

# Decision Notice for Hicks-Pikes Peak Allotment Grazing Authorization U.S. Forest Service, Tonto National Forest Globe Ranger District - Gila County, Arizona

## *Background*

On February 3, 2021, a legal notice of the draft decision notice for this project was posted in the paper of record, the Arizona Silver Belt. This began the 45-day objection submission period, in compliance with the agency's Project-Level Predecisional Administrative Review Process (36 CFR 218 Subparts A and B). Three qualifying objections were received: one from Western Watersheds Project, one from the permittee of the allotment, and one from an individual<sup>1</sup>. All three objections included identification of incorrect or unclear information in environmental assessment and finding of no significant impact (EA-FONSI), the document that supported the draft decision notice. These objections also included contentions that applicable laws, regulations, and policies were improperly followed and information related to resource specific analysis was lacking.

Objection contentions were reviewed by an interdisciplinary team of specialists from forest across the Southwestern Region; no one on this team, except the Forest NEPA/Objection Coordinator, was from the Tonto National Forest. These findings were presented to the reviewing officer, Neil Bosworth, Tonto National Forest supervisor in preparation of objection resolution meetings. All three objectors attended one of two separate meetings the last week of April 2021, after the objection response timeline was extended from 45 days to 75 days (36 CFR 218.26). On May 27, 2021, Adam Bromley, Globe District Ranger and project responsible official withdrew his draft decision. On June 1, 2021, all three objections were set aside without further review (36 CFR 218.10(a)(9)).

The Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment (EA), which includes the Finding of No Significant Impact (FONSI), addresses applicable contentions raised during the 2021 objection process. Changes to the proposed actions and effects analysis from the 2021 EA-FONSI are minimal.

## *Purpose of Project*

The Hicks-Pikes Peak Allotment is a priority for completing grazing allotment planning in conformance with the requirements of the National Environmental Policy Act on the Globe Ranger District. The Tonto National Forest Land Management Plan (Forest Plan) identifies the Hicks-Pikes Peak Allotment as suitable for domestic livestock. The purpose of this action is to consider livestock grazing opportunities on public lands were consistent with management objectives. In addition, per Forest Service Handbook

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<sup>1</sup> These letters can be found at the bottom of the Project's Reading Room website:  
<https://cara.fs2c.usda.gov/Public/ReadingRoom?Project=52246>

2209.13, Chapter 90, section 92.22, the purpose of this action is to authorize livestock grazing in a manner consistent with direction to move ecosystems towards their desired conditions.

### ***Decision and Rationale***

Based upon my review of the EA and supporting project record, I have decided to implement the Proposed Action alternative (detailed in the EA, beginning on page 46 and ending on page 73). This decision follows current guidance from Forest Service Handbook 2209.13, Chapter 90 (Grazing Permit Administration; Rangeland Management Decision making) and complies with all applicable laws, regulations, and policy.

I have determined that my decision meets the need for this project. The Tonto National Forest Land Management Plan (Forest Plan) identifies the Hicks-Pikes Peak Allotment as suitable for domestic livestock. The purpose of this action is to consider livestock grazing opportunities on public lands where consistent with management objectives. In addition, per Forest Service Handbook 2209.13, Chapter 90, section 92.22, the purpose of this action is to authorize livestock grazing in a manner consistent with direction to move ecosystems towards their desired conditions.

I have determined the Proposed Action meets the project's need and achieves the desired conditions in the following ways<sup>2</sup>:

- The selected alternative is consistent with law, regulation, and Forest Service Policy in that it makes Forest Service lands identified as suitable for livestock available for a quality opportunity for grazing, an acceptable use of public lands.
- It will continue to move the project area toward the desired conditions as site specifically interpreted for this area from the 1985 Tonto National Forest Land and Resource Management Plan (Forest Plan)<sup>3</sup>.
- It utilizes adaptive management to allow the forest and the grazing permittee to actively modify management in response to monitoring or changing conditions on the ground including unforeseen environmental concerns such as drought or fire<sup>4</sup>.
- It allows for riparian area pastures to be utilized while excluding cattle from the Salt River and other tributaries.

### ***Other Alternatives Considered***

In addition to the Proposed Action, I considered an alternative which would have limited grazing to a period between October 1 through March 31 of each year, the Seasonal Grazing Alternative based on comments received during project scoping. I did not fully develop or select this alternative because it is redundant with the Proposed Action. The Proposed Action already allows for management to be adjusted for season of use for any pasture in response to monitoring or changing conditions on the ground including unforeseen environmental concerns such as drought or fire<sup>5</sup>. Further, the analysis determined

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<sup>2</sup> The Hicks Pikes Peak Grazing Authorization EA documents the environmental analysis and conclusions upon which this decision is based.

<sup>3</sup> While the draft Record of Decision and Final Forest Plan have been released and are in the objection process, until that decision document is signed, the current management for the Tonto National Forest is the 1985 Forest Plan, as amended.

<sup>4</sup> See the Response to Monitoring section of the EA.

<sup>5</sup> Ibid

that the effects of the Seasonal Grazing Alternative would be the same or similar to the Proposed Action for the resources it was designed to benefit. It would not, however, provide the flexibility to graze yearlong or during opposite seasons, even in pastures with adequate forage or water availability. This would not meet the purpose and need in that Forest Service lands identified as suitable for livestock would not be available for a quality opportunity for grazing.

I also considered an alternative that would eliminate grazing on the Hicks Pikes Peak Allotment entirely<sup>6</sup>, the No Grazing Alternative. Forest Service policy requires the analysis of this action for grazing authorization projects, as a basis to compare the effects of the Proposed Action and any other alternatives. I find that this has been done effectively for each resource in the EA. However, the No Grazing Alternative does not meet the project's need, and was therefore, not selected.

### ***Public Involvement***

This action was originally listed as a proposal on the Tonto National Forest Schedule of Proposed Actions and updated periodically during the analysis. People were invited to review and comment on the proposal during two 30 day official comment periods (i.e. one scoping period and one comment period). These comment periods began on September 20, 2017 and July 31, 2019 respectively. A preliminary effects analysis was also available for review and comment during the second comment opportunity.

Approximately 350 interested and affected parties were notified of these opportunities to comment through direct mailings and emails. A legal notice was also published in the *Arizona Silver Belt*, the paper of record for the Globe Ranger District<sup>7</sup>. We received eight responses during the scoping period and eight responses during the comment period<sup>8</sup>.

I reviewed and considered all concerns raised during official comment opportunities. These were also reviewed by the forest interdisciplinary team and used to modify or clarify the proposed action, where appropriate, or to inform and focus the analysis of the alternatives. Comments received during the comment period were responded to, either individually or by topic, and can be found in the Response to Public Comment Report in the project record.

### ***Finding of No Significant Impact***

After considering the environmental effects described in the Final EA and incorporated information, I have determined that the Proposed Action will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Details of the FONSI can be found in the EA. Thus, an environmental impact statement is not necessary and will not be prepared.

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<sup>6</sup> Additional analysis and an amendment to the Forest Plan would be required to formally close the allotment.

<sup>7</sup> Mailing lists of all agencies consulted and persons contacted, in compliance with 36 CFR 220, are available in the project record.

<sup>8</sup> For a complete detail on how comments on the Preliminary EA were addressed, see the Response to Comment Report in the project record.

## ***Findings Required by Other Laws and Regulations***

On July 16, 2020, the Council on Environmental Quality published a final rule to amend its regulations implementing the *National Environmental Policy Act of 1969* (Council on Environmental Quality 2020). The final rule went into effect on September 14, 2020. In accordance with the amended regulations at Title 40 part 1506.13 of the Code of Federal Regulations (CFR), the amended regulations apply to any *National Environmental Policy Act* review process begun after September 14, 2020. The legal notice for project scoping was published for this project in the *Arizona Silver Belt* on September 20, 2017. As a result, this project is proceeding under the previous Council on Environmental Quality 1978 regulations, as amended, and its existing agency *National Environmental Policy Act* procedures (Council on Environmental Quality 1978). As such, the effects of this project have been determined to not be significant using the definitions of context and the ten intensity factors listed in this Finding of No Significant Impact under the Council on Environmental Quality 1978 regulations, as amended.

In addition to the *National Environmental Policy Act*, I have also determined that this decision complies with other laws including the *National Forest Management Act*, *Endangered Species Act of 1973*, as amended, *National Historic Preservation Act*, *Wilderness Act*, and *Wild and Scenic Rivers Act*<sup>9</sup>.

## ***Administrative Review Opportunities***

This proposed decision is subject to pre-decisional objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project-specific written comments during scoping or other designated comment period. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within 45 days following the publication of this legal notice in the *Arizona Silver Belt* on February 3, 2021. The date of this legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections must be submitted to the reviewing officer: Tom Torres, Deputy Forest Supervisor, 2324 E. McDowell Rd., Phoenix, Arizona, 85006. Objections may be submitted via mail, FAX, or email.

Electronic objections, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: [objections-southwestern-tonto@usda.gov](mailto:objections-southwestern-tonto@usda.gov) with Subject: Hicks Pikes Peak.

At a minimum, an objection must include the following (36 CFR 218.8(d)):

1. Objector's name and address as defined in §218.2, with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
3. When multiple names are listed on an objection, identification of the lead objector as defined in §218.2. Verification of the identity of the lead objector must be provided upon request or the reviewing officer will designate a lead objector as provided in §218.5(d);

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<sup>9</sup> The Hicks Pikes Peak Grazing Authorization EA and supporting project record document the environmental analysis and conclusions upon which these finding are based.

4. The name of the proposed project, the name and title of the responsible official, and the name(s) of the national forest(s) and/or ranger district(s) on which the proposed project will be implemented;
5. A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
6. A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity(ies) for comment (see paragraph §218.8(c)).

### ***Implementation Date***

When no objection is filed within the objection filing period (per 36 CFR 218.26 and 218.32): The reviewing officer must notify the responsible official; approval of the proposed project or activity documented in the Decision Notice may occur on, but not before, the fifth business day following the end of the objection filing period (§218.12(c)(1 and 2)).

When an objection is filed, the responsible official may not sign the Decision Notice subject to the provisions of §218.12 until the reviewing officer has responded in writing to all pending objections (see §218.11(b)(1)). Additionally, the responsible official may not sign the Decision Notice subject to the provisions of §218 until all concerns and instructions identified by the reviewing officer in the objection response have been addressed (§218.12(b)). Once the responsible official has complied with any instructions from the reviewing officer, the Decision Notice can be signed and implementation can take place immediately.

### ***Contact***

For additional information concerning this decision, contact: Adam Bromley, Globe District Ranger, at 928-402-6200 or [adam.bromley@usda.gov](mailto:adam.bromley@usda.gov).

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Adam Bromley

Date

Globe District Ranger



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