

# Final Decision Notice and Finding of No Significant Impact for the Kane Ranch Allotment Management Plan EA

North Kaibab Ranger District  
Kaibab National Forest  
Coconino and Mojave Counties, Arizona

## Background

The Kane Ranch Allotments currently consist of cattle grazing on the Central Winter, Central Summer, and Kane Allotments. These three allotments are commonly referred to as the *Kane Ranch Allotments*. A fourth allotment called the Kanab Creek Allotment would remain closed to livestock grazing. The Kane Ranch Allotments cover approximately 435,000 Forest Service acres within Geographic Area (GA) 12 - Western North Kaibab Woodland, GA 13 - Kaibab Plateau Forestland, and part of GA 16 - East North Kaibab Woodland. The project also includes Land Use Zones (LUZs) 20 and 21.

### Central Winter Allotment

The Central Winter Allotment consists of four active pastures and one pasture that is closed to grazing which include approximately 129,000 Forest Service acres on the west side of the North Kaibab Ranger District (Figure 1). The current allotment management plan authorizes 400 to 800 head of cattle (the latter number to be utilized when all available water sources are functioning) for a season of use from May 1 to June 30 in a rest rotation grazing system. One pasture is to be grazed for one month, and then livestock are to be moved to the next pasture for one month. The following year, the two different pastures are utilized in the same manner.

The elevations of the allotment vary from 6,000 feet to 7,400 feet. Primary vegetation types include pinion-juniper woodlands, great basin grassland, shrubland, and ponderosa pine. The 1996 Bridger Knoll Complex fire burned 54,000 acres of this allotment, resulting in increases in oak and New Mexico locust, as well as cheatgrass (*Bromus tectorum*) that has heavily infested parts of the allotment. There are no perennial streams on this allotment. An ephemeral lake containing riparian vegetation is located on the eastern edge of the allotment. There are over 10 springs that occur on this allotment, but are all in locations along the western edge that are inaccessible to livestock due to terrain.

Fickeisen pincushion cactus (*Pediocactus peeblesianus fickeisena*), a sensitive plant that is a candidate for endangered species listing, has potential habitat along the northern and western edges of the allotment. Grand Canyon rose (*Rosa stellata abyssa*) is a sensitive species that may occur along the western edge of the allotment. The allotment contains habitat for several sensitive and management indicator wildlife species including the northern goshawk (*Accipiter gentiles*) and Kaibab mule deer (*Odocoileus hemionus*).

### Central Summer Allotment

The Central Summer Allotment consists of two very large pastures for a total of 281,000 acres (Figure 2). This allotment spans the top of the North Kaibab plateau from the Jacob Lake vicinity to the National Park Service boundary. The current allotment management plan authorizes 400 head of cattle from June 1 to June 30 and then 800 head of cattle from July 1 to October 15 in a rest rotation grazing system where one pasture is grazed each year while the other is rested, and then alternates the following year.

The elevations of the allotment range from 6,200 to 8,800 feet. Primary vegetation types include ponderosa pine, mixed conifer, subalpine meadows, pinion-juniper, and shrubland communities. There are no listed (threatened or endangered) animal or plant species known to occur on the allotment, but there is suitable habitat for the Mexican spotted owl. Two sensitive plant species occur in subalpine

meadows near State Highway 67 and the Paradine plains cactus (*Pediocactus paradinei*) occurs on the eastern edge of the allotment. Several sensitive wildlife species occur on the allotment including the northern goshawk, the Kaibab squirrel, and the Kaibab least chipmunk.

One of the two perennial streams on the KNF occurs in the allotment, but the stream is located in an area within the Saddle Mountain Wilderness where livestock use is prohibited. Riparian vegetation and limestone sink natural lakes occur in several subalpine meadows across the allotment. Most of these locations have been fenced off to exclude livestock access. The remaining locations where ephemeral lakes are known to occur are in Pleasant Valley, Demotte Park, and locations near the southern end of the allotment where only incidental livestock use is allowed.

There are over thirty natural springs or seeps known to occur on the allotment. Over fifteen of the springs are inaccessible to livestock due to terrain. Approximately ten locations where livestock could access the springs and adjacent riparian vegetation have been fenced off to exclude livestock access. At least ten of these inaccessible or excluded springs have developed pipeline systems that provide water for public use, livestock, and/or wildlife use. Additional known and unknown seeps and springs are likely to occur across the allotment that may have no to minimal livestock access.

#### Kane Allotment

The Kane Allotment consists of two pastures for a total of 25,000 acres (Figures 1 and 2). The allotment is located on the eastern bench of the North Kaibab Ranger District with the Bureau of Land Management boundary as the eastern border. The current management plan authorizes 800 head of livestock from October 15 to October 31 in a rotation grazing system where one pasture is grazed each year while the other is rested. The elevations of the allotment range from 5,500 to 7,200 feet. Primary vegetation types include shrubland and pinion-juniper communities. No known listed species occur on the allotment. The only known sensitive species is Paradine plains cactus (*Pediocactus paradinei*). There are no perennial streams, springs, or riparian areas known to occur on the allotment.

#### Kanab Creek Allotment

There is a fourth Forest Service allotment that was associated with the Kane Ranch Allotments, the Kanab Creek Allotment. It is located within the Kanab Creek Wilderness, west side of Figure 1. The 2001 National Environmental Policy Act (NEPA) decision called for no grazing in the Kanab Creek Allotment. The Kanab Creek Allotment will remain closed to livestock grazing and no permit will be issued for this area. The continued closure of this allotment to livestock grazing is primary due to poor rangeland conditions and archeological site protection. Other reasons for continued closure include: riparian resource protection, remote wilderness values, lack of functioning range improvements needed for proper livestock management, noxious weed expansion, and difficulty of managing livestock in this rough remote desert area.

#### Location & Geographic Area Descriptions

The Kane Ranch Allotments are located in Coconino County, Arizona. The legal description of the allotments includes all or the majority of the sections within the following townships of the Gila and Salt River Baseline and Meridian: Township 34 North, Range 1 East to 3 East, Township 35 North, Range 2 West to 3 East, Township 36 North, Range 3 West to 4 East, Township 37 North, Range 3 West to 4 East, Township 38 North, Range 3 West to 3 East, and Township 39 North, Range 2 East to 3 East.

Geographic Area 12 (Western North Kaibab Woodland ~ 146,480 acres): GA 12 includes the northern and eastern sides of the North Kaibab as well as the west half of the woodland zone. Most of this area is dominated by woodland vegetative species and characterized by pinyon pine, cliffrose, and Utah juniper, with Gambel oak at higher elevations. The understory is mainly big sagebrush, snakeweed and rabbitbrush. Impacted range sites are dominated by blue gramma, but squirreltail, junegrass, Indian ricegrass, and mutton bluegrass are present on better sites. Elevations range from 5,200 feet to 6,800 feet.

Drainage systems are well-defined and flows are ephemeral. The annual precipitation ranges from 14 to 18 inches.

Geographic Area 13 (Kaibab Plateau Forestland ~ 268,719 acres): The area starts at the north end of the district and runs south to the Grand Canyon National Park North Rim boundary. It is part of an elevated plain dissected by numerous drainage systems. Ponderosa pine predominates in most of this management area, except at higher elevations and on cooler sites. Understory species include mutton bluegrass, blue grama, squirreltail, junegrass, *Carex* sp., and mountain muhly. Mixed conifer and spruce-fir vegetation cover a major portion of this area. Aspen is scattered throughout in pure stands and as a component of both the overstory and understory vegetation. In openings and thinned stands important forage producers are pine dropseed, mountain muhly, tall oatgrass, weeping brome, and smooth brome. The forb component includes yarrow, ragweed, columbine, sandwort and cinquefoil. In dense conifer stands, *Carex* sp. and the forb component is essentially the only understory vegetation. Elevations range from 7,000 feet to over 9,000 feet. Drainage systems are well-defined and flows are ephemeral. Annual precipitation ranges from 18 to 30 inches.

Geographic Area 16 (Eastern North Kaibab Woodland ~ 131,221 acres): GA 16 is located on the east side of the NKR. This management area includes the Buffalo Ranch and the extreme eastern side of the North Kaibab Ranger District. It includes portions of the Coyote Wash and Houserock-Marble watersheds. It is an elevated plain dissected by numerous well defined drainages. Water flows are ephemeral, except for several springs in the area. The majority of this area is dominated by woodland vegetation consisting largely of pinyon pine and Utah juniper. At higher elevations there are ponderosa pine stringers. The understory typically includes big sagebrush, snakeweed and rubber rabbitbrush. On rocky slopes, cliffrose is also common. Impacted range sites are dominated by blue grama although squirreltail, junegrass, Indian ricegrass and mutton bluegrass are present on the better sites. *Pediocactus paradinei*, is known to occur in this management area with other sensitive species occurrence possible. Elevations range from 5,200 feet to about 8,200 feet at Tater Point. Precipitation ranges from 14 to 18 inches per year.

LUZ 20 and 21 include the Franks Lake Geologic-Botanical Area (20) which is located within the subalpine and montane conifer forest near Highway 67. This area includes developed recreation sites (21) such as campgrounds, lodges, and gas stations.

The Kaibab Plateau experiences a bimodal precipitation with the majority of drainages flowing during spring snow melt and heavy monsoon storms. There are 246 livestock ponds, reservoirs, and natural waters within the Kane Ranch Allotments. (*see* Figure 1 – attached).

The Kaibab National Forest (KNF), North Kaibab Ranger District (NKR), has prepared a Final Environmental Assessment (EA) for the Kane Ranch Allotment Management Plan. The EA was prepared to evaluate whether or not to re-authorize or continue cattle grazing on the Central Winter, Central Summer, and Kane Allotments, which are already being utilized per the 2001 *Kane Ranch Allotment Decision Notice*. These three allotments are commonly referred to as the Kane Ranch Allotments. A fourth allotment called the Kanab Creek Allotment (which is located within the Kanab Creek Wilderness area) would remain closed to livestock grazing. The purpose of this project is to re-authorize cattle grazing on the Kane Ranch Allotments in a manner that is consistent with the goals, objectives, standards and guidelines of the *Kaibab National Forest Land Management Plan* (i.e., the “Forest Plan”) (USDA Forest Service, April 1988, as amended), as well as provide logical, flexible, and adaptive grazing rotations.

The Forest Service is required by federal law to consider the use of National Forest lands for grazing of livestock, 16 U.S.C. § 531 (MUSYA) and 16 U.S.C. § 1604(e)(1) (NFMA), and to develop AMPs "in careful and considered consultation, cooperation and coordination with the lessees, permittees, and landowners involved...." 43 U.S.C. § 1752(d) (Federal Land Policy and Management Act). The existing Kane Ranch Allotments were scheduled for an environmental analysis of grazing use on the Kaibab National Forest, as required by the Burns Amendment (Rescissions Act of 1995, Pub. L. No. 104-19, 109

Stat, 194; July 27, 1995). This analysis is required in order to ensure livestock grazing is consistent with goals, objectives, and standards and guidelines of the KNF Forest Plan (as amended), as well as any new laws, rule, or regulations, or policies, as applicable.

On October 1, 2011, the North Kaibab Ranger District of the Kaibab National Forest proposed to re-authorize yearlong cattle grazing on the Kane Ranch Allotments for 200 up to 1000 head of cattle, dependent upon the allotment and designated winter and summer allotment utilization rates, and grazing rest rotation and deferral system to control forage use by livestock.

Scoping, and public comment and stakeholder involvement are all discussed under “Public Involvement” below. The purpose of the environmental assessment was to analyze the effects of re-authorizing cattle grazing and to ensure the allotment is managed in a manner that maintains and/or moves the area toward Forest Plan objectives and desired conditions. Recent monitoring indicates rangeland conditions on the allotments are being maintained at Forest Plan Standards with the current cattle grazing management in place. However, there is a logistical challenge to management of the Kane Ranch allotments (435,000 acres) which are spread out across the NKRDR.

The Kane Ranch Allotment Management Plan EA project record is on-file and available for review at the North Kaibab Ranger District office, located at 430 South Main Street, Fredonia, Arizona, 86022. The project record contains supporting information and reference materials related to the EA NEPA Analysis and this Decision Notice and Finding of No Significant Impact.

## Decision

After considering information provided in the EA, comments received from the public and other entities, and internal input from an inter-disciplinary team (IDT) of Forest Service resource specialist, I have selected Alternative 1 (the Proposed Action) for the Central Winter Allotment, Central Summer, and Kane Allotments (i.e., the Kane Ranch Allotments). There is a fourth Forest Service allotment that is associated with the Kane Ranch Allotments, called Kanab Creek. The 2001 NEPA decision called for no grazing in the Kanab Creek Allotment, which will remain closed to livestock grazing and no permit will be issued for this area.

Alternative 1 (the Proposed Action) has many conditions associated with the re-authorization of cattle grazing on the Kane Ranch allotments/permits for another ten years. This re-authorization includes mitigation measures and monitoring as described under Alternative 1 - the Proposed Action. An Allotment Management Plan (AMP) and Annual Operating Instructions (AOI) will be developed to include the parameters as outlined under Alternative 1, including monitoring and adaptive management strategies. Alternative 1 or the proposed action would help facilitate range and grazing management of the Kane Ranch allotments through the use of adaptive management strategies, mitigation and monitoring, as well as additional control features, such as: three new holding pastures (*see* Figure 2 – attached), options for fencing along highway 67, twelve fence modifications to protect natural lakes and riparian areas, 20 spring improvement projects, and an option for up to 30 research monitoring plots. (For complete listing see Proposed Action and Alternatives; EA, Alternative 1 – Proposed Action, pp. 12-21, hereby incorporated by reference).

Alternative 1 was developed by the KNF and the grazing permittee to meet the purpose and need of this project; this alternative was then further refined by meeting informally with stakeholders. Additionally, alternative 1 meets the intent of management of the Kane Ranch Allotments through the following:

- 1) The re-authorization of cattle grazing on the Kane Ranch Allotments is in a manner that is consistent with the goals, objectives, standards and guidelines of the 1988 Forest Land Management Plan/Forest Plan, as amended;
- 2) The re-authorization of cattle grazing on the Kane Ranch Allotments will help ensure the maintenance and/or improvement of vegetation and soil conditions that provide for ecosystem stability while allowing livestock grazing to occur on the allotments; and

- 3) The re-authorization of cattle grazing on the Kane Ranch Allotments will help meet goals and objectives as expressed in the Kane and Two Mile Research and Stewardship Partnership.

A term grazing permit will be issued to authorize cattle grazing on the Central Summer and Kane Allotments for a range of 600 to 1,000 head of livestock from May 15 to November 30. Upon implementation of the new Allotment Management Plan, the initial stocking would be 600 head of livestock. Once post-implementation monitoring has occurred and indicated static or increasing vegetative conditions (over a 2-5 year period), the permittee would have the option to increase livestock numbers to the upper limit of 1,000 head. In terms of the amount of vegetation, the average cow could consume for this season of use, the proposed range of numbers would reflect up to 3,900 to 6,500 Animal Unit Months (AUM's).

While the proposed range of 600 to 1,000 head of livestock represents the lower and upper limits of permitted grazing, numbers can drop to as low as zero head and/or a reduced season of use if conditions require such an action. Possible rationale for dropping below 600 includes prolonged drought, large wildfires, or declining vegetative conditions.

A 30-40 percent conservative utilization rate would be used throughout these allotments. This amount of use follows the guidance of the Forest Plan, as amended. This percent utilization rate reflects the proportion of current year's herbaceous vegetation that is consumed or destroyed by all animals (including wildlife species and insects) compared to the amount produced during the year. The grazing system would be a rest rotation system where each pasture would typically receive rest every other year. The majority of livestock use would occur on the two western Central Summer Allotment pastures with the eastern Central Summer and Kane Allotment pastures serving as spring and fall transitional use.

Range managers (with input from various stakeholders, such as Arizona Game and Fish Department) will adjust the timing, duration, and frequency of livestock grazing in areas that are identified with declining conditions via the Annual Operating Instructions.

Alternative 1 will utilize an adaptive management process to provide flexibility for managing livestock. Adaptive management allows the Forest Service to adjust the timing, period and occurrence of grazing, movement of livestock within the allotment, and livestock numbers. If adjustments are needed, they are implemented through the Annual Operating Instructions, which will adjust numbers so livestock use is consistent with the amount of available forage. An example of a situation that would invoke adaptive management adjustments is drought.

Adaptive management is designed to provide sufficient flexibility to adapt management to changing circumstances. If monitoring indicates that desired conditions are not being achieved, management will be modified in cooperation with the permittee. Changes may include administrative decisions such as the specific number of livestock authorized annually, specific dates of grazing, class of animal or modifications in grazing area rotations.

## **Decision Rationale**

I selected Alternative 1 because it best meets the project's purpose and need by managing this allotment in a manner that maintains and/or moves the area toward Forest Plan objectives and desired conditions. Selecting Alternative 1 allows utilization of the Kane Ranch Allotments (i.e., the Central Winter Allotment, Central Summer, and Kane Allotments) and ensures that the allotment is managed in a manner that maintains and/or moves the area toward Forest Plan objectives and desired conditions by integrating the following:

- Rangeland condition is a comparison of existing vegetation and soil conditions to either the potential natural community or desired plant community. Rangeland management status is considered to be in satisfactory condition when the existing vegetation community is similar to the desired condition, or short-term objectives are being achieved to move the rangeland toward desired conditions where livestock grazing occurs.

- Condition and trend monitoring determines the effectiveness of the allotment management plan, and long-term range and watershed trends. Contributing information to the condition and trend monitoring are rangeland utilization, soil and riparian condition, forage production, range readiness, and climate. Refer to the EA, Chapter 3, “Climate Change Consideration, Soils, Watershed, Range Management, and Vegetation” sections and Chapter 4, “Monitoring”.
- A consistence check with the current Forest Plan indicated standards applicable to rangeland condition (*see* EA, p. 5 and Project Record). This project is consistent with the direction listed in the Forest-wide standards and guidelines, and in the standards and guidelines for Land Management Planning Areas, otherwise referred to as Geographic Areas (GAs) (Forest Plan – pp. 38-48, pp. 62-87, and pp. 97-104), which encompasses the Kane Ranch Allotments.
- Alternative 1 will maintain or improve soil and vegetation conditions as it relates to livestock grazing. Rangeland condition and trend is expected to remain static or improve, except on steep slopes or where dense pinyon and juniper trees limit improvement potential. Even if livestock grazing were removed, the vegetative trend in these areas will not improve because the trend is tied to tree density and encroachment. This decision is not authorizing any actions to reduce tree density and encroachment.

### **Other Factors in My Decision**

As part of selecting Alternative 1, I am incorporating the following key components in the EA as part of my decision (*see* Chapters 2 and 4):

- Design Features
- Mitigation Measures
- Monitoring

### **Design Features**

The Forest Service will apply the following design features to this alternative:

**Allotment Management Plan (AMP):** A plan cooperatively developed by the range permittee and Forest Service that lists management practices, cattle numbers, improvement needs, salting practices, and administrative policies.

**Annual Operating Instructions (AOI):** A set of instructions cooperatively developed by the Forest Service and range permittee on an annual basis that explains the specific pastures to be used and adjustments to the allotment management plan for the current year.

The AOI make adjustments to livestock numbers and time and duration of pasture use based on current and anticipated range conditions. Annual operating instructions may be adjusted throughout the grazing season as conditions change. Livestock numbers may vary annually, but would not exceed the maximum number set in this decision. The annual minimum livestock number is zero.

The AOIs may be changed to reflect new information based on applicable studies and/or field observations. If changes are suggested that fall outside the parameters of the decision resulting from this EA, they would be subject to NEPA analysis and a decision by the responsible official. The Forest Service would make the determination whether or not to undertake a new NEPA analysis at the time the recommendation is brought forward.

**Monitoring:** Permittee and permit compliance; allotment inspections; range readiness; forage production; rangeland utilization; condition and trend; precipitation; noxious weeds; threatened and endangered species; and soil condition would be monitored for all action alternatives. Long-term condition and trend monitoring would be the standard for monitoring the effects of livestock use.

**Utilization:** The definitions of utilization and seasonal utilization are adopted from protocols developed by the Society of Rangeland Management and the Region 3 Regional Forester (Smith et al. 2005).

If monitoring shows maximum utilization rates are exceeded the grazing schedule and/or permitted numbers would be adjusted the following year to better match forage conditions. If utilization rates continue to exceed the established guideline the grazing management system would be altered to ensure that utilization is within the desired limit.

**Fencing:** Newly constructed and reconstructed fencing would have a smooth bottom wire 18-inches above the soil surface and a top wire no higher than 42-inches to facilitate wildlife passage. Big game jumps and goat bars (PVC pipes placed on the bottom two strands of fence wire and on the top strand at a crossing point) would be installed along new fences or along existing fences on game trails and known migration corridors as volunteers and funding are available. As fence inventories are completed, those fences that are complete barriers to wildlife would be modified. Fences deemed unnecessary by both the grazing permittee and the Forest Service would be removed as opportunities (e.g., funding) become available. Fencing guidelines from both the Arizona Game and Fish Department, and Arizona Department of Transportation will be reviewed and evaluated for wildlife friendly fencing design standards, which may be applicable.

**Best Management Practices for Livestock Grazing:** The following grazing practices were selected for the Allotments through the integrated resource management process and would also apply to each action alternative:

- *Pastures are alternately rested and grazed in a planned sequence.* Livestock rotate in a planned grazing system that alternates rest and grazed periods throughout a given year and from year to year. A deferred rest rotation grazing system meets this practice.
- *Grazing at a level that would maintain enough cover to protect soils and maintain or improve the quantity and quality of desired vegetation.* This practice would be applied through the utilization guidelines for all action alternatives.

### **Mitigation Measures**

The Forest Service would apply the following mitigation measures to any action alternative to minimize and reduce potential impacts from proposed activities.

#### **Noxious and Invasive Exotic Weeds**

- A noxious and invasive weed assessment/inventory was completed for this analysis. Noxious and invasive weeds located within the allotment would be treated as necessary. The grazing permittee and Forest Service would coordinate weed inventory and treatment activities with responsibilities identified through the AOI. The design features, best management practices, and mitigation measures in Appendix B of the Three Forest Integrated Treatment of Noxious or Invasive Weeds Environmental Impact Statement will be implemented (USDA Forest Service 2005).
- Minimizing soil disturbance to the extent practical.
- Removing mud, dirt, and plant parts from equipment before moving it into the area. This practice does not apply to vehicles traveling frequently in and out of the project area that will remain on a clean roadway.
- Prohibiting work in areas that have large infestations of weeds until the weeds are controlled.
- Controlling the weeds means at least removing all above ground plant parts and seeds that could be spread by project activities. Clean all equipment before leaving the infested project site. Seeds and plant parts need to be collected when practical and incinerated (or bagged and solarized before sending to a landfill).
- Including weed prevention practices in the allotment management plan and the annual operating instructions.

#### **Soils and Microphytic Soil Crusts**

- Work on all projects (stock tanks, pipelines, trick tanks, fences, power line, roads, etc.) may only be conducted when soils are dry enough to support heavy equipment without creating compaction, ruts, or erosion.

- Microphytic (cryptogamic) soil crusts may exist on the Kane Ranch Allotments at lower elevations, primarily on soils that contain a high proportion of sand. Livestock can trample microphytic crusts when they trail through the area. To mitigate the potential negative affect to microphytic soils from livestock, salting would not be allowed on soil types within TES Units that contain a high proportion of sand and are readily accessible to livestock grazing.

### **Sensitive Plant Species**

Sensitive plant surveys would be completed in suitable habitat before construction of new range improvements. Surveys will not be necessary if the construction will occur in an area that is already disturbed, such as existing roads and ditches or existing earthen tanks. If sensitive plant species are located, coordination with a wildlife biologist or botanist would occur to mitigate impacts as needed (i.e. flagging specific plants and adjusting the location of the improvement).

### **Recreation and Visual Resources**

- Newly constructed features will be designed to meet the scenic integrity level requirements. Materials, colors, and textures will be selected so that the structure is not evident to the casual observer (i.e. materials for corrals and trick tank will be matte finish and blend with the vegetation, if possible made of wood or other natural material; the design of roadside tanks will take implement a low-profile design)
- Water developments will be avoided in the foreground (0 - 1,320' from the highway shoulder) of the Highway 89 corridor and will be designed to blend into natural contours or landforms wherever possible and will utilize the low-profile design. Scenery and Recreation Mangers will be consulted for the placement and design of the roadside earthen tanks.
- Access clearing along fence lines will not exceed 15 feet and is restricted primarily to one side of the fence line.
- When performing maintenance on existing range and wildlife improvements, take measures to reduce or minimize negative or unnatural appearing features whenever possible. Consult with Scenery and Recreation Managers prior to maintenance and/or placement of any additional trick tanks on allotments or within existing pastures.

### **Heritage Resources**

Proposed activities associated with allotment improvements will be evaluated and managed to avoid adversely effecting cultural resource in accordance to Appendix H Standard Consultation Protocol for Range Land Management, of the Region 3 First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities among New Mexico, Arizona, Texas, Oklahoma and the Advisory Council on Historic Preservation. Prior to the implementation of structural improvements project managers must contact the forest archaeologist. Forest archaeologists will evaluate the improvements and develop appropriate protective measures pursuant Appendix H of the Region 3, First Amended Programmatic Agreement (USDA 2007). The Kaibab will also continue to consult with the Arizona State Historic Preservation Office and appropriate tribes to ensure that the activities will have a minimal effect on heritage resources.

### **Monitoring**

Monitoring would occur and the frequency varies by each activity and funding, and may be accomplished by either the permittee and/or Forest Service personnel, or third-party involvement in accordance with monitoring standards and protocols. Monitoring is adaptive, and as improved methods are developed these new methods would be considered.

**Implementation Monitoring:** Within key areas of these allotments, annual monitoring would be conducted, which may include, but is not limited to evaluating grazing intensity during the season, and utilization at the end of the growing season in order to practice adaptive management and make necessary management changes needed for plant development and plant recovery from the grazing event. Managing for plant development and recovery would provide for increased ground cover and potential changes in



species composition. Example methods for implementation monitoring may include, but is not limited to, permit compliance, allotment inspections, range readiness, forage production, rangeland utilization, comparative yield, grazed plant count, paired plot clipping and weighing.

**Effectiveness Monitoring:** Long term condition and trend monitoring would be used to assess the effectiveness of management in achieving desired objectives. This monitoring may include, but is not limited to measurements to track upland vegetative conditions and soil condition towards achievement of the objectives. Example methods for effectiveness monitoring may include, but are not limited to, condition and trend, invasive species, soil and watershed conditions, dry weight rank, pace transects, pace quadrat frequency, ground cover, and repeat photography. Monitoring would occur on historic benchmarks, which correspond with key areas. Depending upon the method selected monitoring should occur at an interval of at least every 5-10 years in key areas.

**Permit Compliance:** Throughout each grazing season Forest Service personnel would monitor to determine accomplishments of the permit terms and conditions, the AMP, and the AOI.

**Allotment Inspections:** Allotment inspections are a written summary documenting compliance monitoring to provide an overall history of that year's grazing. This document may include weather history, the year's success, problems, improvement suggestions for the future, and a monitoring summary.

**Range Readiness:** Forest Service personnel and/or the grazing permittee would assess range readiness prior to cattle coming onto spring pastures to determine if vegetative conditions are ready for cattle grazing. The range is generally ready for grazing when cool season grasses and shrubs are leafed out and forbs are in bloom. These characteristics indicate the growing season has progressed far enough to replenish root reserves so that grazing would not seriously impact these forage plants.

**Rangeland Utilization:** Long-term condition and trend monitoring is the primary standard for monitoring of this grazing management system. Utilization is used as a tool to understand and achieve the goals of long-term management. Utilization guidelines are intended to indicate a level of use or desired stocking rates to be achieved over a period of years.

The definition of utilization and seasonal utilization is adapted from standard protocols established by the Society of Rangeland Management and the new guidelines established by Region 3 Regional Forester (Smith et al. 2005). The following definitions and procedures for utilization were taken and adapted to fit this project.

Utilization is the proportion or degree of current year's forage production that is consumed or destroyed by animals (including insects). It is a comparison of the amount of herbage left compared with the amount of herbage produced during the year. Utilization is measured at the end of the growing season when the total annual production can be accounted for and the effects of grazing in the whole management unit can be assessed. Utilization guidelines are intended to indicate a level of use or desired stocking rate to be achieved over a period of years.

Utilization measurements (ocular and/or actual measure) would be taken in key areas which would reflect grazing effects within the allotment. Utilization guidelines are not intended as inflexible limits. Utilization measurements can indicate the need for management changes prior to this need being identified through long term monitoring. Utilization data would not be used alone, but would be used along with climate and condition/trend data, to set stocking levels and pasture rotations for future years.

Cattle would move when seasonal utilization in a pasture approaches a conservative level, with a conservative seasonal utilization of approximately 30-40 percent. This is an approximate value because it takes into account any additional growth which might occur later that year and considers season of use, wildlife use, weather conditions, availability of forage, and water in pastures. This utilization level leaves residual cover for wildlife and soils and provides for long term health of the grazed plants.

If monitoring shows utilization rates exceed the utilization guideline in a given year, the grazing schedule and/or permitted numbers would be adjusted the following year so utilization guidelines are not exceeded

again. If utilization is exceeded after these adjustments are made, then the grazing management system would be changed to ensure this does not happen in the future.

**Condition and Trend:** Watershed and vegetative condition and trend monitoring would determine the effectiveness of the allotment management plan, and long-term range and watershed trends.

Parker Three-Step and paced transect monitoring points were established throughout the allotment in 1953. Transect data from these monitoring points is the best historic records of range condition and trend available. The photo points and vegetative ground cover data show how the site has changed over time. One-tenth acre canopy cover plots and pace-frequency transects were established on top of the Parker Three-Step transects in 2010 to supplement this historic data.

Frequency and ground cover data were collected using the widely accepted plant frequency method (Ruyle 1997). These plots monitor trends in species abundance, composition, and ground cover. This would provide information on plant composition and additional information on plant community dynamics.

**Precipitation:** Precipitation is currently recorded at Fredonia and Jacob Lake. Precipitation data may be recorded within or near the allotment for more localized information. Precipitation data may be recorded throughout the year and summarized in the annual inspection. This data assists managers with forage utilization and production data collection.

**Noxious Weeds:** Noxious and invasive weeds located within the allotment would be treated as necessary. The grazing permittee and Forest Service would coordinate weed inventory and treatment activities with responsibilities identified through the AOI. The design features, best management practices, and mitigation measures in Appendix B of the Three Forest Integrated Treatment of Noxious or Invasive Weeds Environmental Impact Statement will be implemented (USDA Forest Service 2005).

**Soil and Watershed Condition:** The current and proposed cattle grazing system incorporates best management practices (BMP) and grazing practices and constitutes compliance with Arizona State and Federal Water Quality Standards. Arizona Department of Water Quality (ADEQ) would continue to monitor water quality in the area.

Watershed condition can be assessed using information from the monitoring schemes above. Monitoring of plant abundance, ground cover, species diversity, and estimates of overall soil condition (using the methods described throughout this monitoring section) would indicate whether or not management practices are effectively meeting management goals. Trends toward improvements in species abundance and diversity should indicate that management practices are effectively improving soil condition and, by inference, maintaining or improving downstream water quality and complying with water quality standards. Conversely, decreases in plant abundance and species diversity may indicate that management practices are not effective and need to be changed. Environmental factors, especially precipitation, would be considered when evaluating monitoring results. If plant cover, litter cover, and/or soil condition decline, changes would be made to the livestock numbers, grazing period, grazing time, or pasture rotation.

Monitoring would be conducted during and after the pipeline construction to insure little erosion and water channeling. If erosion or water channeling is discovered, more effective erosion control and drainage control/diversion structures would be installed.

### **Other Alternatives Considered**

Federal agencies are required by NEPA to explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the Proposed Action can provide suggestions for alternative methods of achieving the purpose and need.

### **Reduction in Cattle Number and Utilization Alternative**

During scoping for the EA for Kane Ranch Allotments, an alternative was considered that would have reduced cattle and utilization guidelines from 600-1000 to 400 head (Central Summer Allotment) and from 30-40 to 20 percent utilization. A recent literature review by Milchunas (2006) showed that several grazing intensity guidelines have been proposed for pinyon-juniper communities. Based on the literature review by Milchunas (2006) and recommendations from Holechek (1988) it has been determined that reducing cattle numbers and/or the utilization guideline will result in little difference to the areas that are being affected by cattle. Adaptive management will be the tool by which livestock numbers will be reduced based on future allotment conditions if it appears that areas are experiencing a downward trend.

Recent case law has established that consideration of alternatives which lead to similar results is not sufficient to meet the intent of NEPA [Citizens for Environmental Quality v. United States, 731 F. Supp. 970, 989, (D. Colo. 1989); State of California v. Block, 690 F.2d 753 (9th Cir. 1982)]. Because a reduced cattle number/utilization alternative would result in similar environmental effects as that of the Proposed Action, it was eliminated from further analysis.

### **Alternative 2 – Current Action**

The Forest Service Grazing Permit Administration Handbook (FSH 2209.13) states that current management should be analyzed in detail as an alternative to the proposed action (Chapter 92.31).

This alternative would continue the current allotment management plan as developed from alternative six of the 2001 Kane Ranch EA and Decision Notice.

The Central Winter Allotment would be authorized for a season of use from May 1 to a July 14 for 800 head. As per the decision notice livestock numbers are to be limited to 400 until specified work is completed on water developments, fences, and corrals. The four pastures (Slide, Ranger Pass, Little Mountain, and Sowats) would be utilized in a rest rotation system where each pasture is to be grazed for one month, followed by a second pasture to be utilized for the next month. The remaining pastures would be utilized the following year in the same fashion. Up to three pastures can be utilized in one year if monitoring determines that the one month duration in any pasture needs to be shortened. Repairing and/or replacing structures on the allotment that were identified in the 2001 Kane Ranch EA Decision Notice including the Little Mountain Pipeline system would be ongoing.

The Central Summer Allotment would be authorized for 400 head from June 1 until June 30 and then 800 head from July 1 to October 29. Central Summer consists of the North (108,000 acres) and South (179,000) Pastures and would be grazed in a rest system where one pasture is grazed one year and then rested the following year. With the exception of North Canyon, livestock are able to access the remaining areas of the pasture all season long.

The Kane Allotment would be authorized from October 16 to November 12 for 800 head. Like the Central Summer Allotment the North and South Kane pastures alternate each year.

The utilization rate across the allotments would be set at twenty percent, but up to fifteen of the key areas may exceed the twenty percent. The high elevation meadows within Central Summer may be utilized up to 30 percent as long as the average for each pasture is no more than twenty percent.

Utilization levels would be used in determining when livestock will move to the next pasture in the rotation, in addition to other factors such as weather patterns, likelihood of plant regrowth, and previous years' utilization. The area would not be grazed again during the same growing season.

Alternative 2 would require the grazing permittee to maintain existing range improvements assigned to the Kane Ranch Allotments. This includes earthen water tanks, which provide water to livestock and wildlife.

Rangeland monitoring would continue to occur on the allotment, and may include permittee and permit compliance, range readiness, forage production, rangeland utilization, long-term condition and trend,

noxious weeds, threatened and endangered species, and soil condition.

Alternative 2 meets the purpose and need for action but was not selected because it would not authorize grazing improvements as detailed under the Propose Action, including, additional fencing, water feature improvement and the use of test plots. Since Alternative 2 had less improvements to offer with regards to range management options, I did not chose this alternative.

### **Alternative 3 – No Grazing**

The Forest Service requires that a “No Action” (i.e. “no grazing”) alternative be analyzed in detail (FSM 2209.13, 92.31). This alternative would discontinue livestock grazing on Central Winter, Central Summer, and Kane Allotments. This alternative was analyzed.

Alternative 3 would not authorize livestock grazing on the Kane Ranch Allotments. This alternative does not preclude livestock grazing on this allotment in the future following a separate analysis and a decision made by the Responsible Official to resume livestock grazing. Under this alternative, existing range improvements (e.g., earthen water tanks) would require a separate analysis and coordination with other agencies to determine whether or not to maintain or remove these structures.

Alternative 3 meets the purpose and need of maintaining and/or improving vegetation and soil conditions because it eliminates the impacts of livestock grazing on vegetation and soils. However, cattle grazing is a legitimate permitted use of National Forest System lands and the environmental analysis demonstrates that it can be managed on this allotment along with other resources (i.e. wildlife, vegetation, soils, water quality). Does Alternative 3 reflect the best management under the Forest Service’s directives for multiple use and the sustainment towards health, diversity and productivity of the KNF? As a decision maker, I feel it does not. Thus, I did not select Alternative 3 (no grazing), because I did not see it as a “reasonable” alternative with regards to implementation over the course of the next ten years.

### **Public Involvement**

This project was first listed in the Kaibab National Forest Schedule of Proposed Actions (SOPA) in October 2011. Seven Native American tribes have been consulted on this project (please refer to Tribal Consultation Summary in Chapter 5 of this document). The Grand Canyon Trust, the grazing permittee, has been involved early on in the development of this project. Meetings also occurred with the Arizona Game and Fish (AGFD), the Town of Fredonia, Arizona, and at the Fredonia Natural Resource Conservation District office.

The “Scoping of Proposed Action” for the Kane Ranch Allotment Management Plan was initiated on July 8, 2012, with a legal notice published in the Arizona Daily Sun, Flagstaff, Arizona newspaper. On July 10, 2012, a description of the Proposed Action was mailed to individuals and organizations who have expressed interest in similar past projects or who were otherwise determined to be affected (adjacent landowners, interest groups, and agencies). Fifteen different groups or individuals commented on the proposed action.

#### **Changes in Public Participation and the NEPA Review Process:**

The original July 2012 scoping legal notice stated that the project is subject to the appeal procedures set out at 36 CFR part 215. However, on March 27, 2013, the USDA Forest Service published the Final Rule for 36 CFR part 218 “Project-Level Predecisional Administrative Review Process” in the Federal Register, which was effective at said time of publication. The Kane Ranch Allotment Management Plan is an activity implementing a land management plan and not authorized under the Health Forest Restoration Act of 2003, and is subject to 36 CFR 218 Subparts A and B; therefore the project will be subject to the new rule / objection process (i.e., Final Rule for 36 CFR part 218).

A Preliminary or Draft EA was prepared and a legal notice of opportunity to comment was published in the Arizona Daily Sun (the newspaper of record) on June 9, 2013. The official comment period ended on July 10, 2013. Seven comment letters were received in response to the EA [*see* Appendix A-2 to EA];

they have been analyzed for content and it was determined that no significant issues were brought up. The Forest Service's team of resource specialists reviewed/considered the comments received, and responses were recorded as part of this Final EA; *see* Appendix A-1, "Consideration of Public Comments."

In accordance with 36 CFR part 218 "Project-Level Predecisional Administrative Review Process" a legal notice for "Opportunity to Object the Final Environmental Assessment, Finding of No Significant Impact (FONSI), and Draft Decision Notice (DN) for the Kane Ranch Allotment Management Plan" was published in the *Arizona Daily Sun* (Flagstaff, Arizona), the newspaper of record on September 21, 2013. This was followed by a forty-five (45) day objection-review period, in which the Forest Service received no objections and/or comments. Therefore, since no objections were received/filed and in accordance with 40 CFR part 1506.10 and 36 CFR part 218, implementation may occur five (5) business days following the end of the objection/opportunity to object period. No legal notice is necessary and/or will be printed, and this "Final" Decision Notice/FONSI may be implemented as of the date of signature, pending completion of a new Allotment Management Plan and Annual Operating Instruction.

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## Finding of No Significant Impact

After considering the environmental effects described in the EA for Alternative 1, 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 context of this action is limited in nature. The allotments are remote to most Forest visitors and they are not heavily used by the public. Environmental effects are limited to resources contained within the allotment boundaries and/or watershed area and have little influence upon regional or state resources.

### Intensity:

- 1) Both beneficial and adverse effects have been considered in my decision. Benefits include maintaining and/or improving soil and vegetation condition trends. I also recognize that Alternative 3 will result in some adverse effects (*see* EA, Chapter 3); however these adverse effects are short-term in nature (less than one year) and will not impair long-term productivity (*see* EA, Chapter 3) and as thus, are not considered significant. Additionally, there are no irreversible or irretrievable commitments of resources associated with this project. The adaptive management process allows for continual adjustments within the parameters of the proposed actions of Alternative 1, and therefore there are no irreversible or irretrievable commitments of resources which have negative or adverse effects.
- 2) There will be no significant effects on public health and safety. Dust can be generated by cattle when they are herded and transported, however these are isolated, short duration instances that do not result in a measurable effect to air quality. Dust generated from cattle grazing is not a regulated activity. There is little interaction between cattle and people due to the low level of dispersed recreation that occurs in this area. Fences and cattle guards are interspersed across the landscape, and with proposed the proposed state highway 67 right-of-way fence, the risk of grazing in these areas (be it short term in duration during the year) will pose less risk to public health and safety as discussed in the EA and response to comments (EA, p. 13; EA – Appendix A-1, p. 156, Comment and Response L5-C8).
- 3) There will be no significant effect on wild and scenic rivers, research natural areas, designated wilderness areas, inventoried roadless areas, or designated parklands or prime farmlands since most all these types of areas do not exist within the Kane Ranch Allotment. The permittee will be required to follow current Travel Management Plan designated transportation system/routes, unless

otherwise allowed or designated by the permit holders permit, for all allotment area permits within the Kane Ranch Allotments (EA, pp. 36 and 88).

- 4) Case Law interpretations have helped to describe controversy in the context of NEPA: *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, (9th Cir. 1998); *Town of Cave Creek, Arizona v. Federal Aviation Admin. And Dept. of Transportation*, 325 F.3d 320 (DC Cir. 2003); *Found. For N. Am. Wild Cattle v. U.S. Dept of Agric.*, 681 F.2d 1172, 1182 (9th Cir. 1982). The effects on the quality of the human environment are not highly controversial, because there is no substantial dispute existing as to the size, nature or effects of Alternative 3. For this project, we considered and reviewed numerous publications and research in support of and in opposition to our conclusions about effects to soils, water quality, wetlands, vegetation, and wildlife. We also integrated studies, monitoring results, and published research findings to support our analysis. The degree of public interest and number of respondents to scoping and the EA was very low and no significant issues were brought up (*see* Project Record and Appendix A-1 and A-2; “Consideration of Public Comments” and “Public Comments Received.”). Controversy in this context applies to determining if an EA or EIS is the appropriate analysis, rather than the mere existence of opposition to a use.
- 5) The Forest Service and NKRD has ample experience with implementing the proposed activities (authorization of cattle grazing, range structural improvements, adaptive livestock management, and resource monitoring). The environmental effects analysis demonstrates that the effects are not uncertain, and do not involve unique or unknown risk (*see* EA, Chapter 3).
- 6) The action is not likely to establish a precedent for future actions with significant effects, because this is a site-specific decision for deciding whether or not to authorize cattle grazing within the project area and in what manner. This decision applies only to National Forest System lands. The cumulative impacts that could also affect the understory conditions across the Central Winter, Central Summer, and Kane Allotments over the next ten years in the three alternatives include climate change, wildfires, invasives species, and travel management. Cumulative effects are disclosed in the EA (Chapter 3, pp. 78-80). Throughout the analysis, there were no cumulative effects determined to be significant.
- 7) The State Historic Preservation Office has reviewed this project and agreed that the project will have no adverse effects on heritage resources eligible for listing on the National Register of Historic Places. Activities associated with structural improvements will be managed to comply with the final Irishman Dam Allotment Management Plan Cultural Resource Compliance Report (*see* Project Record) and, thus ensure no adverse effects to significant cultural or historical resources.
- 8) The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (*see* EA, Chapter 3).
- 10) This action does not threaten to violate Federal, State, or local law or requirements designated for the protection of the environment. Applicable laws and regulations were reviewed and considered in the EA and are summarized hereafter.

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

The planning and decision-making process for this project was conducted in accordance with all applicable laws, regulations, policies and plans. Shown below is a partial list of Federal laws and executive orders pertaining to project-specific planning and environmental analysis on Federal lands. This project is consistent with the following:

- Congressional intent to allow grazing on suitable lands (Multiple Use-Sustained Yield Act of 1960, Forest and Rangeland Renewable Resources Planning Act of 1974, Federal Land Policy and Management Act of 1976, National Forest Management Act of 1976).
- Forest Service policy on rangeland management (FSM 2202.1, FSM 2203.1, FSH 2209.13).

- Federal regulation (36 CFR 222.2 (c)) which states that National Forest System lands will be allocated for livestock grazing and allotment management plans (AMP) will be prepared consistent with land management plans.
- Authorization of livestock grazing permits for a 10-year period is required by law (FLPMA Sec. 402 (a) & (b) (3) and 36 CFR 222.3), unless there is pending disposal, or it will be devoted to other uses prior to the end of 10 years, or it will be in the best interest of sound land management to specify a shorter term.

***Clean Air Act of 1970:*** Livestock grazing is not anticipated to cause disproportionate adverse human health or environmental effects to air quality (*see* “Air Quality” in Chapter 3 of the EA).

***Clean Water Act of 1948, as amended:*** This project complies with Arizona State laws regarding natural resource protection, including but not limited to water quality (*see* Project Record).

***Multiple Use-Sustained Yield Act of 1960:*** This project is consistent with applicable Kaibab National Forest Plan standards and guidelines (*see* Project Record).

***National Historic Preservation Act (NHPA) of 1966, as amended:*** A Heritage Resources compliance report is finalized for the permit and consultation with the Arizona State Historic Preservation Office (SHPO) and Native American Tribes for the permit renewal has been completed.

***National Environmental Policy Act (NEPA) of 1969, as amended:*** The effects of the Proposed Action and alternatives have been analyzed and are disclosed in a document available for public review and input.

***Endangered Species Act (ESA) of 1973, as amended:*** The analysis and disclosure of effects to endangered, threatened, and proposed species is complete. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under this Act (*see* EA, Chapter 3).

***Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974, as amended:*** This project is consistent with applicable Kaibab National Forest Plan standards and guidelines (*see* Project Record).

***National Forest Management Act (NFMA) of 1976, as amended:*** This project complies with the Kaibab National Forest Plan and associated amendments (*see* Project Record). This project incorporates all applicable Forest Plan forest wide standards and guidelines and management area direction as they apply to the project area. This project is also in compliance with Forest Plan goals and objectives. All required interagency review and coordination has been accomplished.

***American Indian Religious Freedom Act of 1978:*** This project will not deny American Indians access to land within the project area for traditional and cultural purposes nor will it infringe upon the rights of Native Americans to worship through ceremonies or traditional rights within the project area.

***Executive Order 13007 (Indian sacred sites):*** Access to and ceremonial use of sacred sites by Indian religious practitioners will be accommodated, and activities associated with this project will avoid adversely affecting the physical integrity of such places.

***Executive Order 12898 (environmental justice):*** Implementation of this project is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low-income populations (*see* “Environmental Justice” in Chapter 3 of the EA, p. 116).

***Executive Order 11990 (wetland protection):*** Various cow tanks and natural pond exist within the Kane Ranch Allotment management area, however, the implementation of various mitigation measures (i.e., fencing, monitoring and additional spring water feature improvement projects) will the protection of any natural wetland features from cattle grazing activities.

**Executive Order 13186 (migratory birds):** This project is consistent with the Migratory Bird Treaty Act of 1918, as well as Agency guidelines for conformance with the act (*see* Project Record).

**Forest Service Sensitive Species:** Effects to Forest Service sensitive species were considered and a biological assessment and biological evaluation has been completed for the sensitive plant and wildlife species found within this Allotment (*see* Project Record). A determination was made for each species in the EA (*see* “Sensitive Plant and Wildlife Species” in EA, Chapter 3).

**Management Indicator Species:** The EA (*see* “Management Indicator Species” in EA, Chapter 3) addressed management indicator species by linking Forest Plan management areas located within the allotment with the management indicator species representative for those management areas and habitat components (*see* EA, Chapter 3). This decision will not result in a change to forest-wide habitat or population trends, as applicable to each MIS.

## **Project-Level Pre-decisional Administrative Review Process**

### Public Participation and Project Transition from Appeals to Objection Process:

The July 8, 2012 scoping legal notice (as published in the Arizona Daily Sun, Flagstaff, Arizona) stated that the project was subject to the appeal procedures set out at 36 CFR part 215. However, on March 27, 2013, the USDA Forest Service published the Final Rule for 36, CFR part 218 “Project-Level Pre-decisional Administrative Review Process” in the Federal Register, which was effective at said time of publication.

As stated in the legal notice for the preliminary (draft) EA published on June 9, 2013, the Kane Ranch Allotment Management Plan is considered an activity implementing a land management plan and not authorized under the Health Forest Restoration Act of 2003, and is subject to 36 CFR 218 Subparts A and B. Therefore the project is subject to the new rule / objection process (i.e., Final Rule for 36 CFR part 218).

### Public Objection Timeframe Completed (No Objections/Appeals Received):

A 45 day objection filing period followed publication of a legal notice for “Opportunity to Object the Final Environmental Assessment, Finding of No Significant Impact (FONSI), and Draft Decision Notice (DN) for the Kane Ranch Allotment Management Plan” published in the *Arizona Daily Sun* (Flagstaff, Arizona), the newspaper of record on September 21, 2013. The Forest Service received no objections and/or comments (which could have been submitted through e-mail, the world-wide-web, or hard-copy mail). Additionally, a Forest Service news release was issued on September 26, 2013 regarding availability of the Final EA and Draft DN-FONSI and the “Project-Level Pre-decisional Administrative Review Process,” and a mass public mailing regarding the objection-review process was sent out to over 120 entities on September 27, 2013.

The objection process was only open to those who had previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with 36 CFR §218.5(a). Objections were to be submitted within 45 calendar days following the publication of this notice in the Flagstaff – *Arizona Daily Sun*. The publication date in the newspaper of record was the exclusive means for calculating the time to file an objection. Those wishing to object should not have relied upon dates or timeframe information provided by any other source. The regulations prohibited extending the time to file an objection. The Forest Service provided information on how to file objections, and what the required content and/or requirements were to file an objection in accordance with 36 CFR 218.8(d). The objection review and comment period ended on November 5, 2013; no objections or comments were received within the 45-day objection timeframe following publication of the required legal notice.



## Implementation / Objection Review & Final Decision:

Since no objections were received/filed within the 45-day time period (September 22 to November 5, 2013), this Final DN-FONSI may be implemented 5 business days following the end of the objection filing period and upon signature by the responsible official indicating approval of the project. No objections/comments were filed or received; therefore no resolution meetings and no 45-day post-objection period were warranted to resolve any objections (appeals), or comments concerning the Final EA and Draft DN-FONSI, which followed the objection filing period.

Due to not receiving any objections during the 45-day objection-review period, there was no need for any responses to the objections to be recorded in writing; thus the Reviewing Officer did not have to make any recommendations as to the Final EA and Final DN-FONSI for signature/approval. Since this project has undergone the objection review process and five-business days have passed since the end of the objection review period, the project may be implemented immediately after the signing of the Final DN. No legal notice is necessary and/or will be printed, and this "Final" Decision Notice/FONSI may be implemented as of the date of signature indicating approval by the responsible official, pending completion of a new Allotment Management Plan and Annual Operating Instruction. Implementation is defined as actually doing the ground-disturbing actions described in this notice.

In accordance to regulations (36 CFR 218) no legal notice is required once a Final Decision is signed by the Responsible Official. However, the Forest Service will post the Final DN-FONSI to the projects world-wide-web page, and may send out a letter or news release to notify and interested parties of the availability of the final decision document(s).

## Contact Person

For further information regarding this project, please contact Mike Hannemann, Project Leader at (928) 635-8299 or by e-mail at mhannemann@fs.fed.us.

## Signature / Approval by Responsible Official



RANDALL WALKER / NKR DISTRICT RANGER

November 19, 2013

Date

FIGURE 1

Current Allotment Management Plan

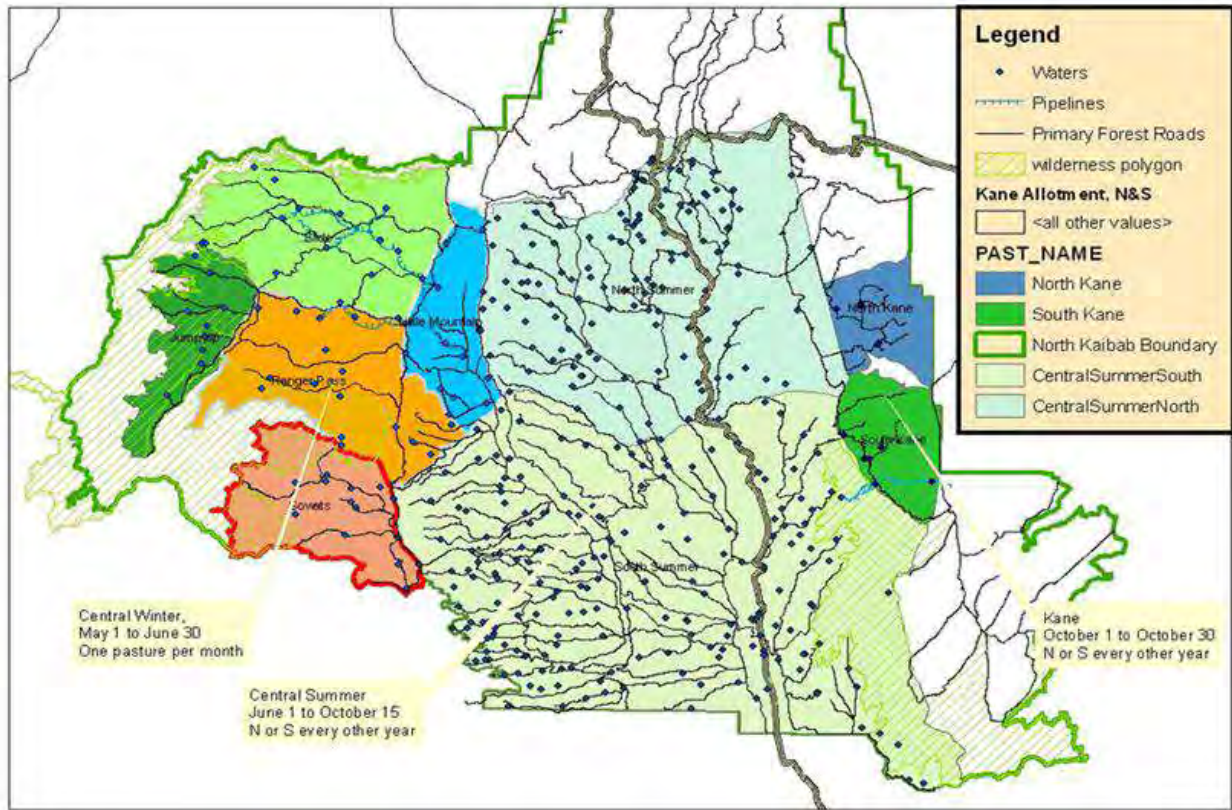




FIGURE 2

### Central Summer and Kane Allotments Proposed fences and holding pastures

