

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

**Hicks and Pikes Peak
Allotment Analysis
Globe Ranger District
Tonto National Forest
USDA Forest Service
Gila County, Arizona**

DECISION

Based upon my review of the alternatives considered in detail, it is my decision to implement Alternative 4 for both the Hicks and Pikes Peak allotments. New 10-year Term Grazing Permits will be issued to the current permittee. The following outlines the specific actions included in my decision for each allotment.

Hicks Allotment

Permit: A 10-year Term Grazing Permit would be issued for 25 to 200 adult livestock from January 1 to December 31, or the equivalent of 300 to 2400 AUMs. This range would allow the Forest to adapt management to annual changes in capacity due to fluctuations in precipitation or other similar situations. Natural increase (yearlings) would be allowed for 5 months if annual grasses are sufficiently abundant to support them. Actual stocking levels within this range will be determined through yearly Annual Operating Instructions. Determinations of the annual stocking rate will consider the previous year's actual utilization, precipitation and current forage production and availability.

Pasture Movements: The Ortega pasture and the Shute Springs pasture would be deferred from grazing for the duration of the 10 year permit. The remaining seven pastures will be managed with a deferred rest rotation system. Pasture movements will be determined by use of key areas when utilization reaches 30 to 40%. In critical riparian areas relative utilization on deergrass will be 30%, other herbaceous species 30 to 40% and woody species 50% of current years growth.

Improvements: A fence will be constructed at Sycamore Springs in the north end of the Horseshoe Bend Pasture to protect the riparian habitat surrounding the perennial waters there. It is not expected that the fenced area would include more than five acres. The fence is to be built prior to any use by cattle in this pasture.

Pikes Peak Allotment :

Management Strategy: A 10-year Term Grazing Permit would be issued for 25 to 150 adult livestock from January 1 to December 31, or the equivalent of 300 to 1800 AUMs. This range would allow the Forest to adapt management to annual changes in capacity due to fluctuations in precipitation or other similar situations. Natural increase (yearlings) would be allowed for 5 months if annual grasses are sufficiently abundant to support them. Actual stocking levels within this range will be determined through yearly Annual Operating Instructions. Determinations of the annual stocking rate will consider the previous year's actual utilization, precipitation and current forage production and availability.

Pasture Movements: The allotment will be managed with an eight pasture deferred rest rotation system. Pasture movements will be triggered by use of key areas when utilization reaches 30 to 40% as well as an assessment of other resource conditions on the allotment. In critical riparian areas relative utilization on deergrass will be 30%, other herbaceous species 30 to 40% and woody species 50% of current years growth.

RATIONALE FOR THE DECISION

My objective in reaching this decision was to select an alternative that has a flexible stocking rate to address the multiple use resource needs of the agency and the sustained long term economic returns of the ranching operation. This alternative maximizes movement toward the management direction and best complies with the standards and guidelines as specified in the Tonto Forest Land Management Plan (LMP). This alternative will meet these needs by having the flexibility to adapt to changes in forage availability due to changes in moisture availability. I also recognize the importance of livestock grazing to the affected permittee and want to see a beneficial level of use maintained, while still meeting the standards and guidelines in the Tonto LMP. I believe Alternative 4 has the best potential for movement towards meeting the Forest's Land Management Plan objectives, is adaptable to changes in annual moisture while maintaining a viable ranching business. Alternative 4 also addresses the Forest Service's mission to provide a sustained flow of resources from National Forest System lands while promoting a healthy and productive environment.

Alternative 1 does not address the Forest Service's mission to provide a sustainable flow of resources from National Forest System lands. It is for this reason that I did not select this alternative.

As stated in the EA, Alternative 2 would be less effective in meeting the objectives as specified in the Land Management Plan. By allowing a greater number of adult livestock to graze the allotment, Alternative 2 would probably give the affected permittee a greater opportunity to succeed in the short term. However the effect to wildlife, especially endangered species is problematic.

Alternative 3 would provide improvement to the environmental resource conditions; however, it does not allow the flexibility and improvements to manage grazing as effectively as does Alternative 4. This alternative also would be economically risky.

ALTERNATIVES CONSIDERED

The alternatives considered for the Hicks and Pikes Peak Allotments include a "no action" alternative, a no livestock grazing alternative, and two action alternatives, which respond to the need for action and the issues. Chapter 2 (pages 3-11) of the Environmental Assessment contains a complete discussion of alternatives.

Alternative 1:

Under this alternative the Term Grazing Permit currently authorizing use on the allotment would be cancelled following guidance in 36 CFR 222.4 and Forest Service Manual 2231.62. Twenty percent of the numbers on the face of the permit would be removed from the allotment each year until no more grazing is permitted (5 years). In the event that all cattle are removed from the allotment for any reason at the time a decision is made to select this alternative, the permit will be cancelled. If at the time a decision is made to select this alternative fewer than the permitted numbers of cattle are on the allotment, then twenty percent of that number would be removed from the allotment each year until no more grazing is permitted (5 years).

Alternative 2

Under this alternative the Term Grazing Permit currently authorizing use on the allotment would be modified to authorize 7085 Head Months of Use. This level of grazing represents the average actual use on the allotment over the last ten years (1992-2002).

Alternative 3

This alternative was the proposed action in the Environmental Assessment sent out for public comment in October 2002 and is the action under which the issues were developed. Yearling cattle would be managed in two separate herds. Total authorized use would be 856 Animal Unit Months (the equivalent of

245 yearling cattle for five months). Use would be for five months each year, with the five months of use occurring between November 1st and May 31st.

Alternative 4: Refer to Decision (page 1)

PUBLIC INVOLVEMENT

District Ranger Larry Widner formally initiated the NEPA process on this analysis area in April 2001. A scoping letter was sent to interested/affected parties to solicit comments concerning the proposed action for the Hicks Pikes Peak allotments (See Chapter four in the EA for a list of persons, organizations and tribal governments consulted). In addition a meeting was held with the affected permittee. Comments received were analyzed to 1) identify issues with the proposed action; and 2) develop alternatives to address significant issues with the proposed action. Significant issues were identified and used to develop an Environmental Assessment, which was mailed to interested/affected individuals, organizations and tribal governments in October 2002. Additional comments were solicited at that time. Comments received were analyzed and reviewed by the District Ranger leading to his decision to develop a new proposed action alternative, and reissue a revised (third) Environmental Assessment for additional public review.

A copy of the Environmental Assessment was sent to the public for a 30-day comment period in December 2004. Four letters, faxes and emails were received in response. All comments received throughout the analysis were considered in this decision. A content analysis of substantive comments and their consideration is contained in the project record.

FINDING OF NO SIGNIFICANT IMPACT

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

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety because rangeland management activities would be conducted in a safe manner to protect the public. Rangeland management activities similar to those described in the EA have occurred in this area, as well as over most of the Forest, without incident of issue with public health and safety. Public health and safety was not identified as an issue during scoping (EA page 2). The project does not involve national defense or security.
3. The project area contains about 13,366 acres within the Salt River Wilderness. The Salt River is proposed for Wild and Scenic river designation. Alternative 4 does not affect these areas. The Salt river is being considered potential for wild scenic or recreational rivers designated in the Preliminary Analysis of Eligibility and classification for Wild/Scenic/Recreational River Designation (USDA, 1993). The project area is known to contain cultural resources of both prehistoric and historic periods (EA page 31). The action will not have an adverse effect on heritage resources (EA page 31).
4. This Environmental Analysis is tiered to the LMP Environmental Impact Statement. Forest-wide effects of LMP's standards were disclosed in that EIS. The selected alternative with the identified mitigation considered in the EA meet LMP standards. In addition, extensive scoping was completed during the analysis in order to identify areas of potential controversy. The scoping activities are identified in Chapter 1 of the EA (pages 1-2), this Decision Notice, and the project record. Areas of potential controversy were identified as issues. Issues were used to focus development of alternatives, mitigation measures and limit the scope of the analysis of the effects in the EA. There has been no information presented that would demonstrate that the action would

- cause adverse impacts that could not be mitigated. I conclude that it is very unlikely that the environmental effects associated with the action will be highly controversial.
5. This action is similar to many past actions, both in this analysis area, and adjacent areas. Effects of this action will be similar to the effects of past, similar actions. Livestock grazing and fence construction have occurred on the Tonto National Forest for over 100 years. The Interdisciplinary Team that conducted the analysis used the results of past actions as a frame of reference, and combined that insight with scientifically accepted analytical techniques and best available information to estimate effects of the proposal. I conclude there are no unique or unusual characteristics about the area, not previously encountered, that would constitute an unknown risk upon the human environment.
 6. Similar actions have occurred in the watershed. Effects of this project are minor and short-term in nature. Major follow-up actions will not be necessary. I conclude that this action does not establish precedence for future actions with unknown risks to the environment.
 7. Chapter 3 of the EA discusses the combined effects of the project with other past, current and reasonably foreseeable future actions. Based on the discussions in the EA and information identified during public review of the EA and given in the Decision Notice, I have concluded that there are no significant, cumulative impacts.
 8. There are no known sites or structures within the project area that are currently listed or eligible for placement on the National Register of Historic Places. If any sites are identified on the ground as inventories are completed, potential adverse effects will be mitigated through the use of inventory, evaluation, and consultation procedures provided for under Section 106 of the National Historic Preservation Act, as amended.
 9. A Biological Assessment and Evaluation for endangered, threatened and Forest Service Sensitive species has been completed for the selected alternative. The project area contains designated critical habitat for the Southwestern Willow flycatcher ,Razorback sucker and but it has been determined that this action is not likely to jeopardize this habitat. The project area does not contain critical habitat as defined by the Endangered Species Act, for any other species.

The following determinations were made for threatened and/or endangered species:

Common Name	Species	Status	Determinations
Federally Listed (11)			
Arizona Agave	<i>agave arizonica</i>	Endangered	No effect
Arizona Hedgehog Cactus	<i>Echinocereus triglochidiatus var. arizonicus</i>	Endangered	May affect, not likely to adversely affect
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	May affect, not likely to adversely affect
Southwestern Willow Flycatcher (Species)	<i>Empidonax traillii extimus</i>	Endangered	May affect, not likely to adversely affect
Southwestern Willow Flycatcher (Critical Habitat)	<i>Empidonax traillii extimus</i>	Endangered	May affect, not likely to jeopardize critical habitat
Cactus Ferruginous Pygmy Owl	<i>Glaucidium brasilianum cactorum</i>	Endangered	No effect
Colorado Pikeminnow (squawfish)	<i>Ptychocheilus lucius</i>	Endangered 10(j) population	May affect, not likely to jeopardize
Loach minnow	<i>Tiaroga cobitis</i>	Threatened	No effect

Common Name	Species	Status	Determinations
Spikedace	<i>Meda fulgida</i>	Threatened	No effect
Razorback Sucker	<i>Xyrauchen texanus</i>	Endangered	May affect, not likely to adversely affect critical habitat
Gila Topminnow	<i>Poeciliopsis occidentalis occidentalis</i>	Endangered	No effect
Roundtail Chub	<i>Gila robusta</i>	Proposed	May affect, not likely to jeopardize

Concurrence from the US Fish and Wildlife Service has been obtained for each of these species.

Based upon the conclusions documented in the Biological Assessment and Evaluation, I conclude that there will be no adverse effect to species or their habitat determined to be critical under the Endangered Species Act (ESA).

10. Chapters 1-3 of the EA (pages 1-39) documents the analysis for this project which does not threaten or violate any federal, state or local law imposed for the protection of the environment. This project is fully consistent with the Tonto LMP and the National Forest Management Act (NFMA), Clean Water Act, and the Federal Land Policy Management Act of 1976.

Based on the above considerations I have concluded that this project is in compliance with statutes imposed for the protection of the environment and that this is not a major federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not needed.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The EA is appropriately tiered to and consistent with the Tonto Land Management Plan and the selected alternative is in compliance with management direction for the area.

The National Environmental Policy Act provisions have been followed as required by 40 CFR 1500. The EA analyzed a reasonable range of alternatives, including the No Action alternative. It also discloses the expected impacts of each alternative and discusses the identified issues. This document describes the decision I have made and my rationale for the decision.

The decision meets all requirements of the Endangered Species Act. Concurrence has been obtained from the US Fish and Wildlife Service as to the determinations made on Threatened and/or Endangered species in the Biological Assessment and Evaluation.

The selected alternative complies with the provisions of the National Historic Preservation Act (NHPA). Proposed units will be located and designed to avoid impacts to known sites. If additional sites are identified during implementation of the project, measures will be taken to assure full compliance with the NHPA.

Water and air quality standards will be met. There are no classified floodplains or wetlands within the project area.

This analysis area contains the Salt River Wilderness which will not be affected by this decision.

APPEAL PROVISIONS AND IMPLEMENTATION

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. Written comments must be submitted to:

Forest Supervisor
Tonto National Forest
2324 E. McDowell Rd
Phoenix, AZ 85006

The office business hours for those submitting hand-delivered appeals are: 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding holidays. Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to appeals-southwestern-tonto@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.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the *Arizona Silver Belt*, the newspaper of record. The publication date in the *Arizona Silver Belt*, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

IMPLEMENTATION OF DECISION

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.

Ray L. Clark Acting O.R. 9/27/05
for Lee W. Thornhill, District Ranger
Globe Ranger District
Tonto National Forest