

Heber Allotment

Decision Notice and Finding of No Significant Impact

USDA Forest Service
Black Mesa Ranger District
Apache-Sitgreaves National Forests
Navajo and Coconino Counties, AZ

Need for the Proposal

The Heber Allotment consists of approximately 157,000 acres of National Forest System lands on the Black Mesa Ranger District of the Apache-Sitgreaves National Forests.

The purpose of the proposal analyzed in the final Environmental Assessment (EA) for Heber Allotment Management Plan is to consider livestock grazing opportunities on public lands identified as suitable, and to do so in a manner consistent with the desired conditions and other objectives, standards, and guidelines set forth in the 2015 revised Land Management Plan for the Apache-Sitgreaves National Forests. This proposal additionally is designed to consider necessary long-term management direction on grazing through allotment management plans and subsequent annual operating instructions designed in accordance with the proposed action in this analysis.

This project is needed at this time because:

- Where consistent with other multiple use goals and objectives there is Congressional intent to allow grazing on suitable lands.
- The Heber Allotment contains lands identified as suitable for domestic livestock grazing in the forest plan and continued domestic livestock grazing on this land is consistent with the goals, objectives, standards, and guidelines of the forest plan.
- It is Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with land management plans. (*FSM 2203.1; 36 CFR 222.2 (c)*).
- It is Forest Service policy to continue contributions to the economic and social wellbeing of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood.
- The Term Grazing Permit for the Heber Allotment was issued to the present permittee in December 1994 and again in 2009, with environmental analysis not completed.
- The last planning effort for the allotment occurred in 1989 with the development of a Range Management Plan (RMP). A neighboring allotment has since been incorporated, adding additional acres and pastures, forming the Heber Allotment as it currently exists.
- Environmental analysis is needed in order to comply with the Rangeland Rescission Act of 1995, and the Heber Allotment is due for environmental analysis on the current Forest Service Rescissions Schedule.

The environmental assessment documents the analysis of two alternatives to meet this need. The interdisciplinary team identified gaps between existing and desired conditions, and developed alternatives on that basis, as documented in the final EA.

Decision

Based upon my review of all alternatives in the final EA for the Heber Allotment, as well as the associated specialist reports and the project record, I have decided to implement the proposed action alternative. The chosen alternative is described in full in chapter 2 of the final EA, beginning on page 16 of that document. The chosen alternative is summarized below and will authorize livestock grazing on the Heber Allotment in a manner that is consistent with the revised 2015 Forest Plan for the Apache-Sitgreaves National Forests. The allotment is currently permitted for 905 head of cattle for six months from May 1 to October 31 (resulting in 5430 Animal Unit Months, or AUMs), and grazing would be initially re-authorized at that *same* level. The action proposed by the agency to meet the identified purpose and need consists of three components:

1. Re-authorization of livestock grazing under a new system through a modified Allotment Management Plan that includes:
 - A monitoring plan to ensure that desired conditions are being worked towards.
 - Adaptive management strategies to provide flexibility to adjust management to fit changing resource conditions.
2. Structural improvements including maintenance of existing improvements and installation of new improvements.
3. Grassland and pinon-juniper woodland restoration treatments.

Rationale for the Decision

When compared to the other alternatives this alternative will best meet the stated purpose and need for the project and best align with the Forest Service's multiple-use management goals. First, this alternative and the associated rationale meet applicable requirements under the following statutes, detailed more below:

- *Multiple Use Sustained Yield Act*
- *Forest and Rangeland Renewable Resources Planning Act*
- *Federal Land Policy and Management Act*
- *National Forest Management Act*
- *Endangered Species Act*
- *National Environmental Policy Act*
- *Rangeland Rescission Act*

This decision is in compliance with the existing Forest Plan, guidance provided by law, regulation, and policy. The project record shows a thorough review of relevant scientific information, a consideration of various views, and the acknowledgement of unavailable information and risk. My interdisciplinary team has considered the best available science to contribute to this decision, which is reflected in the project record and summarized in the final Environmental Assessment. Each resource analyzed discloses effects for a specific analysis area, covering the proposed time period of a term grazing permit (10 years) in addition to cumulative effects, which may go for longer. In doing so, the Environmental Analysis discloses the data sources, the key assumptions and methodologies employed, the timescale for analysis and any basis for comparisons between alternatives. This analysis concluded that, when compared to the No Action alternative in the environmental assessment, the proposed action responds to the purpose and need for the proposal by authorizing livestock grazing, while addressing the site-specific resource concerns and achieving the desired conditions identified for the project area (EA pp. 8-13). The following summary statements detailing our rationale tie back to the objectives identified on page 14 of the EA and the project record documenting the full scope of our analysis as summarized in the EA.

- The Heber Allotment was identified as suitable for livestock grazing in the revised 2015 Forest Plan for the Apache-Sitgreaves National Forests (EA p. 13; & Forest Plan, Chapter 4, in project record).
- This alternative will provide for improvements in vegetation composition and density resulting in maintenance of satisfactory range management, as well as improvements in certain circumstances (see EA pp. 23-26; Range Specialist Report in project record). See objective 1 as identified on page 14 of the EA.
- This alternative will provide for improvements in livestock distribution when compared to current management, emphasizing structural range improvements designed to disperse stock and provide water access points for wildlife and stock at well-spaced intervals around the allotment (see EA pp. 18-20). See also objective 1 as identified on page 14 of the EA, project scoping materials, and figures 4 and 5 in this document for identification of placement of livestock waters relative to existing water sources.
- This alternative will attain and maintain greater soil stability and productivity when compared to current management, while still providing for livestock use consistent with USFS policy (see EA pp. 29-31). See objectives 4 and 5, as identified on page 14 of the EA.
- The adoption of Best Management Practices will contribute to the maintenance of satisfactory watershed conditions and water quality where they exist, and aid in improvements where conditions are currently unsatisfactory (see EA pp. 29-31 and Watershed Specialist Report in project record). See also objective 5 as identified on page 14 of the EA.
- This alternative is expected to maintain proper functioning condition in riparian areas of the allotment where that condition exists, while helping to attain PFC in certain Functioning-At-Risk areas on the allotment. While there are no perennial riparian areas on the Allotment, the alternative establishes conservative use levels in intermittent and ephemeral riparian areas, which will provide riparian vegetation of adequate height and cover to protect soil surfaces and dissipate energy during overland flows (see EA pp. 29-31; Watershed Specialist Report in project record). See objective 5 as identified on page 14 of the EA.
- Permitted livestock use will provide a method for the livestock grazing community to continue to provide jobs and federal payments to counties (see EA pp. 47-49).
- This Decision brings the Term Grazing Permit issued for the Heber Allotment into compliance with the Rescission Act of 1995 (Public Law 104-19). See objective 7 as identified on page 14 of the EA.
- This Decision provides the basis for the Allotment Management Plan and Annual Operating Instructions to the permittee, which, among other things, will incorporate upland vegetation and management effectiveness monitoring to determine proper use levels (see EA pp. 17 & 63-64). See also objectives 2 and 6 as identified on page 14 of the EA.

Other Alternatives Considered or Eliminated from Detailed Study

In addition to the selected alternative, I considered one other alternative in detail and one alternative was dismissed from detailed analysis. A detailed description of these alternatives alongside the proposed action can be found in the final EA, on page 16.

No Action (No Grazing)

Under the No-Grazing alternative, all authorized livestock grazing on the Heber allotment would be phased out over a two-year period. The no action alternative or consideration of no grazing is required by Forest Service Handbook (FSH) 2209.13 Chapter 90.

Continue Current Management Alternative

This alternative was not considered in detail, as disclosed on page 16 of the final EA.

Public Involvement and Scoping

As described in the background, the need for this action arose originally with the Rangeland Rescission Act of 1995. The proposal was listed in the ASNFs Schedule of Proposed Actions (SOPA) in January 2014. In July of 2014, the Black Mesa Ranger District provided a field trip allowing collaborators to visit various sites in the project area and review conditions. The purpose of the trip was to discuss the proposed action and treatments of invading pinon-juniper in grassland and savanna areas on the allotment. Four people attended.

On August 13, 2014, a scoping package was sent to approximately 59 individuals, groups, and federal and state agencies. Four public comment letters were received. Four letters from tribes were also received. An official 30-day comment period for collecting input on the Draft EA was conducted from May 15, 2015 to June 15, 2015. The agency received 6,684 responses within the comment period, of which 128 were unique letters. The remaining 6,556 responses were organized response form letters, some of which included editing and additions, and 549 of which were duplicate submissions. We coded this into 994 unique comments and 81 representative public concern statements across 10 resource categories. The agency prepared a separate comment analysis and response, which provides summaries of distinct public concerns derived from the analysis of these public comments. Only individuals or groups providing comments during the previous official comment periods will have standing to object on the project per 36 CFR 218, details below.

Finding of No Significant Impact

The following is a summary of the results of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15-05 and 40 CFR 1508.27(b). The term “significant” as used in NEPA requires consideration of both context and intensity of the expected project effects that result from our interdisciplinary analysis summarized above and available in full detail in the project record.

Context

For site-specific actions, like the alternatives discussed for this project, significance usually depends upon the effects in the local area rather than in the world as a whole (from 40 CFR 1508.27) – hence our definition of the analysis area as the allotment boundary unless otherwise specified. This project is limited in scope and duration. This project is a site-specific action that does not have international, national, region-wide or statewide importance environmentally. The intended decision is made within the context of local importance in the area associated with the Apache-Sitgreaves National Forests and the Black Mesa Ranger District. There are 92 active allotments on the Forests, 12 of which are located on the Black Mesa Ranger District. The district consists of approximately 616,064 acres, with livestock grazing currently authorized across all of the 12 allotments on the district, including the Heber Allotment. Approximately 507,407 acres of the Black Mesa Ranger District are occupied by active grazing allotments, totaling 73% of the District.

In terms of scale and scope of grazing authorization for the Heber Allotment, this allotment contains approximately 156,531 acres of National Forest System land (EA Chapter 1, Figure 1, based on GIS analysis). The acres proposed for grazing here represent approximately 25 percent of the acreage on the Black Mesa Ranger District, this totaling just over 7% of the total land area of the Apache-Sitgreaves National Forests that is designated as suitable for grazing. Given this small percentage and the proposal to reauthorize the grazing at the same level as current grazing, the physical or geospatial context of the analysis does not suggest significant effects on the human environment under NEPA.

Intensity

In addition to documenting a *context* for the conclusion that the action does not create significant effects on the quality of the human environment, the FONSI documents the potential *intensity* of effects based on pre-determined factors. Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the analysis, found summarized in chapter 3 of the final EA, and the references in the project record. The effects of authorizing grazing within the Heber Allotment have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. This finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b). If these factors exist, there is not necessarily a significant impact; rather, the responsible official must evaluate these factors as *the net potential impact of these factors in light of the affected project area* to determine if there are significant impacts.

1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial. Under the Proposed Action, range improvements would be added which would improve distribution of livestock. With the increased livestock distribution, the Proposed Action would maintain or improve vegetation, particularly in the northern pastures (EA at pp. 19-21) when compared to current management while retaining the economic and social contributions of active rangeland management to a rural community (EA at 47-49). Grazing as proposed will result in removal of herbaceous vegetation but will be limited to conservative levels in order to allow for the retention of litter and plant stubble to provide soil cover and wildlife habitat. Proposed range improvement infrastructure and monitoring identified will play a key role in meeting the purpose and need of this environmental assessment. Light to conservative use levels coupled with vegetative treatments will likely increase in desirable forage plant densities and litter. No significant adverse effects were identified during the analysis. Flexibility given to resource managers to adjust the timing, intensity, frequency, and duration of livestock grazing will ensure that plants are not used beyond levels that will provide for recovery, improved vigor, and recruitment of desirable species (overall, see final EA Chapter 3, Environmental Effects and specialist reports in project record). This finding of no significant impact is neither the result of balancing beneficial and adverse impacts nor biased by beneficial impacts of the proposed action, but instead is based on the magnitude of these effects considered in the context disclosed above.

2) The degree to which the Proposed Action affects public health or safety. We conclude that there will be no significant effects on public health and safety because rangeland management activities similar to those described in the EA have occurred in this area, as well as over most of the Apache-Sitgreaves National Forests, without issues related to public health and safety. No significant impacts on public health and safety were identified within the project context identified above. As identified above, approximately 507,407 acres of the Black Mesa Ranger District are occupied by active grazing allotments, totaling 73% of the District. That percentage would not change under this decision, indicating that there would not be appreciable changes in public health and safety in the analysis area.

3) Unique characteristics 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. There will be no significant effects on unique characteristics of the area. As identified in the heritage resources section of Chapter 3 of the Final EA, many historic resources and sites exist in the analysis area. However, there are no Inventoried Roadless Areas, Wild and Scenic Rivers, Wilderness or Recommended Wilderness areas within the Heber Allotment. The proposal to continue livestock management is considered to have a no adverse effect on the heritage properties located within the Heber Allotment since the construction of new range developments has been designed to avoid impacts to cultural resources, and relevant tribes have been consulted with throughout the project-level planning process. The Proposed Action includes monitoring, management and mitigation practices to protect unique resources. As detailed in the recreation analysis above, the section of the General Crook Trail on the allotment is located in areas that will not be affected by the proposed new improvements. Continuation of livestock grazing within the project area will have minimal effect on the recreational experience of Forest users (EA at 54).

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial. The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the Proposed Action that are disclosed in the final EA. The term "controversial" in this context refers to cases where substantial scientific dispute exists as to the size, nature, or effects of a Federal action on some human environmental factor, rather than to public opposition of a proposed action. As such, the volume of opposition nor the language therein, does not constitute significance for this project. This environmental analysis is tiered to the Environmental Impact Statement (EIS) for the Apache-Sitgreaves National Forests Land Management Plan, and the suitability of this project area for grazing was determined in that EIS (EA at pp. 13). Management actions such as those discussed in Chapter 2 for the Proposed Action are implemented in other areas throughout the Apache-Sitgreaves National Forests and on many other national forests in both the Southwestern Region and across the larger United States. Furthermore, the effects of the Proposed Action and alternatives have been analyzed in line with *40 CFR 40 1500.1* and *36 CFR 220.7* in Chapter 3. While some members of the public are opposed to livestock grazing on public lands and others view the Forest Service as too restrictive in its management, this action and its potential impacts does not represent anything highly controversial within the larger context of the *National Environmental Policy Act* and similar actions have been carried out without findings of significance on this and similar forests. On this factor, it is further worth noting that most of the public input on this project, including input of a controversial nature, was fundamentally directed towards a different management action (a management plan for the Heber Wild Horse Territory) and misconstrued this management action as either dictating the results of or setting a precedent with respect to that action. This is documented in the public comment response for this project (available online and in the project record). It is important to clarify under this significance factor that this decision has no bearing on the management plan for the Heber Wild Horse Territory, which is currently and has been undergoing its own separate environmental analysis and public involvement processes.

The analysis in this final EA represents the judgement and expertise of resource management professionals who have applied their knowledge to similar projects and resources in the past. There has been no information presented that would demonstrate that the action would cause adverse impacts that could not be mitigated. Accordingly, we conclude that it is unlikely that the environmental effects associated with the action will be highly controversial. The intensity of grazing and management practices proposed are consistent with the best scientific information currently available and current Forest Service direction. Comment responses provided by FS resource specialists, available online and in the project records, also document much of this response.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The staff of the Apache-Sitgreaves National Forests and the interdisciplinary team that conducted the analysis have considerable experience with actions that are highly similar to the Proposed Action (i.e. as above, approximately 507,407 acres of the Black Mesa Ranger District are occupied by active grazing allotments, totaling around 73% of the District, a number and percentage that is not altered by this decision). Further, our analysis shows the effects of implementing the Proposed Action are not uncertain, and do not involve any unique or unknown risk. This action is similar to many past actions, both in this analysis area and the larger Apache-Sitgreaves National Forests. It is extremely likely that the effects of implementing this Proposed Action will be similar to the effects of past, similar actions. The interdisciplinary team that conducted the analysis used scientifically accepted analytical techniques and the best available information to estimate potential effects associated with the proposal, including agency scientific guidance specific to rangeland management (See various subsections within EA Chapter 3).

6) 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. The action will not establish a precedent for future actions with significant effects because it is a stand-alone decision and each grazing allotment is evaluated independently on its own merits. We conclude that this action does not establish precedent for future actions, itself being largely a continuation of extant activities. Actions outside the scope of this analysis will be evaluated through an environmental analyses process on a project-by-project basis, in compliance with *40 CFR 1500-1508* and *36 CFR 220*.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The cumulative impacts have been displayed in this analysis in both the EA and are further detailed in the project record. Chapter 3 of the EA discusses the combined effects of the project with other past, current and reasonably foreseeable future actions across a wide variety of resource areas. Based on the discussions in the EA, specialist reports, and information identified during public review, we have concluded that there are no significant cumulative impacts (EA chapter 3, various subsections, for cumulative effects discussions within each resource area).

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources. 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. Areas proposed for ground-disturbing activities will be surveyed and all cultural resources or historic sites will be avoided (EA at pp. 45-46). The adaptive management option alternatives for the Heber Allotment include new fence construction, existing fence maintenance and repair and water distribution and collection developments. To ensure that the requirements of Section 106 of the National Historic Preservation Act are met, any new range improvement projects that will result in ground-disturbing activity associated with the proposed improvements will require case-by-case consultation. All areas affected by the improvements will be surveyed prior to project implementation to make certain that there are no adverse effects upon heritage resources. In the event that cultural resources are discovered, project concurrence by the Arizona State Historic Preservation Officer will be sought prior to project implementation.

Inventories shall be conducted in accordance with the stipulations set forth in the *First Amended Programmatic Agreement*. Archeological clearance must be approved with all necessary consultation with SHPO prior to the construction, modification, or removal of all improvements. This approach, based on long-term consultation with SHPO and on U.S. Forest Service Region 3 policy as embodied in the *First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities*, and specifically, Appendix H, the *Standard Consultation Protocol for Rangeland Management*. By following these guidelines, the project will be in compliance with Section 106 of the National Historic Preservation

Act. Finally, the Proposed Action has a determination of “No Adverse Effect” on cultural resources located within the Heber Allotment based on consultation with the Arizona SHPO. Consult EA at 45, as well as Programmatic Agreement in project record.

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

A Biological Assessment has been completed for this NEPA analysis. Conservation measures were built into the Proposed Action to minimize impacts to federally listed species. BMRD carried out informal consultation with the US Fish and Wildlife Service on this project and issued a reply to our biological assessment) concurring with our findings, determinations, and rationales. Given the issuance of the concurrence in 2015, we followed up with USFWS in 2020 regarding the status of the earlier determinations. We determined that ESA-listed species are not likely to be adversely affected. Further, the proposed action is not likely to result in a trend toward federal listing or loss of viability.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. This project is consistent with the 2015 Apache-Sitgreaves National Forests Land Management Plan and accordingly the National Forest Management Act (NFMA), as well as the Rangeland Rescissions Act, Clean Air Act, Clean Water Act, and the Federal Land Policy Management Act of 1976.

Conclusion

The effects of the project have been assessed against the definition of significance established by CEQ Regulations (40 CFR 1508.13). After considering the environmental effects described in the EA and specialist reports, we have determined that the Proposed Action, alternative 2, will not have significant effects 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, and the responsible official has been presented with enough information to make a reasoned decision about the environmental consequences discussed herein.

Findings Required by Other Laws and Regulations

This decision to continue livestock grazing on the Allotment is consistent with the intent of the forest plan's long-term goals and objectives as described in the Forest Plan, pages 96-98. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for desired conditions as described in Chapter 1 of the EA and detailed in the project record. Summary details on compliance with other land and resource planning laws are detailed below.

- Multiple Use Sustained Yield Act: The action will not impair long-term land productivity (see EA, Chapter 3) and is therefore consistent with the Multiple Use Sustained Yield Act of 1960.
- National Forest Management Act: This decision to implement the proposed action is consistent with the intent of the forest plan's long-term goals and objectives for livestock grazing as listed on pages 96-98 of the 2015 revised Forest Plan. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for livestock grazing, wildlife, rangeland vegetation, and soil and watershed health. Consistency with the planning requirements of NFMA was reviewed by the district silviculturist and certified.
- Endangered Species Act: The action conforms to the terms of the Endangered Species Act through informal consultation and concurrence of no significant impact from the US

Fish and Wildlife Service. Species on the Apache-Sitgreaves National Forests will be not be significantly impacted and this impact will not lead towards a listing under ESA.

- National Environmental Policy Act: The preparation and publishing of a final Environmental Assessment for the Heber Allotment enables compliance with NEPA.
- Rangeland Rescission Act: The preparation and publishing of a final Environmental Assessment for the Heber Allotment enables compliance with the Rescission Act, which requires environmental analysis of grazing allotments.
- Executive Order 12898, Environmental Justice: This decision does not impose disproportionately high adverse human health or environmental effects on minority or low-income populations (see EA, Chapter 3) and is therefore not a violation of Executive Order 12898 (Environmental Justice).

Objection Opportunities

The analysis for this Decision Notice was completed under the authority of the Project-level Pre-decisional Administrative Review Process per 36 CFR 218 parts A and B. The legal notice for the objection filing period was published on August 11, 2020. One timely objection to the draft decision was received. Forest Supervisor Anthony Madrid reviewed the project in light of the issues presented in the objection letters received. Review found that the project is in compliance with all applicable laws and the Apache-Sitgreaves National Forest Plan. I have included in this decision notice additional clarification on how the conclusions were arrived at by more fully referencing consideration of the entirety of the project record, and including more maps from the project record for explaining certain pieces of the proposed action (see Appendix A – Maps).

Implementation Date

Implementation of activities under the selected action will occur based on this Decision Notice. Once this decision is signed, implementation of the Allotment Management Plan can begin immediately pursuant to regulations at 36 CFR 218.

Permittee Appeal Rights

This decision is appealable under 36 CFR 214.4(a) by the grazing permit holder only.

Approved by:



RICHARD MADRIL

District Ranger

Black Mesa Ranger District

Apache-Sitgreaves National Forests

11/9/2020

Date

Appendix A: Maps

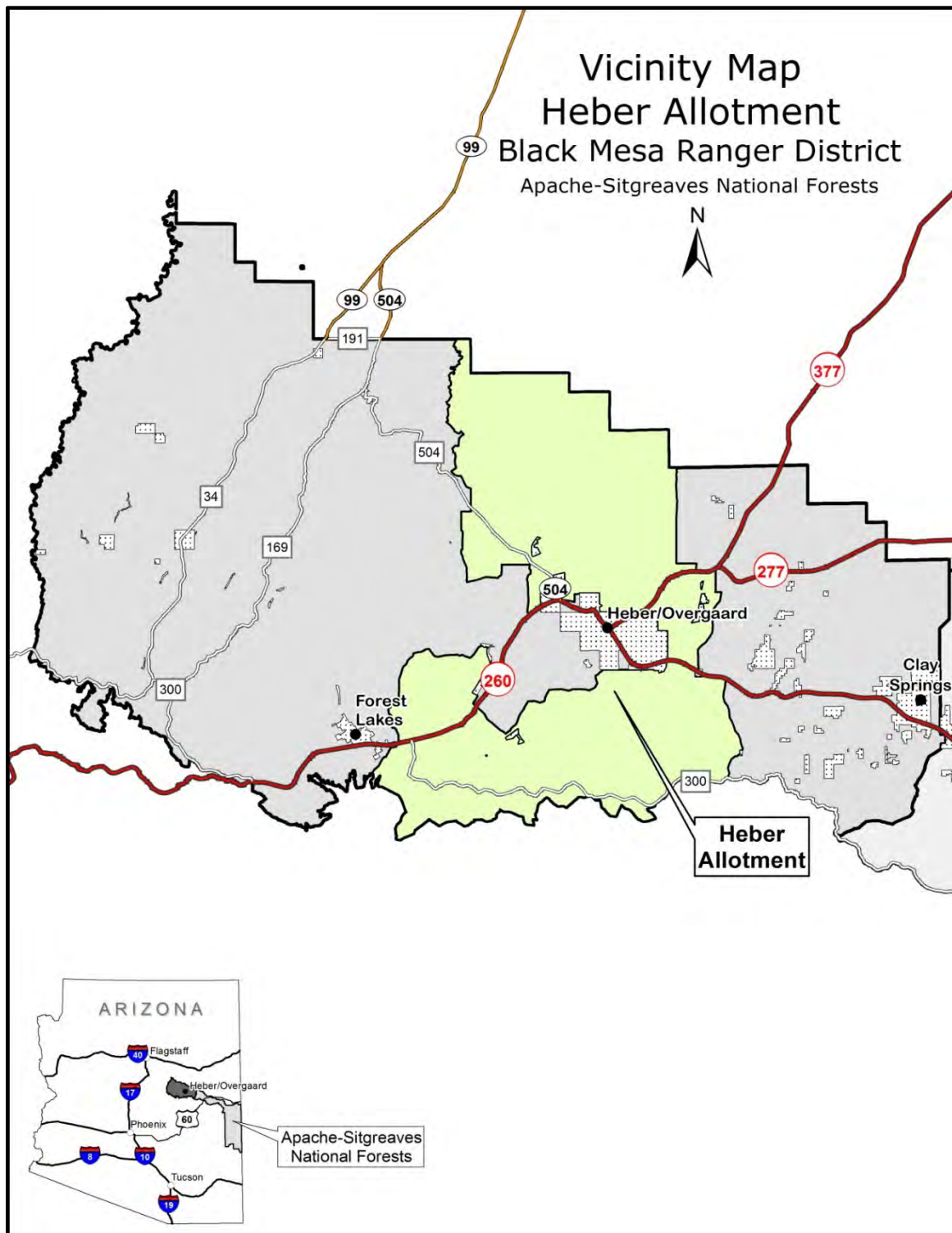


Figure 1: Map of project area

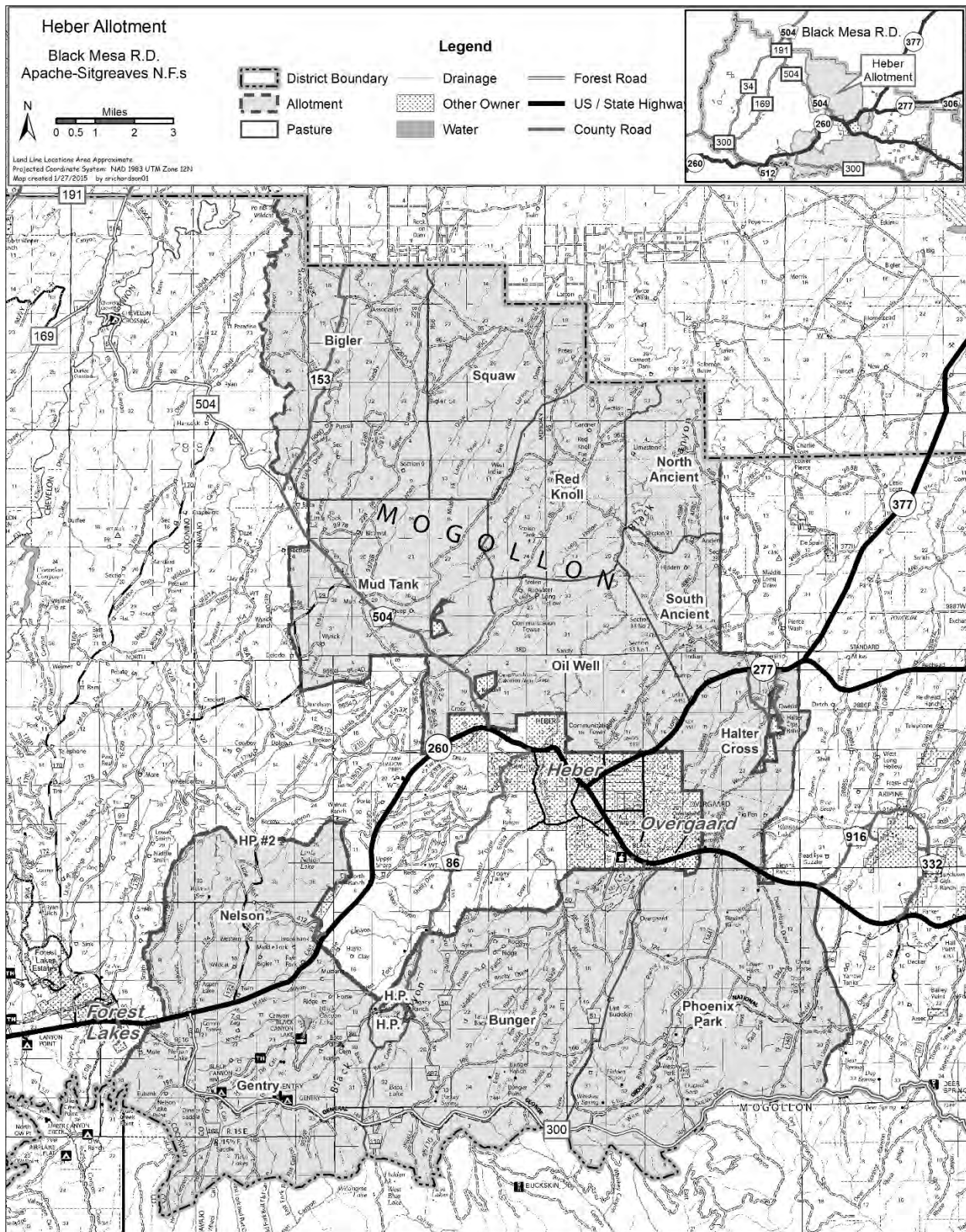


Figure 2: Pasture Map

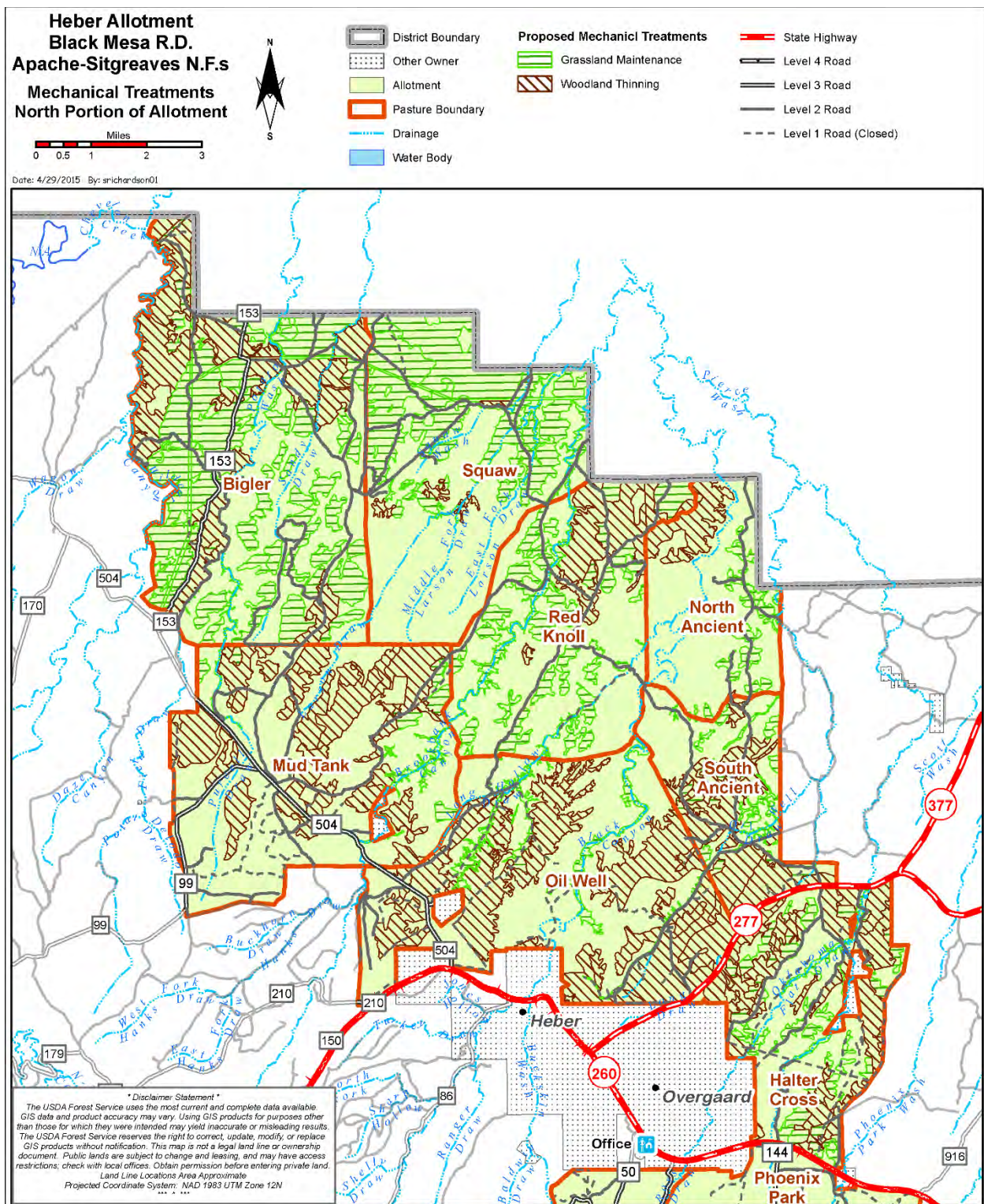


Figure 3: Vegetation Treatments

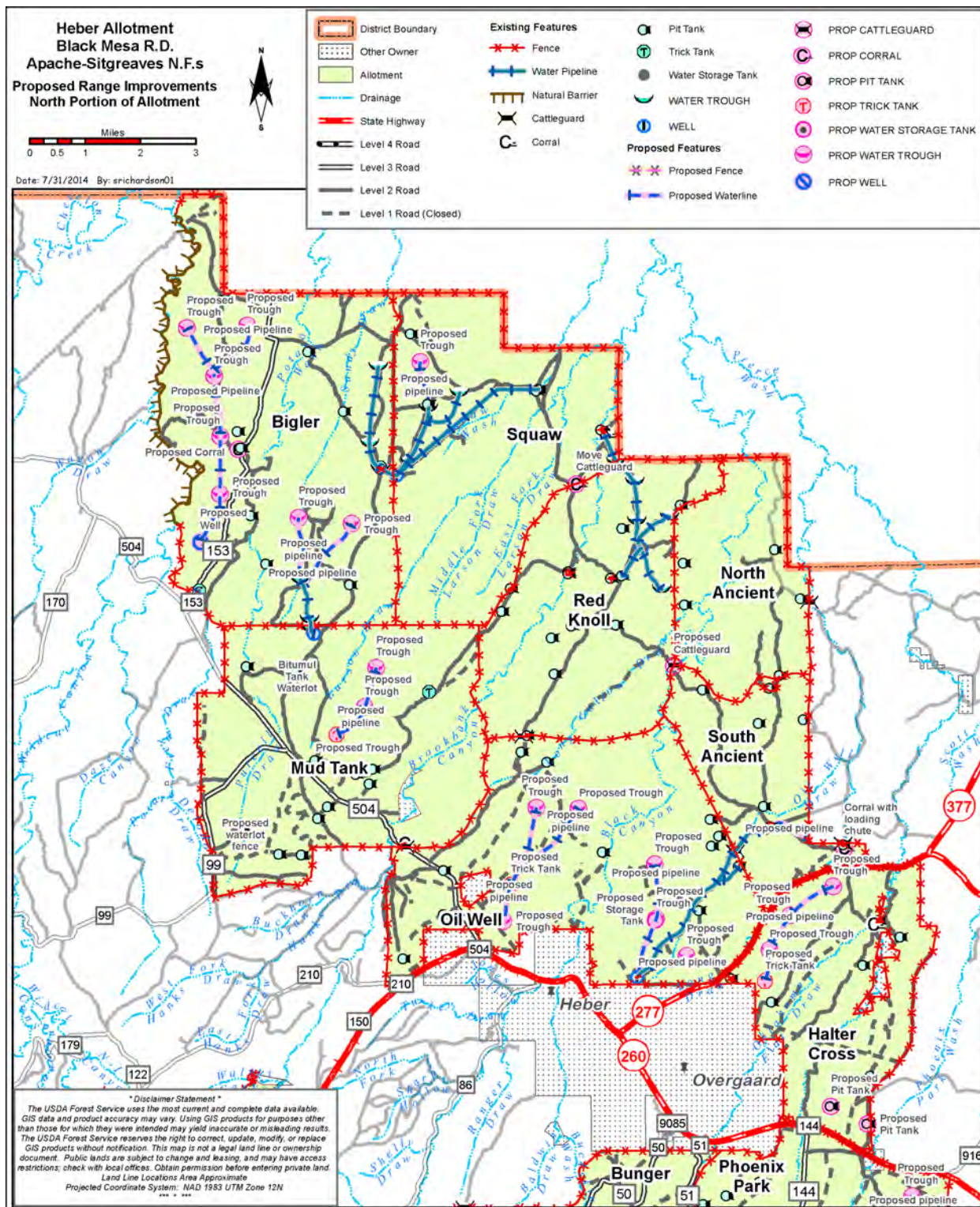


Figure 4: Existing and Proposed Improvements, North Portion of Allotment

