Decision Notice
and
Finding of No Significant Impact

Hackberry Allotment and Pivot Rock Range Allotment Grazing Authorization Environmental Assessment

USDA Forest Service
Red Rock and Mogollon Rim Ranger Districts, Coconino National Forest
Yavapai and Coconino Counties, Arizona

Background and Location

The Hackberry and Pivot Rock Allotments are two separate allotments geographically separated from each other and currently administered under one grazing permit as a yearlong grazing operation. Please refer to Figures 1, 2 and 3 for project location, boundaries, legal location and general information.

The **Hackberry Allotment** is located entirely on the Red Rock Ranger District approximately 10 miles southeast of Camp Verde and is roughly bounded by Highway 260 on the north and the Verde River on the south. Elevations run from approximately 3,000 feet to 5,900 feet and vegetation adheres to typical elevation regimes. The Hackberry Allotment consists of approximately 24,300 acres, divided into twenty one (21) pastures.

The **Pivot Rock Allotment** is located entirely on the Mogollon Rim Ranger District and is roughly bisected by Forest Highway 3 (Lake Mary Road) in the northeast, State Route 87 through the midsection and State Route 260 through the western portions of the allotment. Elevations run from approximately 6,200 feet to 8,000 feet and vegetation adheres to typical elevation regimes. The Pivot Rock Allotment consists of approximately 54,218 acres, divided into forty (40) pastures and water lots.

Purpose and Need

An environmental analysis for grazing use on the Hackberry and Pivot Rock Allotments has been completed. This analysis was required in order to ensure that livestock grazing is consistent with goals, objectives, and the standards and guidelines of the Coconino National Forest Plan[1] (1987, as amended).

The purpose of this project is to authorize cattle grazing in a manner that maintains and/or moves the area toward Forest Plan objectives and desired conditions [Environmental Assessment, PR# 102 pages 12-14]. There is a need for change from the current management as the allotment is not meeting or moving toward desired conditions in an acceptable timeframe [PR# 11]. Desired conditions are not being met relative to vegetation and soil condition. There is a need to improve soil conditions towards satisfactory conditions on the Hackberry Allotment [PR#39]. Soil and vegetative conditions are interrelated. Soil conditions are dependent on vegetation type and density, and litter production, which in turn, factor into nutrient cycling and erosion rates. Improving soil and vegetation conditions therefore would also improve nutrient cycling and reduce erosion rates. Riparian desired conditions are also not being met [PR# 34, 39]. On the Hackberry Allotment, there is a need to improve about 15 miles of riparian streams and reaches to proper functioning conditions, and to improve riparian conditions at springs in the allotment. On the Pivot Rock Allotment, there is a need to improve about 17 miles of riparian streams and reaches to proper functioning conditions. There is a need to improve the habitat conditions

[1] Where consistent with the goals, objectives, standards and guidelines of Forest Plans, it is Forest Service policy to make forage from lands suitable for grazing available to qualified livestock operators. Authority to manage National Forest System (NFS) rangeland resources is derived from laws enacted by Congress that authorize the Secretary of Agriculture to administer NFS lands and issue necessary regulations. Summaries of these laws and regulations are found in the Forest Service Manual (FSM) Chapter 2201. Forest Service objectives and policies for rangeland management are found in FSM 2202 and 2203.

for wildlife and other threatened and endangered species at several stock tanks and at other springs or riparian areas [PR#34].

Decision

Based upon my review of all alternatives, comments received from the public, internal Forest Service specialists, partners and conclusions based on the best available science, I have decided to select the ***No Trailing Action Alternative*****.** The *No Trailing Action Alternative* consists of the following components: authorization, structural improvements, deferred pastures, resource protection and mitigation measures, monitoring, and adaptive management.

The *No Trailing Action Alternative* is exactly like the Proposed Action Alternative except that it does not authorize trailing or access of livestock between Hackberry and Pivot Rock Allotments across the Fossil Creek Allotment. With this alternative there would be no opportunity for Hackberry and Pivot Rock Allotment's livestock to access Chiricahua leopard frog (CLF) occupied habitat nor cause any direct effects to CLF.

The selected alternative follows current guidance from Forest Service Handbook 2209.13, Chapter 90 (Grazing Permit Administration; Rangeland Management Decisionmaking, September 2009) [PR#5] and the Southwestern Region 3 Supplement [PR#36].

The actions that will be implemented in the *No Trailing Action Alternative* are detailed below. See also the Environmental Assessment, PR#102.

Hackberry Allotment

See Figure 4 for details of the proposed actions.

Authorization

Permitted Livestock:

The maximum permitted livestock use level for the Hackberry Allotment will be 3,800 AUMs. This figure represents the maximum number of AUMs that will be permitted when all pastures on the allotment are available for livestock use, desired conditions for vegetation and soil conditions have been reached, and favorable climate conditions exist. Current vegetation and soil conditions on the allotment will not support this level of livestock use.

Current conditions in the Teepee pasture will not support livestock grazing and this pasture will be deferred from livestock use for a minimum of 10 years due to unsatisfactory soil conditions. Until soil conditions improve in the Teepee pasture, permitted livestock on the Hackberry Allotment will be limited to 3,650 AUMs. This figure represents the maximum number of AUMs that will be permitted when desired conditions for vegetation and soils have been reached on the remainder of the allotment, and favorable climate conditions exist. Current vegetation and soil conditions on the remainder of the allotment will not support this level of livestock use.

Based on current conditions, the permit will be issued for a maximum 2,250 AUMs. This figure represents the maximum number of AUMs that can be supported under current conditions during times of favorable climate. Increases in this permitted use level, up to a maximum of 3,800 AUMs, will not occur until monitoring documents improvement in vegetation and soil condition.

Annual authorized livestock numbers will be based on existing conditions, available water and forage, and predicted forage production for the year. Adjustments to the annual authorized livestock numbers (increase or decrease; increases will not exceed permitted livestock numbers) may occur during the grazing year, based on conditions and/or range inspections.

Season of Use:

The typical season of use will be 5 months; from December 1 to April 30. The initial permitted livestock use level of 2,250 AUMs equates to 450 Animal Units for the 5 month season of use. At the maximum permitted livestock use level of 3,800 AUMs, this equates to 760 Animal Units for the 5 month season of use. The season of use may be extended to 6 months if necessary to achieve management objectives. If the season of use is extended, the permitted AUMs will not be exceeded.

Management:
Livestock grazing will occur through a rotational management system (either deferred or deferred, rest-rotation grazing) which will allow for plant growth and recovery.

The spring move from the Hackberry Allotment to the Pivot Rock Allotment will be completed using vehicles to transport the livestock.

Certain water bodies are deemed important for wildlife use. It is important that a sufficient amount of water be left for wildlife after domestic livestock have been removed from the grazing unit. These water bodies include: Big Willow Spring, Keg Spring, Cedar Spring, Grapevine Spring, Doren's Defeat Spring, Hackberry Springs, Wet Prong Spring, Towel Creek Perennial Pool, Partnership Tank, Phroney Spring and Pipeline Drinker.

There will be only one authorized emergency watering access point to the Verde River and that will be at Gospel Hollow.

Grazing Utilization:
A management guideline of conservative use (30-40% forage utilization as measured at the end of the growing season) will be employed to maintain or improve rangeland vegetation and long term soil productivity. Within riparian areas (Management Area 12 – Riparian and Open Water), utilization will not exceed 20% on the woody vegetation. Annual reductions in the allowable use guideline may be made based on resource conditions.

Grazing Intensity:
Grazing intensity is defined as the amount of herbage removed through grazing or trampling during the grazing period. Grazing intensity will be managed to allow for the physiological needs of plants. Generally, a moderate grazing intensity (40-50%) will be managed for in the winter and spring months when sufficient opportunity exists for plant regrowth. Annual reductions in the grazing intensity guideline may be made based on resource conditions.

Pasture Grazing Period:
The grazing period within each pasture will be based upon weather/climate conditions, current growing conditions and the need to provide for plant regrowth following grazing. The length of the grazing period within each pasture will also consider and manage for the desired grazing intensity and utilization guidelines. The grazing period per pasture will generally not exceed 30 days.

Generally pastures will be grazed only once during the grazing year. However, if the need arises to provide rest (or deferment) for other pastures, a pasture may be used twice provided there has been sufficient vegetative growth/regrowth and grazing is managed within the intensity and utilization guidelines.

To protect and enhance woody riparian vegetation, pastures with riparian areas (Management Area 12, perennial and intermittent streams, springs and seeps) that are grazed during the critical growth period for woody riparian species (3/1-4/30) one year will not be grazed during the critical growth period the following year. Pastures that have these types of riparian areas include: Basin, Bull Run, Doren, Hackberry, Pambo, Phroney, and Lower, Middle and Upper Towel.

When livestock exclosure fences are constructed at spring/seep riparian areas (as identified in the Improvements section, #1 and #2), alternate year livestock deferment during the critical growth period will no longer be necessary.

Structural Improvements

1. Livestock exclosure fencing will be constructed at the following spring/seep riparian areas: Grapevine Spring (Bull Run pasture), Towel Creek Perennial Pool (Middle Towel pasture), and Wet Prong Spring (Middle Towel pasture). Exclosure fencing will be designed and constructed to protect the important riparian areas while still providing for livestock watering.

2. Lower authorized numbers of livestock combined with pasture rotation schedules are expected to reduce livestock grazing in sensitive areas and allow riparian conditions to improve. However, livestock exclosure fencing may be constructed at additional spring/seep riparian areas if desired conditions are not achieved through the control of livestock grazing. Exclosure fencing will be designed and constructed to protect the important riparian areas while still providing for livestock watering. Pastures

with springs or seeps include: Basin, Bull Run, Doren, Hackberry Springs, Pambo, Phroney, and Lower, Middle and Upper Towel.

Deferred Pastures

Teepee Pasture: Livestock use will be deferred in the Teepee pasture due to unsatisfactory soil conditions and the desire to determine the effects of livestock exclusion on soil condition recovery. This pasture will be deferred from livestock grazing for a minimum of 10 years.

Pivot Rock Allotment

See Figure 5 for details of the proposed actions.

Authorization

Permitted Livestock:

The maximum permitted livestock use level for the Pivot Rock Allotment will be 5,250 AUMs. This figure represents the maximum number of AUMs that will be permitted when all pastures on the allotment are available for livestock use and favorable climate conditions exist. Current conditions within the Kehl pasture will not support this level of livestock use.

Current conditions in the Kehl pasture will not support livestock grazing and this pasture will be deferred until desired conditions in the headwater meadow/riparian areas are achieved. Until vegetation and soil conditions improve in the Kehl pasture, Kehl pasture will be deferred from livestock use and the maximum permitted livestock use level on the remainder of the Pivot Rock allotment will be 4,650 AUMs. This figure represents the maximum number of AUMs that can be supported during times of favorable climate. Increases in this permitted use level, up to a maximum of 5,250 AUMs, will not occur until monitoring documents improvement in vegetation and soil condition within Kehl pasture.

Annual authorized livestock numbers will be based on existing conditions, available water and forage, and predicted forage production for the year. Adjustments to the annual authorized livestock numbers (increase or decrease; increases will not exceed permitted livestock numbers) may occur during the grazing year, based on conditions and/or range inspections.

Season of Use:

The typical season of use will be 7 months; from May 1 to November 30. The initial permitted livestock use level of 4,650 AUMs equates to 664 Animal Units for the 7 month season of use. The maximum permitted use level of 5,250 AUMs equates to 750 Animal Units for the 7 month season of use. The season of use may be reduced to 6 months if necessary to achieve management objectives. If the season of use is reduced, the maximum permitted use level of 4,650 AUMs will not be exceeded.

Management:

Livestock grazing will occur through a rotational management system (either deferred or deferred, rest-rotation grazing) which will allow for plant growth and recovery.

The late fall move from the Pivot Rock Allotment to the Hackberry Allotment will be completed using vehicles to transport the livestock.

Certain water bodies are deemed important for wildlife use. It is important that a sufficient amount of water be left for wildlife after domestic livestock have been removed from the grazing unit. These water bodies include: Fuller Tank, Dry Lake Tank, Miller Canyon, Lee Johnson Spring and various natural springs in the Huffer and Toms Creek Pastures.

Grazing Utilization:

A management guideline of conservative use, 30-40% forage utilization as measured at the end of the growing season, will be employed to maintain or improve rangeland vegetation and long term soil productivity. Within riparian areas (Management Area 12 – Riparian and Open Water), allowable use will not exceed 20% on the woody vegetation. Annual reductions in the allowable use guideline may be made based on resource conditions.

Grazing Intensity:
Grazing intensity is defined as the amount of herbage removed through grazing or trampling during the grazing period. Grazing intensity will be managed to allow for the physiological needs of plants. Generally, a moderate grazing intensity of 40-50% in late spring and early summer will be managed for when sufficient opportunity exists for plant regrowth. During the late summer and fall, grazing intensity will be managed at conservative levels, 30-40% for the remainder of the year, when the potential for plant regrowth is limited. Annual reductions in the grazing intensity guideline may be made based on resource conditions.

Pasture Grazing Period:
The grazing period within each pasture will be based upon weather/climate conditions, current growing conditions and the need to provide for plant regrowth following grazing. The length of the grazing period within each pasture will also consider and manage for the desired grazing intensity and utilization guidelines. The grazing period per pasture will generally not exceed 30 days.

Generally pastures will be grazed only once during the grazing year. However, if the need arises to provide rest (or deferment) for other pastures, a pasture may be used twice provided there has been sufficient vegetative growth/regrowth and grazing is managed within the intensity and utilization guidelines.

Structural Improvements

1. Construct approximately 1.7 miles of new 3-strand barbwire fence in Bald pasture. This fence will create the North and South Bald pastures and will allow better control of the timing, intensity, frequency and duration of livestock grazing. This fence will be constructed in accordance with wildlife specifications.

2. If necessary to improve vegetation and soil conditions, construct approximately 3.5 miles of new 3-strand barbwire fence in the Toms Creek pasture. This fence will create the North and South Toms Creek pastures and will allow better control of the timing, intensity, frequency and duration of livestock grazing. This fence will be constructed in accordance with wildlife specifications.

3. The existing 2-wire electric fence that separates Miller and Kehl pastures is no longer functional and will be reconstructed with a standard 4-strand barbwire fence. This fence will be constructed in accordance with wildlife specifications.

4. Construct a new livestock/wildlife exclosure at Cienega Draw in the Potato South pasture to protect important riparian habitat.

5. If necessary to facilitate livestock pasture movement, construct a small (5-10 acre) holding/gathering pasture in the West Bed Bug pasture. This holding/gathering pasture may be constructed either in the northeast corner of the West Bed Bug pasture or near Cart Cabin Tank in the center portion of the West Bed Bug pasture. This fence will be constructed in accordance with wildlife specifications.

Deferred Pastures

Kehl Pasture: Livestock grazing will be deferred from the Kehl pasture until desired conditions in the headwater meadow/riparian areas are achieved. Currently, there are 17 miles of riparian streams and reaches that need improvement towards Proper Functioning Condition, (PFC). Also, riparian conditions of woody vegetation throughout the allotment are poor and in need of improvement. The primary stressor in these important areas is over-utilization by wild ungulates (principally elk). Until wild ungulate grazing is reduced, the ability for these areas to improve in condition is limited. As a result, it is anticipated that long-term livestock deferment from this pasture will be necessary.

Miller Pasture: Livestock grazing will be temporarily deferred in the Miller pasture until the existing electric fence that separates Miller and Kehl pastures is reconstructed with a standard 4-strand barbwire fence as identified under ‘Structural Improvements – No. 3’ above.

Potato South Pasture: Livestock grazing will be temporarily deferred in the Potato South pasture until a livestock/wildlife exclosure is constructed at Cienega Draw as identified under ‘Structural Improvements’ – No. 4’ above.

Resource Protection Measures

The No Trailing Action Alternative is designed to comply with the Coconino Forest Plan standards and guidelines as amended [PR#56]. Design features are incorporated into the project to protect forest resources of rangelands, soil, water, scenery values, wildlife and aquatic habitat. Mitigation measures and Best Management Practices (BMPs) will be implemented to reduce non-point source pollution into connected waters, prevent the introduction and spread of invasive plants, to retain water in stock tanks for wildlife, to protect heritage resources, to maintain and improve soil conditions, soil productivity and water quality and to protect public health and safety during project implementation [Environmental Assessment, PR#102, pages 38-46].

Mitigation Measures

Mitigation measures will be implemented as described in the Environmental Assessment, [Environmental Assessment, PR# 102, pages 42-46]. They have been used on previous projects and are considered to be effective in reducing environmental impacts. They are consistent with applicable Forest Plan standards and guidelines, and the terms, conditions and conservation measures of existing biological opinions. Implementation of the mitigation measures in combination with project design features will avoid the occurrence of potentially significant environmental impacts.

Monitoring

Rangeland Monitoring

Two types of monitoring will be used, *implementation and effectiveness* monitoring. Implementation monitoring will be conducted on an annual basis and will include: livestock actual use data, grazing intensity evaluations during the grazing season (within key areas), utilization at the end of the growing season (within key areas), and visual observation of vegetation and ground cover.

Effectiveness monitoring to evaluate the success of management in achieving the desired objectives will occur within key areas on permanent transects at an interval of 10 years or less. Effectiveness monitoring may also be conducted if data and observations from implementation monitoring (annual monitoring) indicate a need. Initial baseline monitoring will occur.

Both qualitative and quantitative monitoring methods will be used in accordance with the Interagency Technical References, Region 3 Rangeland Analysis and Management Training Guide, and the Region 3 Allotment Analysis Handbook (USDA-Forest Service 1997) [PR#68-231].

See Chapter 4 of the Environmental Assessment [PR#102, pages 176-179], Monitoring and Adaptive Management for further information on rangeland monitoring.

Soil and Riparian Water Condition Monitoring

The intergovernmental agreement between the Forest Service and State of Arizona that controls water quality and the Clean Water Act requires implementation and effectiveness monitoring. The current and proposed livestock grazing system incorporates best management practices (BMPs) specific to grazing practices and constitutes compliance with Arizona State and Federal Water Quality Standards. Arizona Department of Water Quality (ADEQ) will continue to monitor water quality in the area.

As stated in Chapter 2 of the Environmental Assessment, Monitoring, Soil, Watershed and Fisheries Resources, [PR#102] soil condition assessments will be conducted. An increased monitoring protocol for the unsatisfactory soils within pastures listed below will be implemented. This will consist of soil condition assessments that will be conducted in the three map units that are unsatisfactory, namely Map Units 401, 402 and 420, respectively. See Chapter 4 of the Environmental Assessment [PR#102, pages 178-179], Monitoring and Adaptive Management for further information on soil and riparian water condition monitoring.

Wild and Scenic Rivers Monitoring

Monitor and maintain fences along Verde River to minimize impacts to Wild and Scenic Outstanding, Remarkable Values, (ORVs). There is only one authorized emergency watering access point along the Verde where livestock have access to the river and that is at Gospel Hollow on the Hackberry Allotment. [PR#102, page178]

Heritage Resources Monitoring
The District will periodically monitor known archaeological sites to ensure they have been avoided. [PR#102, page 179].

Adaptive Management
The No Trailing Action Alternative includes adaptive management, which provides a menu of management options that may be needed to adjust management decisions and actions to meet desired conditions as determined through monitoring. If monitoring indicates that desired conditions are not being achieved, management will be modified in cooperation with the permittee. Adaptive management allows the Forest Service to adjust: the timing, intensity, frequency and duration of grazing; the grazing management system, and livestock numbers. An example of a situation that could call for adaptive management adjustments is drought conditions. If adjustments are needed, they are implemented through the Annual Operating Instructions (AOI). Adaptive management will also allow for the construction of rangeland improvements if they have been identified and are determined, through monitoring, to be necessary for moving the allotment towards desired conditions. See Chapter 4, of the Environmental Assessment [PR#102, pages 176-182], Monitoring and Adaptive Management for further information.

The following are examples of adaptive management actions [PR#102, pages 181-182] that could be taken in response to monitoring results:

- If monitoring shows that the utilization and/or grazing intensity guidelines were exceeded in a pasture, the duration of grazing, timing of grazing and/or livestock numbers could be adjusted for the following year. If the utilization and/or grazing intensity guidelines were exceeded after these adjustments are made, then changes could be made to the grazing management system.

- If monitoring indicates that the trend towards desired conditions is not occurring under a deferred rotation management system, livestock management could be changed to a deferred, rest-rotation management system.

- If monitoring indicates that forage production is below average due to drought or other climatic factors, the duration of grazing, timing of grazing, intensity of grazing and/or livestock numbers could be adjusted.

Adaptive management will also allow for the construction of structural range improvements if through monitoring, it shows that they are necessary for moving the allotment towards desired conditions. The following structural range improvements may be constructed as a result of monitoring and adaptive management.

- **Hackberry Allotment –** Lower authorized livestock numbers combined with improved management is expected to reduce livestock grazing in sensitive areas and allow riparian conditions to improve. However, livestock exclosure fencing may be constructed at additional spring/seep riparian areas if desired conditions are not achieved through the control of livestock grazing. The additional exclosure fences will be designed and constructed to protect the important riparian areas while still providing for livestock watering. These livestock exclosure fences may be located in: Basin, Bull Run, Doren, Hackberry Springs, Pambo, Phroney, and Lower, Middle and Upper Towel Pastures.

- **Pivot Rock Allotment –** If monitoring indicates a need, a new 3-strand barbwire fence, approximately 3.5 miles in length may be constructed in Toms Creek Pasture bisecting the pasture thus facilitating the overall movement of livestock. The actual location and alignment will be determined if and when the need arises.

- **Pivot Rock Allotment –** If necessary to improve management and facilitate livestock pasture movement, construct a small (5-10 acre) holding and gathering pasture in the West Bed Bug pasture. This holding and gathering pasture may be constructed either in the northeast corner of the West Bed Bug pasture or near Cart Cabin Tank in the center portion of the West Bed Bug pasture.

In the case that changing circumstances require additional physical improvements or management actions not disclosed or analyzed herein, further interdisciplinary review would occur. The review would consider the changed circumstances and site-specific environmental effects of the improvements in the context of the overall project. Based on the results of the interdisciplinary review, the District Ranger would determine whether

correction, supplementation or revision of the EA is necessary in accordance with Forest Service Handbook direction at FSH 1909.15(18) and FSH 2209.13(96.1).

Rationale for the Decision

I selected the *No Trailing Action Alternative* for several reasons. Livestock grazing is a legitimate use of National Forest System lands and the environmental analysis demonstrates that livestock grazing can be managed on these allotments along with other resources (i.e. wetlands, wildlife, vegetation, soils, water quality). The No Graze/No Action Alternative was not selected because while this alternative provides the most all encompassing protection to upland vegetation by not authorizing livestock grazing, it does not meet the purpose and need of authorizing cattle grazing in a manner that maintains and/or moves the area toward Forest Plan objectives and desired conditions. I also chose not to select the Proposed Action Alternative because the livestock would still have potential access to Chiricahua leopard frogs or their habitat during fall trailing on the Fossil Creek Allotment. I considered that though allowing trailing would be more economical for the permittee, the resource impacts would be an avoidable adverse impact.

The *No Trailing Action Alternative* meets the project's purpose and need of authorizing cattle grazing in a manner that maintains and/or moves the area toward Forest Plan objectives and desired conditions by: 1) improving upland vegetative conditions and trends on the allotment; 2) improving soil conditions towards satisfactory conditions on the allotment; 3) maintaining water quality conditions on the allotments; 4) improving 17 miles of riparian streams toward proper functioning conditions and improving riparian conditions at springs in the allotment; and 5) improving and protecting habitat conditions for various wildlife, including the Chiricahua leopard frog and its habitat on the Fossil Creek Allotment by not allowing trailing in either direction between Hackberry and the Pivot Rock Allotments across the Fossil Creek Allotment.

How the No Trailing Action alternative will improve conditions is detailed below.

Improves Upland Vegetative Conditions and Trends on the Allotment:

Under this alternative, through effective implementation of monitoring and adaptive management, upland vegetation condition and trend is expected to remain static or move upward, except in areas where overstory species limit improvement potential. The ability for improvement in range condition and trend will be most affected by climatic conditions. The overall effects of this alternative with respect to upland vegetation condition and trend are similar to the No Graze/No Action Alternative.

Forage production and forage quality is expected to be maintained and enhanced by light to moderate grazing.

Improves Soil Conditions Towards Satisfactory Conditions on the Allotments:

The goal of maintaining at least 2/3 of maximum vegetative ground cover will maintain long-term soil productivity. When utilization levels are adjusted for drought and wet cycles, then the net effect will move impaired soils to satisfactory over time and maintain current satisfactory soil condition on sites that are currently satisfactory.

Both Kehl and Teepee pastures are deferred from livestock grazing. This equates to approximately 8,000 acres of deferral. The conservative utilization level of 30-40% on the remaining allotment acres should increase litter on-site during average to moderate wet cycles. Unsatisfactory soils will be much slower to display improvement, but should slowly improve over the long run with adaptive management. An exception to this will be the meadows within the Pivot Rock Allotment that have forage consumption from elk all during the growing season.

The rate of improvement will have a slightly lower probability of success than the No Graze/No Action Alternative because standing crop will still be removed. Overall, improved soil condition equates to improved watershed condition, and thus the selected alternative will move towards the Forest Plan standard and guideline for improving watershed condition by the year 2020, although it may not be fully attained by this time if drought conditions persists.

Maintains Water Quality Conditions on the Allotments:

Water quality is expected to improve on about 31 miles of stream (20 miles of riparian) due to the deferral of livestock grazing in Kehl Pasture.

With a decrease in utilization from current levels that will retain more standing crop, it is expected that less sediments will be produced. A reduction of direct livestock access on 31 miles of streams in the Kehl Pasture of the Pivot Rock Allotment will also minimize direct cattle impacts that would result in improved water quality. Water quality at springs within the Hackberry Allotment that are scheduled to be fenced will maintain its water quality. Water quality is expected to remain within standards under the *No Trailing Action Alternative*.

Improves Riparian Streams Toward Proper Functioning Conditions and Improves Riparian Conditions at Springs on the Allotments:

The Kehl Pasture contains nearly half of the streams within the Upper Clear Creek portion of the Pivot Rock Allotment. The removal of livestock from this pasture until PFC conditions improve will remove livestock impacts on 17 miles of stream channel.

Approximately 0.5 miles of non-functioning riparian condition will be protected from livestock and elk within the Potato South Pasture at Cienega Draw. This site should show drastic improvement, similar to the exclosure at Potato Lake Draw.

All riparian reaches within the Upper Clear Creek 5th code watershed are expected to remain in a static trend, mainly from continued and persistent grazing from elk and drought.

All riparian reaches in the West Clear Creek watershed are either non-functioning or are functioning at-risk, with the Toms Creek pasture containing most of the streams that are in poor condition. Much of the poor riparian condition problems are due to ATV use and drought. The recent district off-road vehicle closure order in this area plus implementation of the Travel Management Rule and the Managing Motorized Travel EIS in the next year or so is expected to reduce ATV impacts and other road related impacts. Clover Springs will continue to be at PFC.

The riparian conditions in the Hackberry Allotment may show improvement. Managing utilization at 20% in riparian areas and adaptive management are designed to maintain or improve riparian conditions. The rate of recovery will be dependent on time of use and precipitation. If persistent riparian damage is occurring, an adaptive management action, such as, fencing sites, will be implemented to minimize impacts.

Riparian function will improve over time in the Hackberry Allotment and reaches that are currently in PFC will maintain this status and reaches that are not in PFC will move towards PFC.

Improves Habitat Conditions for Various Wildlife, Leopard Frogs and Other Threatened and Endangered Species at Several Stock Tanks, Springs and Riparian Areas:

The *No Trailing Action Alternative* eliminates effects of livestock grazing on Chiricahua leopard frogs and their habitat on the Fossil Creek Allotment. Effects to Chiricahua leopard frogs and their habitat on the Hackberry Allotment will remain the same. The *No Trailing Action Alternative* when compared to the Proposed Action Alternative has a reduced level of effects to frogs and their habitats, especially occupied habitat on the Fossil Creek Allotment.

Compliance with Applicable Laws and Regulations

The environmental analysis of grazing use on the Hackberry and Pivot Rock Range Allotments is required by the Rescission Act of the Burns Amendment of 1995. The No Trailing Action Alternative fully complies with the Coconino Forest Plan [PR# 68-226] which indicates that range management and livestock grazing are a management emphasis on 94% of the lands within the allotment area [Environmental Assessment PR#102, pages 16-17]. The project interdisciplinary team has completed a Forest Plan Consistency Check [PR# 56] which has considered standards and guidelines applicable to the project for all resources. The project follows direction for rangeland management contained FSM 2202.1 and 2203.1 and Chapter 90,

Rangeland Management Decisionmaking of FSH 2209.13 – Grazing Permit Administration Handbook [PR# 5]. The project also complies with the Endangered Species Act of 1973 (as Amended), the National Historic Preservation Action (NHPA) of 1966 and the Archeological Resource Protection Act of 1979.

Other Factors in My Decision

As part of selecting the *No Trailing Action Alternative*, I am incorporating all of the following key components in the Environmental Assessment as part of my decision (see Chapters 2 and 4 of the Environmental Assessment):

- Design Features [Environmental Assessment, PR# 102, Chapter 2, pages 38-42]
- Mitigation Measures [Environmental Assessment, PR# 102, Chapter 2, PR# 102, EA, pgs 42-46]
- Monitoring and Adaptive Management [Environmental Assessment, PR# 102, Chapter 4, pages 176-182]

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives, the No Graze/No Action Alternative and the Proposed Action Alternative. These are described below.

No Graze/No Action Alternative

The No Graze/No Action Alternative would not authorize livestock grazing on either the Hackberry or Pivot Rock Allotments. This alternative does not preclude livestock grazing or livestock management on these allotments in the future if a decision is made through another comprehensive analysis to resume these actions.

Under this alternative, all livestock would be removed from the allotment and a term grazing permit would not be issued. Since no grazing would occur there would be no livestock capacity determinations, no utilization or grazing intensity guidelines, no grazing management system, and no implementation or effectiveness monitoring.

Under this alternative, no new structural improvements would be built. Existing structural range improvements would require a separate analysis and coordination with other agencies to determine whether or not to maintain or remove these improvements.

The No Graze/No Action Alternative was not selected because while this alternative provides the most all-encompassing protection to upland vegetation by not authorizing livestock grazing, it does not meet the purpose and need of authorizing livestock grazing in a manner that maintains and/or moves the area toward Forest Plan objectives and desired conditions.

Proposed Action Alternative

This alternative is exactly like the *No Trailing Action Alternative*, except that it includes trailing of livestock in either direction between Hackberry and Pivot Rock Allotments across the Fossil Creek Allotment. All other action items, monitoring and adaptive management options remain the same as in the *No Trailing Action Alternative*.

Under the Proposed Action Alternative the spring move of livestock from the Hackberry Allotment to the Pivot Rock Allotment would be completed using vehicles to transport the livestock.

The late fall move of livestock from the Pivot Rock Allotment to the Hackberry Allotment would be completed using vehicles to transport the livestock or by trailing livestock across the Fossil Creek Allotment. Livestock trailing across the Fossil Creek Allotment will require Forest Supervisor approval. Livestock trailing across the Fossil Creek Allotment would be completed in one day and watering of livestock at stock tanks on the Fossil Creek Allotment would not be allowed.

The Proposed Action Alternative was not selected because livestock would still have potential access to Chiricahua leopard frogs or their habitat during trailing on the Fossil Creek Allotment.

Alternatives Considered but Eliminated From Further Analysis

The Interdisciplinary Team evaluated the current grazing management system following guidance in FSH 2209.13 92.31, the Grazing Permit Administration Handbook: "Current management should also be analyzed in detail as an alternative to the proposed action if current management meets the stated purpose and need for action."

The Current Grazing Management system was not analyzed in detail as an alternative for the following reasons.

- Under the current management on the Hackberry Allotment, soil conditions have declined to where approximately 30% of the allotment is in impaired condition and 16% is in unsatisfactory condition. The remainder of the allotment is classified as inherently unstable (54%).
- Under current management on the Hackberry Allotment, vegetative conditions on the allotment have declined. Approximately 45% of permanent vegetation plots have declined in condition and 91% of the plots are indicating a downward trend.
- Under current management on both allotments, there has been a decline in the condition of riparian areas and headwater meadows. These areas are important habitat for wildlife and threatened and endangered species.
- Under current management on both allotments, there has been a reduction in the amount of riparian vegetation along several stream reaches and springs.

Continuation of current management is not expected to improve soil condition, vegetation condition, or riparian and wildlife habitat conditions. As a result, a current management alternative would not meet the purpose and need of the project and was not analyzed in detail [PR#10, 11, 12, 18, 19, 38].

Public Involvement

This project was first listed in the Coconino National Forest Schedule of Proposed Actions (SOPA) beginning in October 2006. Tribes have been consulted through the Coconino National Forests Annual Project Consultation List specifically about this project since July 2007 [PR#29]. The permittee has been involved early on in the development of this project. On May 24, 2007, a description of the Proposed Action and a series of maps were mailed to individuals and organizations who expressed interest in similar past projects or who were otherwise determined to be affected (adjacent landowners, interest groups, and agencies). Fourteen (14) comment letters and response forms were received during this public scoping period. Of the fourteen comment letters received, 3 did not include any comments and requested to remain on the mailing list only. Of the remaining 11 comment letters, 2 were supportive; 2 supported but had questions of clarification; 2 responded only with additional questions and 5 partially supported and had further recommendations. Some of the recommendations were related to increased effectiveness monitoring, riparian conditions, and livestock numbers. Two comment letters had responded only with additional questions.

The Forest Service addressed all comments, concerns and questions relative to the proposed action. A summary of comments and Forest Service responses can be found in the Project Record [PR# 41]. All original comments are also included in the project record [PR#26.01-26.14].

The Environmental Assessment was completed [PR# 67] and mailed on April 11, 2008 for the 30-day Official Notice and Comment period [PR# 69 and 70]. A legal notice for an opportunity to comment on the Environmental Assessment was published in the Arizona Daily Sun, the paper of record, on April 11, 2008 [PR# 71 and 72]. Five (5) comment letters were received during the comment period from: Clifford Finch, Hackberry and Pivot Rock Allotment Permittee; Walter C Richburg, Representative for the Fossil Creek and Thirteen Mile Rock Creek Allotment; Arizona Department of Environmental Quality; Erik Ryberg; and Arizona Game and Fish Department [PR# 74.1 – 74.6].

Of the five comment letters that the Forest Service received, some were of a general nature giving opinions and positions relative to the issue of grazing, while others were more specific which helped the Interdisciplinary Team identify areas and specific points where the Environmental Assessment needed to be clarified or additional information included. No new issues were identified that would prompt the analysis of additional alternatives.

In response to public comments the Forest Service incorporated into the final EA clarifications and other information [PR# 102, 107]. An example of this was a comment that wanted more site specificity relative to soil conditions and wildlife. Additional information was added into the Soil, Water and Wildlife sections of the EA

that addressed stream reaches and springs that were or were not in proper functioning condition (PFC).

Finding of No Significant Impact

After considering the environmental effects described in the Hackberry and Pivot Rock Range Allotment Environmental Assessment, I have determined that the actions under the selected alternative will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Context
I have determined that the actions under the *No Trailing Action Alternative* are site-specific actions that by themselves do not have international, national, region-wide or statewide importance. The discussion of the significance criteria that follows applies to the intended actions and is within the context of local importance in the area associated with the Red Rock and Mogollon Rim Ranger Districts.

Intensity
Intensity refers to the severity of impact. The following were considered in evaluating intensity:

Beneficial and Adverse Impacts
Impacts may be both beneficial and adverse. A significant effect may exist even if, on balance, effects are believed to be beneficial.

Vegetation density and diversity is expected to remain static or improve, except in areas where overstory species limit improvement potential. The ability for improvement in vegetation density and diversity will be most affected by climatic conditions.

Short term reductions in the height and canopy cover of herbaceous vegetation from livestock grazing will occur. The reduction in plant height and cover, as a result of grazing, does recover with favorable climatic conditions.

Forage production and forage quality is expected to be maintained and enhanced by light to moderate grazing.

Both Kehl and Teepee Pastures are deferred from livestock grazing. This equates to approximately 8,000 acres of deferral. The conservative utilization level of 30-40% on the remaining allotment acres should increase litter on-site during average to moderate wet cycles.

The goal of maintaining at least 2/3 of maximum vegetative ground cover will maintain long-term soil productivity. If utilization levels are adjusted for drought and wet cycles, then the net effect will move impaired soils to satisfactory over time.

Proper functioning condition of riparian areas is not expected to greatly improve under this alternative because of persistent elk grazing. An exception to this will be the elk exclosure at Cienega Draw that will be protected from all grazing and is expected to respond quickly. Woody riparian vegetation is not expected to become established, even in the livestock excluded Kehl pasture. The exclusion of livestock grazing will at least remove pressure from the riparian drainages within this pasture.

Existing populations of invasive plants will continue to spread. This will be at a rate less than the current rate of spread due to the application of BMPs and the reduction in AUMs.

New populations of invasive plants will continue to be established. This will be at a rate less than the current due to the application of BMPs and the reduction of AUMs.

There will be some ground disturbance to habitats through the construction of fences. These disturbances are site-specific in nature and the effects are considered short-term and are disclosed in the Environmental Assessment.

My finding of no significant environmenal effects is not biased by the beneficial effects of the action.

Public Health and Safety
The degree of effects on public health or safety.

I find that there will be no significant negative effects on public health and safety because the management of rangeland management activities and construction of improvements will be conducted in a safe manner to protect the public. Structural improvements will be completed using professional project design and implementation. The locale of much of the allotment is remote and in areas that are not frequently visited by the public. Public health and safety was not brought up as an issue during public scoping or during the comment period for the EA.

Unique Characteristics
Unique characteristices of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.

The area does not include park lands, wetlands or prime farmlands.

The Verde Wild and Scenic River forms the western end of the Hackberry Allotment. The Verde River is presently not impacted by livestock grazing as a result of pasture fences and terrain upslope of the river. The Hackberry Allotment has been fenced from the Verde River, except for one emergency access point for livestock water and that is located at Gospel Hollow. The '*No Trailing Action Alternative*' will have no significant effects to Wild and Scenic River's eligibility or classification of its WSR designation, its free flows or its Outstanding, Remarkable Values (ORVs) [PR# 46, 46.1].

There are three Inventoried Roadless Areas (IRAs) in or adjacent to the allotments: Hackberry Mountain, Boulder Canyon and Cimarron Hills. There are several new range structural improvements proposed in the IRAs with the No Trailing Action Alternative. These improvements within the IRAs include livestock exclosure fences at springs and seeps as needed. Since no new roads would be constructed, and grazing would continue similar to how it has in the past, there will not be any direct, indirect or cumulative effects to the IRAs and would not change their eligibility, designation or classification [PR#46, 46.1].

I find that there will be no significant effects on unique characteristics within the project area.

Controversy
The degree of controversy over environmental effects.

Public concerns and input have been considered throughout the analysis process. The '*No Trailing Action Alternative*' is the end result of collaboration and public input. For this project, we considered and reviewed numerous publications and research in support of and in opposition to our conclusions about effects to soils, water quality, wetlands, vegetation, fisheries and wildlife. We also integrated studies, monitoring results, and published research findings to support our analysis. For this project, I find that the best available science was used and that the effects on the quality of human environment are not likely to be highly controversial from a scientific or technical standpoint. These effects are documented in the EA and are typical for the action proposed [Environmental Assessment, PR# 102, Chapter 3 - *Environmental Consequences,* pages 62-176].

Uncertainty and Risk
The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The authorization of livestock grazing under the '*No Trailing Action Alternative*' are designed to achieve objectives identified in the Forest Plan. Project design features and resource protection measures incorporated into project implementation will minimize adverse effects to resources. Years of local expertise with these types of projects minimize the chance of highly uncertain effects or effects which involve unique or unknown risks. We have considerable experience with the types of activities to be implemented. I find the selected action is routine in nature, implement standard practices and protection measures and the effects of the action are well known. [Environmental Assessment, PR# 102, Chapter 3 - *Environmental Consequences,* pages 62-176].

Precedent
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.

I find that due to the routine nature of livestock grazing, that no precedent will be set for any future action(s). Future projects will consider all relevant scientific and site-specfic information available at the time. [PR#102]

Cumulative Effects
Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

All actions under the selected alternative together with the past, present and reasonably foreseeable future actions do not constitute any significant cumulative impacts. These actions are disclosed in the Environmental Assessment. There will be some ground disturbance to habitats through the construction of fences and from livestock grazing. The cumulative impacts are not significant. Disturbances are site-specific in nature and the effects are considered short-term and are disclosed in the Environmental Assessment. [Environmental Assessment, PR# 102, Chapter 3 - *Environmental Consequences,* pages 62-176].

Significant Scientific, Cultural or Historical Resources
The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss of destruction of significant, cultural or historical reasources.

Consultation with the Arizona State Historic Preservation Office (SHPO) for this project's effects to heritage resources and compliance with Section 106 of the National Historic Preservation Act has been completed [PR# 99]. SHPO concurred with the Forest's dtermination of no adverse effect on Cultural Resources. If new sites are discovered during construction activites, they are to be reported to the District or Forest Archaeologist and ground disturbing work halted. By avoiding archaeological sites, there will be no adverse effects to cultural resources. [PR#99]

There are no known specific plant gathering areas or traditional sacred stites within the Hackberry and Pivot Rock Allotments. The tribes expressed no concerns regarding grazing and associated improvements with these allotments.

I find that this action will have no significant adverse effect on districts, sites, highways, structures, or objects listed on or eligible for listing on the National Register of Historic Places, because project design and mitigation measures minimize effects to the cultural resources. The Forest has consulted with SHPO and interested American Indian tribes regarding the effects of project activities on cultural and historical resources, as well as mitigation measures. This consultation fullfills the obligations under the National Historic Preservation Act of 1966 and 36 CFR Part 800.

Threatened and Endangered Species or Critical Habitat
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 Threatened and Endangered Species Act.

The effects analysis and required consultation under the Endangered Species Act evaluated livestock grazing throughout both allotments for 6 threatened or endangered wildlife species and 7 fish species [PR#83, 92, 93, 96]. The Forest Service determined that the '*No Trailing Action Alternative*' 1) **may adversely affect** the Chiricahua leopard frog, Little Colorado spinedace and its critical habitat; and 2) **may affect but is not likely to adversely affect** the Mexican spotted owl, Southwestern willow flycatcher, bald eagle, Yuma clapper rail, Colorado pikeminnow, razorback sucker and its critical habitat, loachminnow, spikedace, Gila topminnow, and desert pupfish; and 3) will not affect critical habitat for Southwestern willow flycatcher. [PR#83] The Forest requested initiation of formal consultation under Section 7 of the Endangered Species Act of 1973 on July 24, 2008 [PR#83]. The Forest Service also determined that the proposed project is ***not likely to jeopardize*** the candidate yellow-billed cuckoo and candidate headwater chub [PR#92, 93]. A Biological Opinion was received from the U.S. Fish and Wildlife Service on April 7, 2009 [PR#96]. The U.S. Fish and wildlife Service concurred with all of the determinations.

Detailed analysis and findings are documented in the Wildlife Specialist's Report and Wildlife Specialist's Report Addendum #1, [PR#34, 34.2], Biological Assessment and Evaluation, [PR#83], and the U.S. Fish and Wildlife Service Biological Opinion, [PR# 96].

The U.S. Fish and Wildlife Service concluded in their biological opinion that the effects of the proposed livestock grazing of the Hackberry Pivot Rock Allotments is not likely to jeopardize the continued existence of the CLF [PR#96, page 30]. The USFWS anticipates that the No Trailing Action Alternative is reasonably certain to result in incidental take of CLF (PR# 96, pages 31-32). The level of anticipated take is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat (critical habitat is not defined for CLF). Three reasonable and prudent measures and several specific terms and conditions are identified by the USFWS to minimize the effect of the take of CLF for the Hackberry Pivot Rock Allotments (PR# 96, pages 33-35), and are incorporated into the project by reference in this decision and FONSI.

The U.S. Fish and Wildlife Service concluded in their biological opinion that the effects of the proposed livestock grazing of the Hackberry and Pivot Rock Allotments is not likely to jeopardize the continued existence of the Little Colorado spinedace or result in the destruction or adverse modification of critical habitat [PR#96, page 30]. The USFWS anticipates that incidental take of Little Colorado spinedace is reasonably certain to occur from the grazing activities on the Pivot Rock allotment in the form of harm and/or harassment due to the potential for trampling of spinedace and/or fish eggs by livestock when livestock access occupied pools [PR# 96, page 32]. Three reasonable and prudent measures and several specific terms and conditions are identified by the USFWS to minimize the effect of the take of Little Colorado spinedace on the Pivot Rock Allotments (PR# 96, pages 35-36), and are incorporated into the project by reference in this decision and FONSI.

Federal, State and Local Laws
Whether the action threatens a violation of Federal, state or local law or requirement imposed for the protection of the environment.

The planning and decision-making process for this project was conducted in accordance with all applicable laws, regulations, policies and plans.

- **FSM 2202.1, FSM 2203.1, FSH 2209.13.** Forest Service policy on rangeland management.
- **36 CFR 222.2 (c),** Federal regulation which states that National Forest System lands will be allocated for livestock grazing and allotment management plans (AMP) will be prepared consistent with land management plans.
- **36 CFR 222.3 and FLPMA Sec. 402 (a) & (b) (3),** Authorization of livestock grazing permits for a 10-year period is required by law, unless there is pending disposal, or it will be devoted to other uses prior to the end of 10 years, or it will be in the best interest of sound land management to specify a shorter term.
- **Clean Air Act of 1955:** Cattle grazing is not anticipated to cause disproportionate adverse human health or environmental effects to air quality.
- **Clean Water Act of 1948, as amended**: This project complies with Arizona State laws regarding natural resource protection, including but not limited to water quality.
- **Multiple Use-Sustained Yield Act of 1960:** This project is consistent with applicable Coconino National Forest Plan standards and guidelines [PR# 56].
- **Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974, as amended:** This project is consistent with applicable Coconino National Forest Plan standards and guidelines [PR# 56].
- **National Forest Management Act (NFMA) of 1976, as amended:** This project complies with the Coconino National Forest Plan and associated amendments [PR# 56]. This project incorporates all applicable Forest Plan forest-wide standards and guidelines and management area direction as they apply to the project area. This project is also in compliance with Forest Plan goals and objectives. All required interagency review and coordination has been accomplished.

- **American Indian Religious Freedom Act of 1978:** This project will not deny American Indians access to land within the project area for traditional and cultural purposes nor will it infringe upon the rights of Native Americans to worship through ceremonies or traditional rights within the project area.
- **Executive Order 13007 (Indian sacred sites):** Access to and ceremonial use of sacred sites by Indian religious practitioners will be accommodated, and activities associated with this project will avoid adversely affecting the physical integrity of such places.
- **Executive Order 12898 (environmental justice):** Implementation of this project is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low-income populations [PR# 58, 58.1].
- ***Executive Order 13186 (migratory birds)***: This project is consistent with the Migratory Bird Treaty Act of 1918, as well as Agency guidelines for conformance with the act [PR# 34, 34.02]. Implementing standards and guidelines tied to MA 12 Riparian, will provide opportunities to restore and enhance habitat for migratory bird species of concern in seasonal and semi-permanent wetland areas.
- **Forest Service Sensitive Species**: Effects to Forest Service sensitive species were considered and a biological assessment and biological evaluation has been completed for the 9 sensitive plant and 27 wildlife species and 7 sensitive fish species found within the Hackberry and Pivot Rock Allotments [PR# 34, 34.2, 35, 35.1, 35.2, 45, 45.1]. A determination was made for each species in the EA [*see* "Forest Service Sensitive Species" in the EA, PR#102, Chapter 3, pages 106-118; 144-149; 154-156].
- **Management Indicator Species**: The EA (*see* "Management Indicator Species" in EA, PR#102, Chapter 3, pages 96-98; 114-118) addressed management indicator species by linking Forest Plan management areas located within the allotment with the management indicator species representative for those management areas and habitat components. This decision will not result in a change to forest-wide habitat or population trends, as applicable to each MIS.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to both 36 CFR Part 215 and 251. Appellants must submit appeals under only one authority.

Those wishing to appeal this decision should not rely upon dates or timeframe information provided by another source. However, when the 45-day filing period will end on a Saturday or Sunday or federal holiday, the filing time is extended to the end of the next federal working day.

Individuals or organizations who provided comment or otherwise expressed interest in the proposed action by the close of the comment period may appeal. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Arizona Daily Sun, the newspaper of record. The publication date said newspaper of record, is the exclusive means for calculating the time to file an appeal. Attachments received after the 45 day appeal period will not be considered.

Written appeals under 36 CFR 215 must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer

Earl Stewart, Coconino National Forest Supervisor
1824 S. Thompson St.
Flagstaff, Arizona 86001

Fax: (928-527-3620)

The office business hours for those submitting hand-delivered appeals are 8:00 a.m. – 4:30 p.m., Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-southwestern-coconino@fs.fed.us In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

In accordance with 36 CFR Section 215.14, it is the responsibility of those who appeal a decision to provide the Appeal Deciding Officer sufficient evidence and rationale to show why the Responsible Official's decision should be remanded or revised.

- State that the document is a Notice of Appeal filed pursuant to 36 CFR Part 215.
- List the name, address and telephone number of the appellant.
- Identify the decision document by title and subject, date of decision, and name and the title of the Responsible Official.
- Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects.
- State how the Responsible Official's decision fails to consider comments previously provided and, if applicable, how the appellant believes the decision violates federal law, regulation, or policy.

Those who hold written authorizations to occupy and use National Forest System lands pursuant to 36 CFR 251 may appeal this decision with a written Notice of Appeal meeting the requirements at CFR 251.90.

The permittee or eligible applicant may appeal this decision under 36 CFR 251. A Notice of Appeal must be consistent with 36 CFR 251.90 and **filed simultaneously** with the Appeal Reviewing Officer and Deciding Officer within 45 days from the date of this decision.

Appeals should be sent to:

Earl Stewart, Appeal Reviewing Officer,
Forest Supervisor
Coconino National Forest
1824 S. Thompson St.
Flagstaff, Arizona 86001
Fax: (928) 527-3620

and

Brian Dykstra, Project Deciding Officer,
District Ranger, Mogollon Rim Ranger District
HC 31 Box 300
Happy Jack, Arizona 86024
FAX: (928) 527-8282

Appeals may be filed electronically. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to appeals-southwestern-coconino@fs.fed.us and to bdykstra@fs.fed.us . The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

The Deciding Officer is willing to meet with permit applicants or holders to hear and discuss any concerns or issues related to this decision. This decision may be implemented during an appeal unless the Reviewing Officer grants a stay under 36 CFR 251.91.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact either myself at bdykstra@fs.fed.us phone: (928) 477-2255, or Polly Haessig, NEPA Specialist, Mogollon Rim Ranger

District, H.C. 31 Box 300, Happy Jack, Arizona 86024, (928) 477-2255, email: phaessig@fs.fed.us

Brian Dykstra

BRIAN DYKSTRA
District Ranger
Mogollon Rim Ranger District

2/16/2010
Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Figure 1. Project Vicinity Map

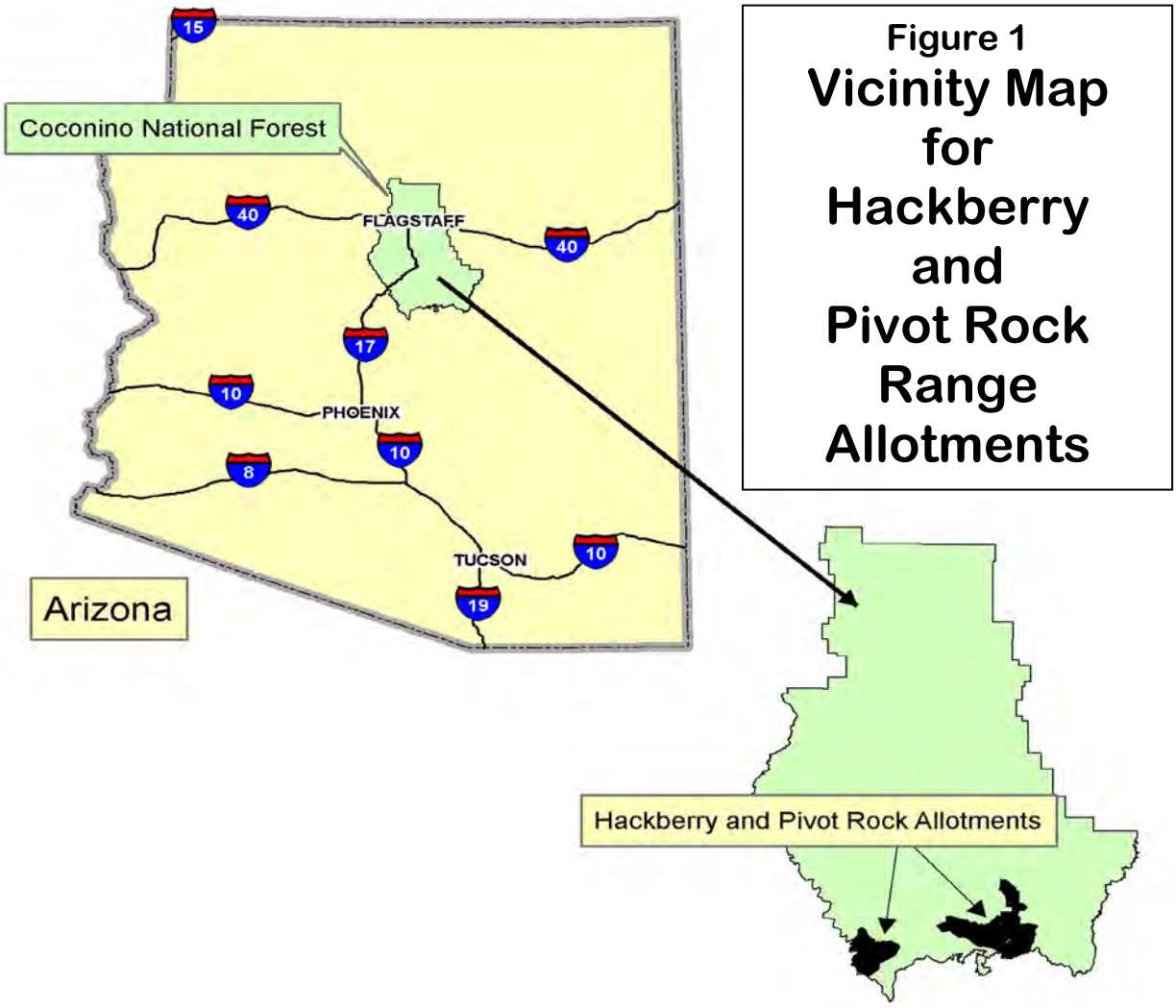

Figure 2. Hackberry Allotment Location Map, Pastures and Waters

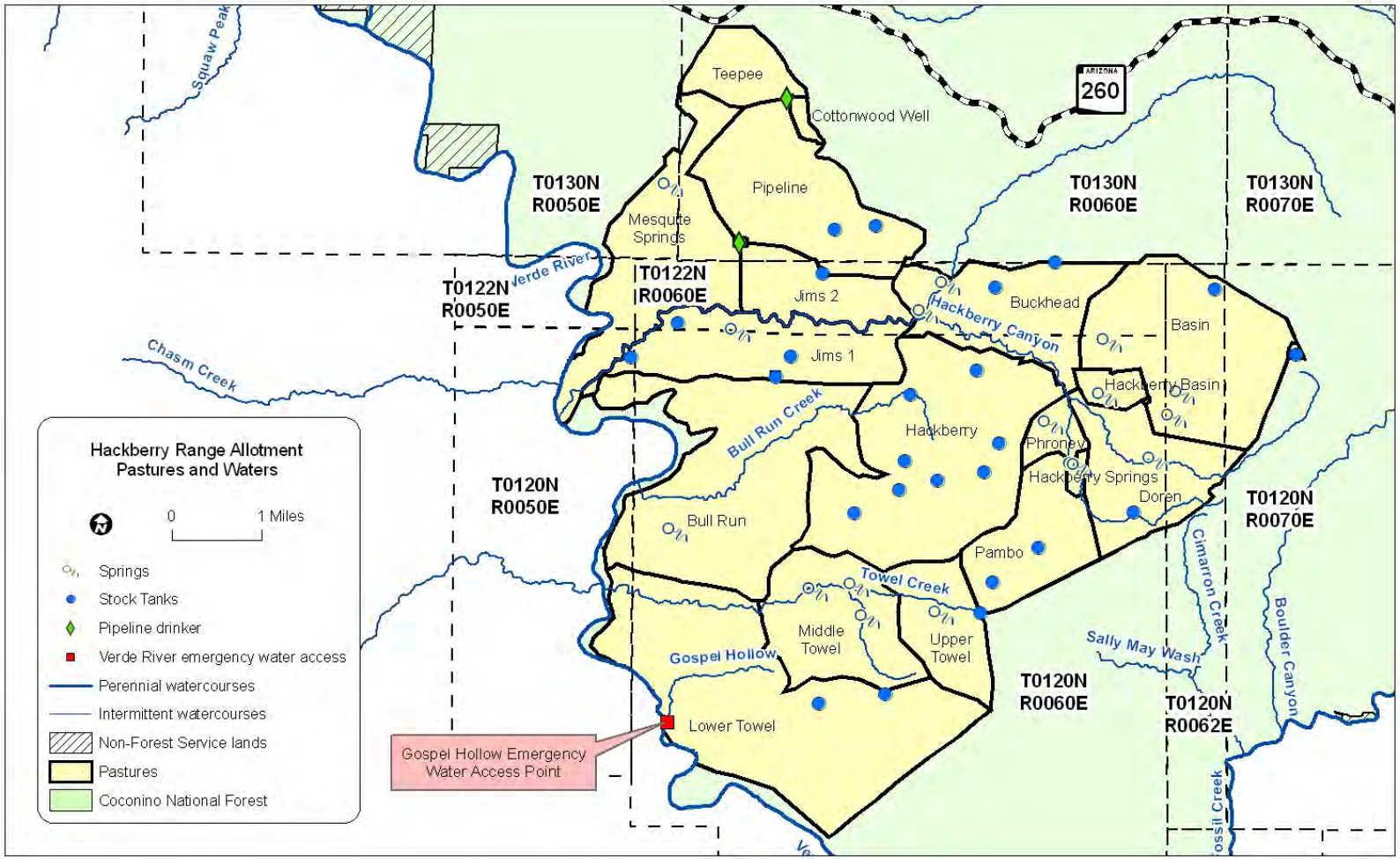

Figure 3. Pivot Rock Allotment Location Map, Pastures and Waters

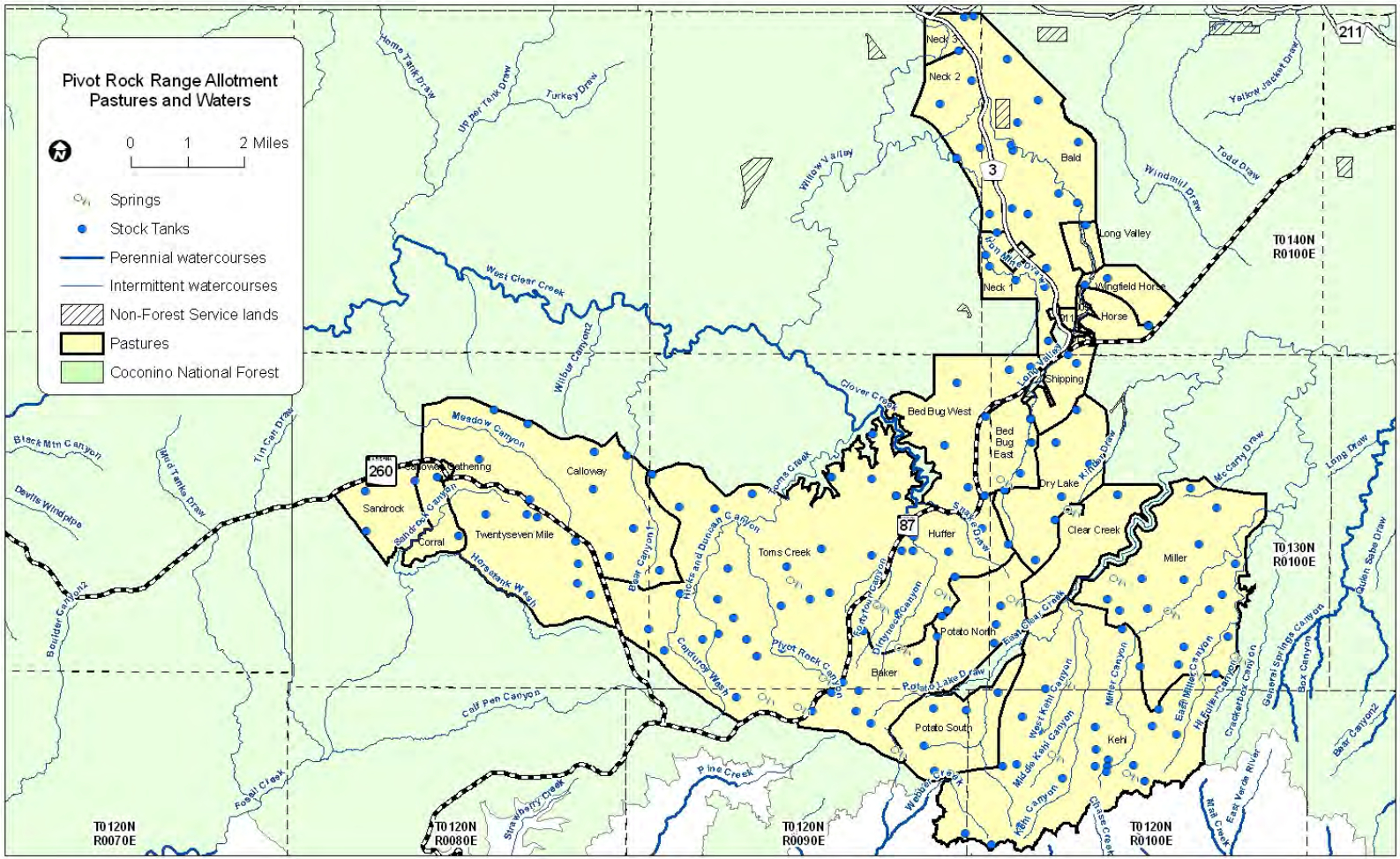

Figure 4. Hackberry Allotment – No Trailing Alternative Map

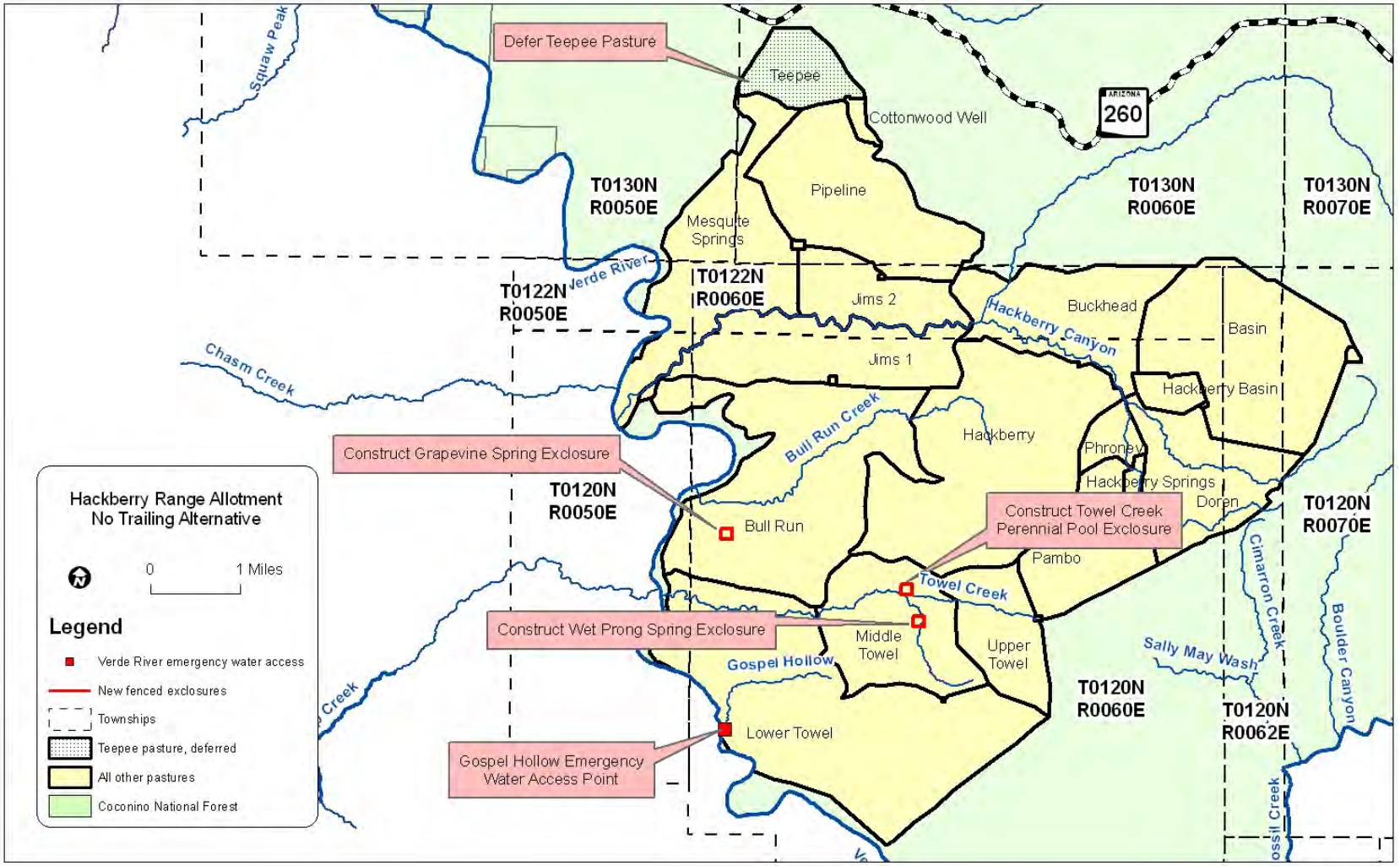

Figure 5. Pivot Rock Allotment – No Trailing Alternative Map