officer and should be submitted to: Appeals Deciding Officer, Jeanine Derby, Forest Supervisor, Coronado National Forest, 300 West Congress, Tucson, AZ 85701, fax: (520) 388-8305, email: appeals-southwestern-coronado@fs.fed.us (.doc, .rtf or .txt formats only). If hand-delivered, the

appeal must be received at the above address during business hours (Monday-Friday 8:00 am to 4:30 pm), excluding holidays.

Appeals, including attachments, must be filed in writing, consistent with 36 CFR 215.14 within 45 days of the date of legal notice of this decision in the *Sierra Vista Herald/Bisbee Daily Review*. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely on dates or timeframes provided by any other source.

Relative to issuance of the term grazing permits, permittees may choose to appeal under the regulations listed at 36 CFR 251, Subpart C. The permittee must select which administrative review regulation (36 CFR 215 or 251) he will opt to use, because he cannot use both for the same appealed decision. An appeal by the permittee under the 36 CFR 251 regulations must be filed simultaneously with the Coronado National Forest Supervisor Jeanine Derby (address above) and the Sierra Vista District Ranger, Stephen L. Gunzel, 5990 S. Hwy. 92, Hereford, AZ, 85615, fax: (520) 378-0519 within 45 days of the date of publication of legal notice in the *Sierra Vista Herald/Bisbee Daily Review*.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Stephen Gunzel, Sierra Vista District Ranger at (520) 378-0311 or Rick Gerhart, Analysis Team Leader, (520) 388-8374. The Forest Supervisor Office contact for 36 CFR 251 appeals is Margaret VanGilder, Range Program Leader, (520) 388-8372.

/s/ Stephen L. Gunzel
STEPHEN L. GUNZEL
District Ranger
Sierra Vista Ranger District

1/12/05
Date

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