

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
USDA, Forest Service, Region 3

ALLOTMENT MANAGEMENT PLAN
for
LAKE MOUNTAIN, MINERAL,
DOYLE MOUNTAIN, AND PORTER SPRINGS
ALLOTMENTS

Apache-Sitgreaves National Forests
Lakeside Ranger District
Apache County, Arizona

DECISION

Based on comments from public scoping, input received during the 30 day comment period, and the analysis documented in the Environmental Assessment (EA) for the allotment management plan (AMP) for the Lake Mountain, Doyle Mountain, Mineral, and Porter Springs Allotments, it is my decision to implement all parts of Alternative 3 except that the grazing schedule from Alternative 4 will be used. Major components (actions) of this decision and how the decision will be implemented are detailed below.

ACTIONS AND IMPLEMENTATION

1. Grazing on the Forest will continue with a deferred rotation grazing system and one livestock herd.
2. The four allotments will be combined into one unit. It will be called the Lake Mountain Allotment.
3. Livestock numbers reflect the estimated grazing capacity as determined from "available herbaceous forage". Permitted numbers will be:

<u>Permittee</u>	<u>Number of Head</u>	<u>Season of Use</u>	<u>AUMs</u>
Marjory and Gaylan Flake	134 cow/calf	6/1-10/31	670
John Naegle	10 cow/calf	6/1-10/31	50

4. Each grazing permittee will be given one year's notice of this decision. The current grazing permits will have no changes made until then.
5. A decrease in permitted livestock numbers will begin one year from the implementation date of this decision notice, with one-third of the reduction occurring each year. The changes in livestock numbers are shown below.

Implementation Schedule

<u>Year</u>	<u>Permitted Number</u>	
	<u>Permittee - Flake</u>	<u>Permittee - Naegle</u>
1999	341 cow/calf	26 cow/calf
2000	272 cow/calf	21 cow/calf
2001	203 cow/calf	16 cow/calf
2002	134 cow/calf	10 cow/calf

6. Allowable forage use levels will be implemented with the phased in reduction of livestock numbers. These utilization levels will be applied regardless of scheduled grazing periods for each pasture and regardless of the number of livestock in each pasture. These standards are a point-in-time measurement upon which pasture moves will be based. The grazing utilization standards below are for herbaceous species in key areas as shown in the EA, Appendix E.

<u>Pasture</u>	<u>Cage No.</u>	<u>Allowable Use</u>	<u>Key Species</u>
Reservation	17	25%	Popr, Muwr, Agsm
Reservation	18	25%	Popr, Muwr
Reservation	19	35%	Popr, Sihy
Reservation	20	35%	Popr, Sihy
Lake Mtn	21	35%	Popr/BROM
Quakie	22	35%	Popr, BROM, Carex
Fire Box	24	35%	Popr, Sihy, Fear, BROM
Los Burros	25	35%	Popr, Sihy, BROM
Lake Mtn	26	35%	Popr, Muwr, BROM
Lake Mtn	27	35%	Popr, BROM
Lake Mtn	28	35%	Popr/BROM
Porter Lake	30A	35%	Popr, BROM
Porter Lake	32	35%	Popr, Carex
Doyle	57	35%	Bogr, Sihy, Agsm, Kocr
Doyle	58	25%	Popr, Kocr, Agsm
Fire Box	68	25%	Popr, Sihy
Fire Box	102	25%	Popr, BROM
Fire Box	103	25%	Popr, Fear
Fire Box	104	35%	Popr, BROM
Wolf	105	25%	Popr
Wolf	106	25%	Popr
Quakie	107	35%	Popr, BROM
Mineral	108	35%	Kocr, Agsm, Sihy
Mineral	109	35%	Kocr, Sihy
Mineral	110	35%	Bogr, Kocr, Sihy, Agsm
Mineral	111	25%	Bogr
Wolf	117	25%	Popr, Bogr, Sihy

7. Monitoring will be conducted by the Forest Service as noted in the EA, including implementation monitoring of grazing utilization standards and effectiveness monitoring of Best Management Practices (BMPs).

8. Grazing utilization monitoring will be conducted a *minimum* of three times for each pasture scheduled for livestock use: once prior to livestock entry, once at about the mid-point of the scheduled pasture use period (earlier or later, if indicated), and once in the fall after plant growth has ceased (October). Utilization, at that point in time, on key species in key areas, will be measured. Livestock will not be allowed to regaze a pasture once the allowable use standard is met. When,

for a particular period, the scheduled pastures have been grazed through by livestock before the scheduled exit date, livestock will be removed from the allotment. The grazing permittees will need off-Forest arrangements when removal is necessary.

9. If livestock grazing occurs without exceeding the grazing utilization standard, livestock numbers will remain unchanged the following year. If this occurs for two consecutive years, there will be no further livestock reductions.

10. The grazing schedule may be adjusted on a yearly basis to account for abnormal years. A typical four year grazing schedule would be:

<u>Grazing Sequence</u>	<u>Year One</u>	<u>Year Two</u>	<u>Year Three</u>	<u>Year Four*</u>
First Pasture	Wolf	Mineral	Doyle	Wolf
Second Pasture	Mineral	Doyle	Mineral	Firebox
Third Pasture	Doyle	Wolf	Wolf	Quakie
Fourth Pasture	Lake	Firebox	Lake	Porter Lake
Fifth Pasture	Reservation	Quakie	Reservation	Reservation
Sixth Pasture	Porter Lake	Porter Lake	Porter Lake	Lake
Seventh Pasture	Quakie	Reservation	Quakie	Doyle
Eighth Pasture	Firebox	Lake	Firebox	Mineral

*After year four return to schedule of year one

11. Monitoring elk forage utilization in livestock excluded areas will be conducted in conjunction with the Arizona Game and Fish Department. This, along with pre-livestock utilization monitoring, will help determine elk only use.

12. Monitoring of BMPs will occur via various methods, one of which is grazing utilization monitoring noted above. Proper Functioning Condition (PFC) and Parker Three Step Transects are two other methods that will be conducted and include assessment of factors (bareground, plant cover, etc.) that reflect effectiveness of BMPs described in the EA, Appendix B.

13. Range developments listed in the EA are part of this decision. Based on the availability of appropriate funds, priority for construction is:

- a. Cattleguard construction.
- b. Roadside tank construction.
- c. Fence construction at Brown Creek.
- d. Fence construction at Porter Springs Tank.
- e. Reduction in tree canopy cover in identified pinyon juniper woodland stands.
- f. Reduction in tree cover in identified ponderosa pine meadows.
- g. Road closure east of Los Burros. An alternative would be to install a narrow cattleguard in the fence between Lake and Reservation Pastures if road closure is not possible.

h. Corral construction.

14. Implementation of Arizona State BMPs are a part of this decision.

15. Two bands of sheep cross the allotment twice a year on the Morgan Mountain Sheep Driveway. Forage is allocated off the top from the "available herbaceous forage" for the sheep while on the allotment. It equates to 106 AUMs using a 5:1 sheep to cattle ratio. This use is authorized under a permit issued by the Springerville Ranger District and will be analyzed by them in the future. Any future decision that would eliminate or reduce sheep use on the driveway would make forage available for livestock. If that occurs, the grazing permits to the Lake Mountain Allotment permittees would be increased accordingly.

MITIGATION MEASURES

Mitigation measures pertain to actions recommended to reduce or resolve any impacts incidental to the proposed project activities within the analysis area. The effectiveness and purpose of each is in Appendix H. The measures shown below would be followed.

1. Archaeological approval will be obtained prior to ground disturbing activities
2. Disturbed sites associated with the range development program will be immediately seeded with desirable native cool season species (e.g. western wheatgrass, wild rye, and fourwing saltbush).
3. Slash from pinyon juniper treatments will be treated in accordance with BMPs.
4. Build fences in compliance with Forest standards, i.e., the bottom wire will be smooth and a minimum of 20" from the ground; the top wire will not exceed 42" from the ground and wooden stays will be used.
5. Soil and water best management practices (BMPs) will be followed.
6. Retention of all existing snags and recruitment of potential snags in woodland juniper treatment areas.

RATIONALE FOR THE DECISION

1. Alternative 1 is the no action alternative where livestock would not graze the allotments. This was not selected because some livestock grazing can occur in balance with the environment and be in compliance with the Forest Plan.
2. Alternative 2 would continue with the current grazing situation. This was not selected because it would not be in compliance with the Endangered Species Act or the Forest Plan due to grazing utilization that exceeds an acceptable level.

3. Alternative 3 is selected for implementation because it best meets the Forest Plan standards and guidelines to balance permitted livestock use with the estimated capacity. It provides adequate forage to meet the estimated forage requirements of the current wild ungulate population. It is in compliance with the Endangered Species Act.

4. Alternative 4 is one proposed by the permittee. Livestock would be moved as forage utilization standards are met. Forage utilization monitoring must be done as livestock graze the allotment to be in conformance with the Guidance Criteria used for the consultation with the U.S. Fish and Wildlife Service as required by the Endangered Species Act. Implementation of either Alternative 3 or Alternative 4 would result in similar actions and results. Alternative 3 is clearer as use of a temporary grazing permit is not needed. Practically all comments received during the 30 day public comment period were not supportive of Alternative 4.

5. Implementation of grazing utilization standards upon which pasture moves are made will provide for recovery of vegetation in terms of plant vigor, reproduction, and amount of herbaceous plant growth (forage production). Improvement of soil and watershed condition will take place.

6. Regardless of the number of livestock grazed, the actual use period in each pasture will be determined by the grazing utilization standard with livestock being moved from the pasture when it is reached. Livestock numbers would remain constant once the utilization standard is met and not exceeded.

7. Pre-livestock utilization checks of pastures to be grazed will be conducted to allow monitoring of wild ungulate use and will become input to an analysis of wild ungulate needs and population objectives as noted in the EA.

8. American Peregrine Falcon, Southwestern willow flycatcher, Mexican Spotted Owl, Blumer's Dock, Apache Trout, Little Colorado River Spinedace, Loach Minnow, Bald Eagle, Mexican Gray Wolf and other Threatened and Endangered species or species proposed for listing are not likely to be adversely affected. Concurrence was received by the US Fish and Wildlife Service via the Guidance Criteria.

9. Implementation of grazing utilization standards will provide for habitat and foraging needs of Forest Service Sensitive and Management Indicator Species and their prey.

10. The one year's notice to the permittee and a phase-in of reduced livestock numbers will help mitigate impacts to the permittee's livestock operation and allow time for adjustments.

PUBLIC INVOLVEMENT

Members of the public, interested private groups, grazing permittees and County, State and Federal agencies were involved. Specific actions were:

The scoping report was mailed to 135 individuals on the District's NEPA mailing list and to parties who had previously expressed an interest in the project.

Contacts were made with Apache County, Arizona Department of Environmental Quality, Arizona Game and Fish Department, White Mountain Apache Tribe, US Fish and Wildlife Service, and grazing permittees.

Written replies, telephone conversations and/or informal meetings occurred with concerned respondents.

The Environmental Assessment was mailed to 42 individuals, agencies, and groups for review during the thirty day public review process.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

SUMMARY OF ENVIRONMENTAL ASSESSMENT

The following discussion summarizes key portions of the environmental assessment. The document is available of request to the District Ranger, Lakeside Ranger District, RR 3, Box B 50, Lakeside, Arizona 85929 (520-368-5111).

Key Issues. Four issues were identified from the scoping that needed further analysis. These issues define the scope of environmental concerns that were addressed in the EA.

1. There was a concern regarding adverse economic effects to families, local communities, and counties.
2. There was a concern that wild ungulate forage needs are not considered when setting stocking rates on an allotment.
3. There was a concern that the number of permitted livestock is not in balance with available forage.
4. There was a concern about grazing a pasture before forage plants are ready to be grazed.

Alternatives Considered. The following summary of alternatives was developed from information found in the EA on pages 6-10.

Alternative 1 (No Action)

Livestock would not be grazed.

No range developments would be authorized.

Monitoring elk forage use would be done by AGF.

Alternative 2 (No Change)

The four allotments would not be combined but livestock would graze in one herd.

The Flakes would graze:

54 head of cattle grazed for 6/1-10/31 on Doyle Mtn Allotment.

144 head of cattle grazed for 6/1-10/31 on Lake Mtn Allotment.

46 head of cattle grazed for 6/1-10/31 on Mineral Allotment.

97 head of cattle grazed for 6/1-10/31 on Porter Springs Allotment.

Naegle would graze:

26 head of cattle grazed for 6/1-10/31 on Lake Mtn Allotment.

Monitoring elk forage use would be done by AGF.

Monitoring forage use by the Forest Service would be done as livestock graze with adjustments in numbers made annually.

Alternative 3

The four allotments would be combined into one and called Lake Mtn Allotment.

Flakes would graze 134 head of cattle for 6/1-10/31.

Naegle would graze 10 head of cattle for 6/1-10/31.

Monitoring elk forage use would be done by AGF.

Monitoring forage use by the Forest Service would be done as livestock graze with adjustments in numbers made annually.

Cattleguard construction on Forest Road 5.

Two roadside tanks would be built.

Fence construction at Brown Creek.

Fence construction at Porter Springs Tank.

Do 97 acres of canopy reduction work in previously treated woodland areas.

Do 674 acres of canopy reduction work in previously untreated woodland areas.

Do 129 acres of tree removal work in ponderosa pine meadows.

Close an old rut road or install a narrow cattleguard east of Los Burros.

Build a corral along Forest Road 44 in Mineral Pasture.

Alternative 4

The four allotments would be combined into one and called Lake Mtn Allotment.

Flakes would graze:

120 head of cattle for 6/1-10/31 with a term grazing permit.

17 head of cattle for 7/1-10/31 with a term grazing permit.

103 head of cattle for 7/1-10/31 with a temporary grazing permit.

Naegle would graze:

10 head of cattle for 6/1-10/31 with a term grazing permit.

5 head of cattle for 7/1-10/31 with a temporary grazing permit.

Monitoring elk forage use would be done by AGF.

Monitoring forage use by the Forest Service would be done as livestock graze with adjustments in numbers made annually.

Cattleguard construction on Forest Road 5.

Two roadside tanks would be built.

Fence construction at Brown Creek.

Fence construction at Porter Springs Tank.

Do 97 acres of canopy reduction work in previously treated woodland areas.

Do 674 acres of canopy reduction work in previously untreated woodland areas.

Do 129 acres of tree removal work in ponderosa pine meadows.

Close an old rut road or install a narrow cattleguard east of Los Burros.

Build a corral along Forest Road 44 in Mineral Pasture.

Impact Summary. The following summary of environmental impacts was developed from information found in the EA on pages 11-31.

ISSUE	Alt. 1	Alt. 2	Alt. 3	Alt. 4
1 - Economics				
A - Number of direct and indirect jobs	0	1.8	.7	1.1
B - Payment to US Treasury	0	\$2,471	\$950	\$1,544
C - Payment to county	0	\$617	\$238	\$386
D - Direct and indirect economic contributions	0	\$228,906	\$89,667	\$158,922
2 - Forage Distribution				
A - Lbs of forage for wild ungulates	946,032	n/a	275,349*	289,845
B - Percent of wild ungulates forage needs met	211%	n/a	90%	95%
C - Percent of available forage to meet wild ungulates forage needs	91%	n/a	26%	28%
3 - Balance permitted livestock use with estimated capacity				
A - Consistency of use is within allowable forage utilization standards	n/a	yes***	yes**	yes***
4 - Entry date				
A - Number of yrs out of ten that cool season grasses receive cool season deferment	n/a	6	6	8.1
B - Number of yrs out of ten that warm season grasses receive warm season deferment	n/a	4.6	5.5****	6.6

* Implementation includes grazing schedule from Alternative 4 which would meet 95% of WL needs.

**Forage utilization would be within allowable use level except for the sheep driveway where it is expected to exceed the allowable.

***Forage use outside sheep driveway would not be exceeded. Monitoring would result in livestock being moved between pastures as allowable forage utilization is approached.

****Implementation includes grazing schedule from Alternative 4 which provides warm season deferment 6.6 years per decade which is the same as Alternative 4.

Intended Action - In this EA the agency's intended action is to implement Alternative 3, including the grazing schedule from Alternative 4. Alternative 3 provides for balancing livestock numbers with capacity, having an entry date that will meet range readiness standards the majority of the time. This alternative will meet the forage requirements of existing wild ungulate populations. Habitat for threatened, endangered, and sensitive species will be maintained or improved.

SIGNIFICANCE FINDINGS

Context. This decision is a site specific action that by itself does not have international, national or statewide importance. The discussion of the significance criteria that follows applies to the actions and results expected as a consequence of this decision. This discussion is within the context of local and regional importance. "Local" is considered to be the area associated with the Lakeside Ranger District and "regional" is considered to be Apache, Greenlee and Navajo Counties.

Intensity. The following is based on the Ten Significance Criteria described in National Environmental Policy Act regulations (40 CFR 1508.27).

1. Impacts from this decision are both beneficial and adverse.

As noted in the EA, changes in livestock income may be substantial for an individual permittee. However, on a local or regional level, changes are small (less than one percent). For example, this decision, based on the 25% Fund Payment to Counties, is expected to generate \$238 for Apache County. This amount represents a very tiny portion of the total amount paid (\$74,719) to Apache County in 1998 in the 25% Fund Payments.

This amount, and the changes in them, are based on one source of income to the counties, i.e., 25% Fund Payments. The amounts and changes are smaller when considered as percentages of the total 1998 General County Receipts, which was \$9,200,000. All amounts and percentages would be even less in the context of the three counties considered regional in nature.

If the 1995 Permit Issuance and 1997 and 1998 AMP decisions' effects were included with this AMP decision's expected effects, the Payments to Counties as a percent of 1998 General County Receipts would change from 0.121% to 0.061% for Apache County, *provided that* other sources of county income did not increase or decrease. In terms of year long jobs associated with these earlier decisions for Apache County, jobs per 100 head of livestock would be expected to change from 82.6 to 51.5.

Beneficial impacts are primarily to vegetation, soils, and water with concomitant benefits to wildlife. These benefits will accrue over time, with two to three decades to realize full recovery and improvement. Once the decision is fully implemented, benefits may also accrue to livestock operations as stocking within capacity assures operational stability and long term productivity on a per animal basis.

2. The nature of this decision does not deal with factors of Public health and safety and therefore is expected to have no effect on Public health and safety. This action is not a new type of action for the Forest Service and nothing has developed in the analysis or scoping that indicates there would be a threat to Public health and safety.

3. The geographic area affected by this decision is not in proximity to any park lands, ecologically critical areas, or prime farmlands, so no significant impacts would result from implementation of the decision.

Both Lake Mountain Lookout and the former Los Burros Ranger Station are listed in the National Register of Historic Places. Continuation of grazing at or below historic levels will not result in adverse impacts to these structures.

The allotment also contains prehistoric heritage resource properties. There will be no significant effects to them due to 1) the low likelihood of impacts by livestock grazing, and 2) due to some expected recovery from erosional processes.

Areas meeting U. S. Army Corps of Engineer definition for wetlands [33 CFR 328.3(b)] are present but impacts will be minimized with implementation of the grazing utilization standards and Best Management Practices, as well as the proposed fencing at Porter

Springs and Brown Creek. There will be no unavoidable loss of wetlands which would require compensatory mitigation.

4. The human environment includes both the natural and physical environment and the relationship of people with that environment (40 CFR 1508.14). There is no disagreement with the fact that there may be adverse economic and social impacts to individual livestock operations. However, economic impacts are not significant within the Regional context.

5. There is no indication, nor has any data been presented, that there are highly uncertain or unique or unknown risks to the human environment as a result of implementation of this decision.

6. Implementation of a decision to authorize grazing and in a particular manner (allotment management plan) is not a new type of decision for the Forest Service. As such, it does not establish a precedent. Authorization of grazing does not preclude or predetermine any future decisions regarding grazing authorizations or other uses of the lands within the allotment.

7. Cumulative impacts in the context of the analysis, i.e., across the locale (District) or region (Counties), were considered and found to be insignificant. Even if expanded to include all counties affected by grazing decisions on the Apache-Sitgreaves National Forests, effects to the human environment as defined by 40 CFR 1508.14 are not significant.

8. In accordance with the Programmatic Agreement for Region 3 and with further discussion with the Arizona State Historic Preservation Officer, the decision is considered to have no effect on properties listed on or eligible for the National Register of Historic Places.

9. This decision is in compliance with the Endangered Species Act. The US Fish and Wildlife Service, through their 9/18/98 concurrence on the "Guidance Criteria for Determining Effects of Issuing Term Grazing Permits on Threatened, Endangered, or Species Proposed for Listing," has concurred with the findings of "May affect, not likely to adversely affect" and "no effect" for the allotment. This is contingent upon implementation of mitigation measures as described above and upon yearly documented confirmation that criteria, such as grazing utilization standards, are being met.

10. This decision incorporates requirements from Federal laws imposed for protection of the environment, some of which are implemented through State law and Agency authority (see Findings section below).

FONSI SUMMARY

The above considerations and the analysis completed for this site specific project proposal have not revealed any potential for significant environmental effects; therefore, preparation of an environmental impact statement is not necessary.

FINDINGS REQUIRED BY LAW AND REGULATION

This decision is consistent with applicable law and regulation. Some examples of which include the population viability and biological diversity requirements of NFMA (36 CFR 219.19; 219.26) and the conservation of soil, water, streams/streambanks, and site productivity requirements of NFMA (36 CFR 219.27). Additional examples are Apache-Sitgreaves National Forests Plan requirements regarding grazing utilization (allowable use) standards, balance of permitted use with capacity, and riparian desired conditions; and the Clean Water Act, Section 319, regarding non-point sources of pollution.

IMPLEMENTATION DATE

This project will not be implemented sooner than five business days following the close of the appeal filing period. If an appeal is filed, implementation will not begin sooner than 15 calendar days following the final decision on the appeal. Implementation means actually doing the work for on the ground range developments. Changes in livestock numbers will not occur until the permittee has been provided notice of the one year notice.

ADMINISTRATIVE APPEAL

This decision is subject to appeal in accordance with Title 36 Code of Federal Regulations (CFR) Part 215. A notice of appeal must be in writing and clearly state that it is a Notice of Appeal being filed pursuant to 36 CFR 215. Appeals must be filed with Eleanor S. Towns, Regional Forester, 517 Gold Ave. SW, Albuquerque, NM 87102 within 45 days of the *publication date of the legal notice* of this decision in the White Mountain Independent.

Decisions related to issuance, denial, or administration of written instruments to occupy and use National Forest System lands, may be appealed by permit holders under 36 CFR 251, Subpart C, or 36 CFR 215 as noted above, but cannot be appealed under both regulations. To submit an appeal under 36 CFR 251, a permit holder must submit a written appeal to John Bedell, Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, Arizona 85938 within 45 days of the *date of this decision*. A copy of the appeal must be simultaneously sent to Edward W. Collins, District Ranger, Lakeside Ranger District, RR 3, Box B 50, Lakeside, Arizona 85929.

INFORMATION CONTACT

For further information, contact Edward W. Collins, District Ranger, at Lakeside Ranger District, RR 3, Box B 50, Lakeside, Arizona, 85929, telephone 520-368-5111.

SIGNATURE



EDWARD W. COLLINS
District Ranger



Date of Decision Notice