

# Decision Notice & Finding of No Significant Impact

for the

Horseshoe Livestock Grazing Project

## Horseshoe Allotment

USDA Forest Service

Chino Valley Ranger District, Prescott National Forest

Yavapai County, Arizona

Legal Description: T.17 & 18 N, R.2 E, Gila and Salt River Meridian

## Decision and Reasons for the Decision

### Background

This analysis was initiated in response to regulation [36 CFR 222 Subpart A, 222.2 ©] that states, "Forage producing National Forest System lands (NFS) will be managed for livestock grazing and the allotment management plans will be prepared consistent with land management plans". This direction was followed and is contained in the Land Management Plan for the Prescott National Forest.

The purpose and need for this project is to authorize continued livestock grazing on the Horseshoe Range Allotment through the issuance of a 10-year term permit containing the parameters under which livestock grazing will be implemented. Authorizing and implementing livestock grazing is based on managing the effects of grazing on associated resources, not solely in managing forage production (Environmental Assessment [EA] page 1-2). Laws regulating grazing currently permitted on the Horseshoe Allotment require a periodic review of the effects (EA page 1-2). The scope of the decision to be made is limited to grazing management (EA pages 1-4 and 1-5). The Horseshoe Livestock Grazing Project Environmental Assessment (EA) of September 2005 documents the analysis.

The 15,000 acre Horseshoe Allotment is located approximately 19 miles northeast of Chino Valley, AZ. It encompasses an area south and west of the Verde River including a portion of the northeastern end of Woodchute Wilderness, and lies mostly east of Yavapai County road 72 and west of a line running between Baker's Pass and the Verde River (EA Figure 1). Elevations on the allotment range from 3760 ft along the Verde River to 7600 ft on Woodchute Mountain. There are four distinct vegetative communities within this elevational range: riparian along the Verde River, grassland and pinyon/juniper interspersed throughout the lower to mid-elevations, and chaparral in the upper elevations. Pinyon/juniper is the dominant community, covering 60% of the allotment.

The EA and Project Record are available for review at the Chino Valley Ranger Station, 735 N. Highway 89, Chino valley, Arizona.

### Decision

Based on the EA for this project, comments received during this analysis, and my review of the alternatives, **I have decided to implement *Alternative 4 – Modified Proposed Action* for the grazing strategy and range improvements on the Horseshoe Allotment as described below.**

#### A. Grazing Strategy and Range Improvements

- The term permit will be issued for grazing livestock with a range of 150 to 190 mature cattle.
- Livestock grazing will be conducted on a year-long season of use implementing a deferred rotation between seven pastures (adaptable to eight if monitoring indicates a need to divide the Frypan Pasture). The proposed use in Woodchute and Upper Orchard would be approximately three months of winter use or two months of spring use deferring spring grazing one year in two or three and grazing either Woodchute or Upper Orchard pasture four to six weeks late summer/early fall one year in three (PR#93).
- Light use (0 – 25% use) on key forage species in critical areas on unsatisfactory soils. Grazing effects will be monitored during the growing season and used as an indicator to initiate moves between pastures. A light to moderate grazing use (0 – 40%) will be used over the allotment on key forage species in key areas and will be measured at the end of the growing season.
- Range improvements to be constructed include: a well with associated three miles of pipeline and four troughs; six roadside pit tanks; 1.5 miles of interior fencing dividing the existing Woodchute Pasture into two (Woodchute, Upper Orchard); 1.5 miles of seasonal (electric) fence to divide Henry's Pasture into two pastures; 1 mile of seasonal (electric) fence to create a holding area.
- Watershed improvement in Red Flat Pasture will be initiated through actions designed to clean Red Flat Tank, stabilize the gully system, and improve the vegetation diversity and density (EA Chapter 2).

#### B. Adaptive Management

- Stocking will be adjusted each year within the range of numbers, as determined by monitoring. Stocking could be more or less than the range in any given year to allow for exceptional fluctuations of weather and available forage.
- The period of grazing on the allotment will be determined by monitoring and designated in the Annual Operating Instructions.
- The timing, intensity, and/or duration of grazing in any pasture will be adjusted as needed to achieve resource objectives.
- A seasonal (electric) fence dividing the Frypan Pasture will be constructed, if needed to achieve resource objectives.
- ✓ • A pipeline will be extended in Henry's Pasture to provide a water source in the northern end of the pasture, if needed to achieve resource objectives.
- A proposed seasonal (electric) fence in Henry's Pasture will be converted to a permanent fence, if needed to achieve resource objectives.
- Proposed improvements will or will not be constructed, as needed.
- If resource response to proposed range structures coupled with existing structures indicates that resource objectives are not being achieved, then the range structures may be modified.

#### C. Mitigation Actions Required and Monitoring

- Best Management Practices [BMPs] mitigate livestock grazing effects on soil and watershed conditions to comply with the Clean Water Act. The BMPs, detailed in Appendix 1 of EA, will become part of the terms of the grazing permit for the Horseshoe Allotment.

- Actions mitigating livestock grazing effects on wildlife/rare plant habitat are identified in the EA Appendix 2, and will become part of the terms of the grazing permit.
- Best Known Practices (BKPs) will be used to prevent introduction and spread of noxious or invasive weeds. BKPs are identified in EA Appendix 3, and will become part of the terms of the grazing permit.
- Monitoring will determine the timing, intensity, duration and frequency of grazing throughout the allotment (EA pg 2-7).

## Reasons for the Decision

The primary considerations I used in selecting Alternative 4 are (a) responsiveness to the significant public issue (b) responsiveness to the project purpose (c) responsiveness to the project objectives and (d) consistency with the Forest Plan.

This alternative is responsive to the significant public issue in that it reduces forage utilization to light to moderate (0 – 40%), making it more likely to improve the vegetation and soil resources under favorable climatic conditions and possibly maintain them in times of drought (Chapter 1 – Public Issues, Chapter 2 – Description of Alternatives, Chapter 3 - Responses to Significant Issue).

This alternative is responsive to the project purpose in that it allows for the authorization of continued livestock grazing through the issuance of a new 10-year term permit with new fencing and water developments to improve distribution and reduce concentrated livestock use (Chapter 1 – Purpose and Need and Chapter 2 – Description of Alternatives and Table 2.5).

This alternative is responsive to the project objectives in that vegetative ground cover (VGC) and perennial grass diversity will improve towards attainable potential, especially on unsatisfactory soils, and degraded soil function will stabilize or improve. (Chapter 1 – *Project objectives*, Chapter 2 – Table 2.5 and Chapter 3 – Soils and Vegetation Resources). The division of both the Woodchute Pasture and Henry's Pasture into two pastures each will provide decreased duration of use, increased flexibility in timing of use and improve management of utilization in critical areas where there are resource concerns. Changing the timing and duration of use along with lower utilization is expected to provide for improved plant vigor and recruitment of perennial grasses, thereby allowing for improvement in VGC, maintenance of species diversity and, ultimately, improvement in soil function.

This alternative is responsive to the project objectives in that soil and watershed function will be maintained (Chapter 1 – *Project objectives*, Chapter 2 – Table 2.5 and Chapter 3 – Watershed Condition). Soil function will show an improvement because there will be a decrease in grazing intensity, greater improved deferment and the potential for more rest (as identified through monitoring and implemented through Annual Operating Instructions).

Livestock management will improve the hydrological condition on portions of the allotment and implementation of light livestock use on impaired/unsatisfactory soils will improve the existing fair/poor hydrological conditions on a majority of those soils, resulting in an overall improvement in hydrologic function at a landscape scale. The existing good hydrologic conditions of satisfactory soils will be maintained. In the Red Flat pasture where extensive gully rehabilitation work is proposed, there is potential to improve the gully situation and restore this area to satisfactory condition.

The alternative is consistent with the Forest Plan. The alternative will provide forage and browse for livestock and wildlife relatively commensurate with costs and is designed to not impair productivity of the land (Chapter 2 -Table 2.5, Chapter 3, PR#105). There will be no adverse impacts to any threatened or endangered wildlife or fish species or species habitat (Chapter 3 – Wildlife; Fish Species, PR#s95, 97). Satisfactory soil resources will be protected and where the potential exists unsatisfactory soil resources will be improved (Chapter 3 – Soils and Vegetation Resources, PR#s 91, 93). New fencing and water developments will allow for more uniform use of available forage and provide more flexibility in moving toward the desired maximum livestock production potentials (Chapter 2 – Table 2.5, PR#s 93, 105).

This decision meets all applicable laws, regulations, and policies (see **Findings Required by Other Laws and Regulations** section, below).

### Other Alternatives Considered

In addition to the selected alternative, I considered three (3) other alternatives. A complete description of each alternative can be found in Chapter 2 of the EA (pg 2-2 - 2-5). The livestock management effects of these alternatives can be found in Chapter 3 of the EA. These alternatives were not chosen for the stated reasons:

#### Alternative 1- No Action (No Livestock Grazing)

- Grazing permit would be cancelled.
- There would be no livestock grazing or maintenance of range structures except for those waters identified as critical (Appendix 2).

This alternative does not meet the purpose and need of the project in that forage is not made available for livestock. The EA did not identify effects or consequences that warrant complete exclusion from livestock grazing and areas in need of resource improvement can be addressed in the grazing alternatives.

#### Alternative 2 - Current Management

- Year-long season with 150 to 190 mature cattle.
- Five pastures with a deferred rotation on four and a fall/winter/spring use period each year on one (Woodchute Pasture).
- A relative forage use rate of 40% measured during the growing season as an indicator to initiate moves between pastures.
- A forage utilization rate of 50% on key forage species, measured at the end of the growing season.

This alternative does not wholly address the public issue as relative use and utilization levels are considered too high by some publics. Current livestock use patterns reflect location of available stock water which has kept distribution from being wholly adequate. As a result there are areas with low VGC and reduced soil function. This alternative fails to wholly meet the purpose and need and Forest Plan compliance. While the alternative does make forage available for livestock and maintains soil and vegetative resources currently in satisfactory condition, it does not allow for improvement in those areas where the potential for improvement exists.

#### Alternative 3 – Proposed Action

- Year-long season with 150 to 190 mature cattle.
- Six pastures with deferred rotation. Woodchute Pasture used winter/spring. Frypan and Henry's Pastures used each summer. The other two pastures deferred during summer growing season.
- A relative forage use rate of 40% measured during the growing season as an indicator to initiate pasture moves.
- A forage utilization rate of 50% by weight on key forage species, measured at the end of the growing season.
- Range structural improvements needed to aid in achieving project objectives.

This alternative does not wholly address the public issue since relative use/utilization levels would be the same as under Alternative 2 - current management. There would be better distribution of use because of the proposed range improvements and degraded areas would stabilize; however, continued livestock use with similar duration and intensity as Alternative 2 would hinder full recovery. Thus, this alternative fails to wholly meet the purpose and need and Forest Plan compliance. The alternative does make forage available for livestock and maintains soil and vegetative resources which are in satisfactory condition. However, it hinders improvement in those areas where these resources are not in fully satisfactory condition and, on some sites, may contribute to continued decline. The alternative does not have the needed flexibility to adapt to changing management needs.

## Public Involvement

### Scoping

This project has been listed in the Prescott National Forest's Schedule of Proposed Actions (SOPA) since March 1996 through to the most recent release.

Scoping with the affected grazing permit holder has been ongoing since the project was first initiated in 1994. The permittee was involved during October 1997 to December 2001 in defining the size and dimension of this analysis, helping identify resource concerns and developing the proposed action. The permittee was also involved in this current (2004/2005) analysis effort (PR#101).

The proposed action was sent out to 35 individuals, organizations, State and Federal agencies, and the permittee for review and comment in April 2002 (PR#20). Over the scoping period, 11 responses were received from individuals, organizations, State and Federal agencies, and the affected permit holder (PR#s22 – 32). Comments were varied and included suggestions for the analysis process, perceived impacts to wildlife, grazing the Verde River corridor and other riparian areas, financial aspects, perceived violations of law and policy, soils and watershed, utilization levels, and recreational vehicle use (PR#36).

In August 2004, a request for comments package was sent to the 11 scoping respondents which included the affected permit holder and 7 potentially interested Native American Tribes (PR#s52, 53). Ten comment letters were received (PR#s57 – 66). The ID Team reviewed and considered the comments in September 2004 (PR#67). Comments were used to revise Chapters 1 and 2 and complete Chapter 3 of the EA (PR# 79, 80).

## 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 finding on the following:

Context: The setting of this proposed action is local in regards to the long and short-term effects on both human and natural resources. The effects of this project are limited to a small portion of rural Yavapai County, Arizona.

Intensity:

1. Both beneficial and adverse effects have been taken into consideration when making this determination of significance. Adverse effects are minimal, localized, and insignificant. This action does not rely on beneficial effects to balance potentially significant adverse environmental effects (EA Chapter 3).
2. Cumulative effects of past, present, and foreseeable future activities in the vicinity of the allotment have been considered and evaluated (Chapter 3 of EA, PR #s 91, 93, 95, 97). These effects do not substantially add to those described for the selected alternative. With the exception of routine maintenance activities, all known connected actions associated with the selected activities likely to occur in the future have been identified in the assessment,

with the direct, indirect and cumulative effects disclosed in the EA (EA Chapter 3). The cumulative impacts are not significant (EA Chapter 3).

3. There will be no significant effects on public health and safety. Public health and safety are not identified in the Purpose and Need for the Action (EA pg 1-2), nor as a significant issue (EA pg 1-6, PR#s36, 50).
4. There are two unique areas in the project area with characteristics not found elsewhere on the District. These include a small section of the Verde River (3.4 miles) eligible for designation under the Wild and Scenic Rivers Act as a Recreation River and a portion of the Woodchute Wilderness. There will be no effects to the eligible river segment because livestock grazing along the river is not proposed (EA Chapter 2, EA Chapter 3, PR#90). There will be little to no effects to the wilderness values in the Woodchute Wilderness because livestock use is dispersed and access is limited minimizing human – livestock interactions (PR #84). No significant historic resources will be impacted (PR#94). There are no prime farmlands in the project area. There will be no significant adverse impacts to minority groups, civil rights, women, consumers or environmental justice (EA p 3-26).
5. This is not a major action within the context of the Forest Plan or the historic level of management activity for the area (PR# 105).
6. The effects on the quality of the human environment (primarily social impacts) may be controversial, but the controversy is neither of great intensity nor on a widespread scale (EA pg 3-25). The permittee and public were involved during the analysis (Chapter 1 and 2 of EA, PR#101). While some people have disagreed with portions of the project, no one has provided evidence that the effects of the project have been wrongly predicted.
7. The overall effects of the decision are not considered to be highly uncertain nor do they involve unique or unknown risks because practices evaluated are standard grazing activities and we have considerable experience with the type of actions to be implemented (EA Chapter 2, Chapter 3).
8. The grazing activities to be implemented will not establish a precedent for future actions nor do they represent a decision in principle. The activities implemented under this decision are not a major departure from types of activities now common to the Prescott National Forest (EA Chapter 3). Additionally, this decision does not commit me to actions on lands outside the project area. Finally, the grazing activities are within guidelines established by the Forest Plan (EA Table 2.5, PR#105).
9. The action will not adversely affect districts, sites, structures, or objects listed in or eligible for listing in the National register of Historic Places. Any heritage resources that could be affected by structural improvement work will be adequately protected by avoidance or mitigation measures approved in advance of work by the State Historic Preservation Officer (PR# 94).
10. The action will not adversely affect any listed (Endangered Species Act 1973) endangered or threatened species or any critical or proposed critical habitat. This is documented in the wildlife/rare plant and fish specialists' reports and BA&Es (PR#s95, 97, 99) and EA Chapter 3.

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

This decision to implement Alternative 4 for management of livestock grazing on the Horseshoe Allotment is consistent with the following laws:

Clean Air Act of 1970 (as amended) - This Act is to prevent deterioration of air quality. All activities will be implemented in accordance with provisions of the Clean Air Act as administered by the Arizona Department of Environmental Quality (PR#88).

Clean Water Act of 1977 (as amended) - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of BMPs (EA Appendix 1). This decision incorporates BMPs to improve or protect the soil and water resources.

Endangered Species Act (1973) - This decision will not jeopardize the continued existence of any endangered, threatened, or proposed species or adversely modify existing or proposed critical habitat for any species. These findings are documented in the Forest Service Biological Assessment (PR#99).

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects will disproportionately impact minority or low-income populations. This decision complies with this Order. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations (EA page 3-26). Therefore, this decision is not expected to disproportionately impact minority or low-income populations.

Federal Land Policy and Management Act (FLPMA) of 1976 - Under this act permits, leases, and easements are granted for occupancy, use, or crossing of NFS lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act (EA pg 1-2).

Public Rangelands Improvement Act of 1978 (an amendment to FLPMA) - This Act requires livestock permittee involvement in the planning process. This decision is consistent with this Act (EA Chapter 1 and 2, PR# 101).

Forest Plan Consistency (National Forest Management Act) - This Act requires the development and implementation of long-range land and resource management plans (Forest Plans). The Prescott Forest Plan was approved on August 4, 1987, as required by this Act. This decision is consistent with the intent of the Forest Plan's long-term goals and objectives (EA -Table 2.5, PR# 105).

Floodplains Management (Executive Order 11988) - This Executive Order is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as "... the lowland and relatively flat area adjoining inland and coastal waters ... including at a minimum, that area subject to a one percent or greater chance of flooding in any one year." The identified floodplains near the project area on which occupancy may occur are in the Verde River Valley (Forest Plan FEIS, p. 102). Narrow floodplains occur along 3.4 miles of the Verde River in the project area. This decision will not impact the functional value of these floodplains (EA Chapter 3):

Multiple Use Sustained Yield Act of 1960 - This act directs management to utilize all the various renewable surface resources of National Forest in a harmonious and coordinated combination that will not impair the productivity of the land. I have determined that the activities and mitigation measures of Alternative 4 are in compliance with the provision of this Act (PR# 105).

National Environmental Policy Act (as amended) - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

#### Laws Governing Heritage Resources:

National Historic Preservation Act - Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.

The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands.

The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials through "in situ" preservation, but may encompass other actions to preserve these remains and items.

This decision complies with the cited Acts. Interested tribes were afforded the opportunity to comment and consult on the proposed project. Surveys have been conducted for Native American religious or cultural sites, archaeological sites, and historic properties on areas of the project (PR#94). The Forest Archaeologist will be consulted prior to any proposed or adaptive range improvement activity, and mitigation measures (usually avoidance) will be implemented so that there will be no effect to heritage resources (EA Chapter 3, PR#94).

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which population viability is a concern. Potential effects of this decision on sensitive species have been analyzed and documented. This decision will have no adverse impact on sensitive species (EA Chapter 3 – Wildlife, Fish Species; Wildlife and Fisheries specialist reports - PR#s95, 97).

Wetlands (Executive Order 11990) – This Executive Order is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction." This decision will not adversely affect wetlands since none exist where livestock grazing is proposed (EA Chapter 3).

Wild and Scenic Rivers Act (as amended) - This project will have no adverse effects to any Wild and Scenic River as the only portion potentially affected by the project is a small section of the Verde River (3.4 miles) eligible for designation as a "Recreation River". There will be no effects to the eligible river segment because livestock grazing along the Verde River is not proposed (EA Chapter 3, PR#90).

## Implementation Dates

If no appeal is filed, implementation may begin 5 business days from the close of the appeal filing period established in the notice of decision legal advertisement posted in the Prescott Arizona *Daily Courier*. If an appeal is filed, the project can be implemented beginning 15 business days following disposition of all appeals.

## Administrative Review or Appeal Opportunities

This decision is subject to appeal for administrative review by written notice pursuant to 36 CFR 215. Holders of livestock grazing permits may appeal this decision under 36 CFR 215 or 251 but not both. A written notice of appeal must be filed within 45 days, with the appeal period beginning the day after the day of publication of the Legal Notice in the Prescott Daily Courier. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. Written appeals must be submitted to:

**Appeal Deciding Officer**  
344 S. Cortez Street  
Prescott, Arizona 86303

Appeals may be faxed to the Appeal Deciding Officer at 928-443-8008. The office business hours for those submitting hand-delivered appeals are 8:00 AM to 4:30 PM, 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-prescott@fs.fed.us](mailto:appeals-southwestern-prescott@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. Please put the project name in the "subject" line.

In accordance with 36 CFR 215.14, the appeal must include:

1. Appellant's name and address, with a telephone number, if available;

2. Signature or other indication of authorship upon request;
3. When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
4. The name of the project for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed;
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees and explanation for the disagreement;
8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
9. How the appellant believes the decision specifically violates law, regulation, or policy.

## Contact

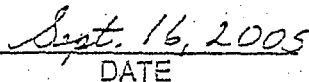
For further information concerning the decision or the Forest Service appeal process, contact,

Craig Steedman  
Verde Ranger District  
P. O. Box 670  
Camp Verde, AZ 86322  
Telephone: 928-567-4121

## Deciding Official

The Deciding Official is the District Ranger, Chino Valley Ranger District: Prescott National Forest:

  
LINDA L. JACKSON

  
DATE

Chino Valley District Ranger

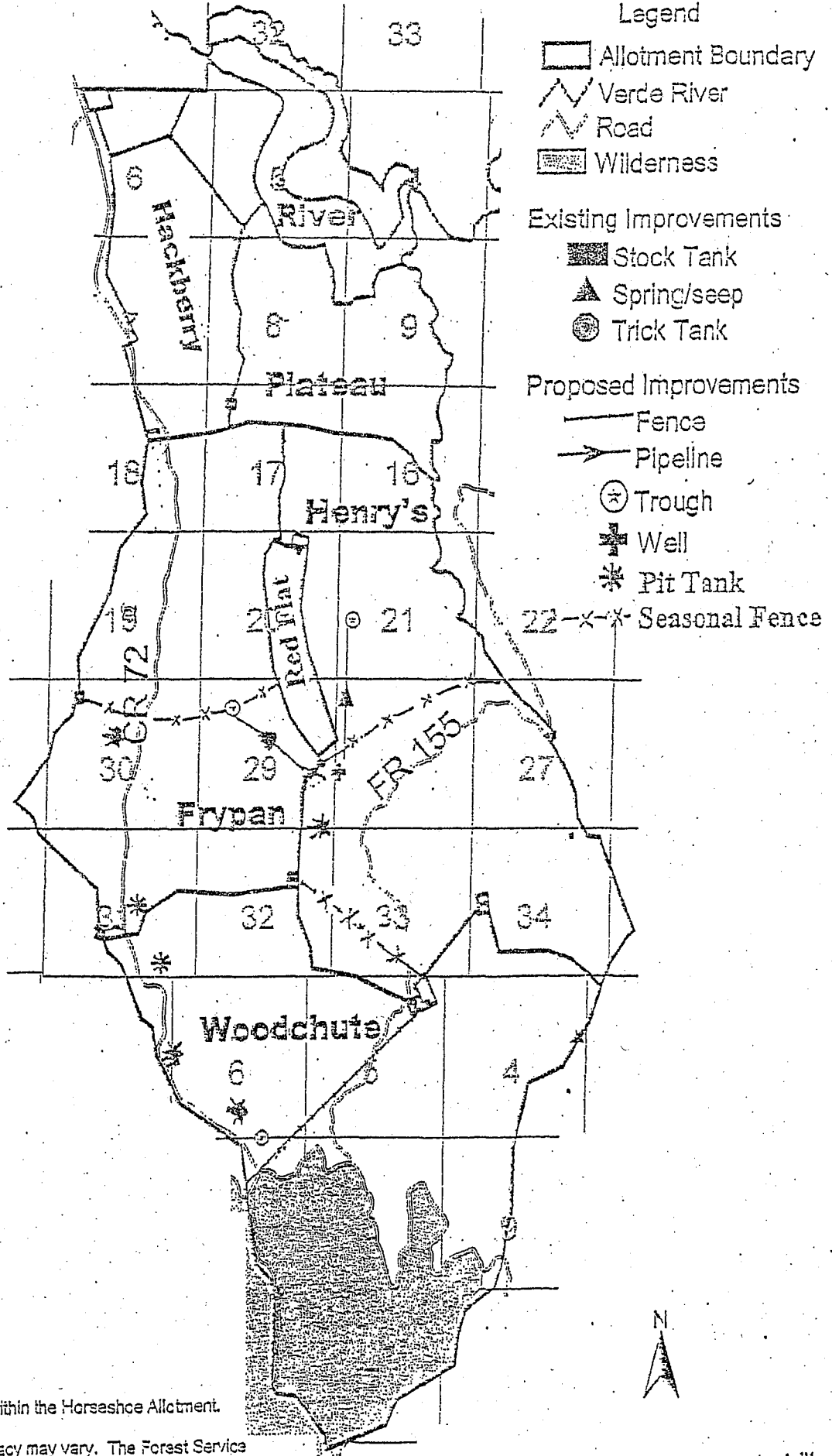
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Prescott National Forest  
 ALTERNATIVE 4 - MODIFIED PROPOSED ACTION

T17N

T16N



Purpose: To display selected features within the Horseshoe Allotment.

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