

**Decision Notice
and
Finding of No Significant Impact**

Grazing Authorization for Millsite Allotment

**USDA Forest Service
Mesa Ranger District, Tonto National Forest
Maricopa and Pinal Counties, Arizona**

Decision

Based upon my review of the proposed action and alternatives, I have decided to implement the **Proposed Action** (Alternative 4) of the Environmental Assessment (EA) which continues yearlong livestock grazing on the Millsite allotment using a “phase in” approach to move management from the current two units; three pasture rotation to a one unit; six pasture modified rest-rotation grazing system. Under this alternative, the current grazing system will continue until all of the proposed improvements have been installed (~5 years) thereby increasing water availability and facilitating livestock distribution. Until such time, pasture use will be deferred; however, to decrease duration within each pasture (~ 3 months), pastures will likely be used more than once annually, with the exception of the Red Tanks pasture, due to riparian resource concerns. Following implementation of the six pasture management system, use in the Red Tanks pasture will be limited to every other year, and only short duration, dormant season use would be authorized. Dormant season is defined as the time from leaf drop, to leaf set.

Grazing authorization will be accomplished through the issuance of a new term grazing permit in accordance with 36 CFR 222.3. A new allotment management plan (AMP) will be prepared for the allotment and will be included in Part 3 of the term grazing permit. An adaptive management strategy will be employed under which the duration, timing, and frequency of grazing, as well as the number of livestock authorized annually in the Annual Operating Instructions (AOI), may continually be modified in response to annual monitoring, changing resource conditions, and achievement of management objectives.

Permitted numbers will remain the same as they are on the current term grazing permit; 307 Adults (Cows/Bulls) 01/01 – 12/31 and 197 Yearlings (Natural Increase) 01/01 – 05/31. The initial stocking rate for the proposed action will be approximately 29% of the permitted number, which reflects the current stocking level. Authorized numbers will remain low until the one unit; six pasture grazing system is implemented (~ 5 years) allowing for pasture deferment and rest. This mitigation measure is necessary to ensure; 1) maintenance or improvement in overall resource conditions, and 2) that grazing frequency and intensity allow for the physiological requirements of upland and riparian vegetation.

Decision Rational

The purpose of this project is to authorize livestock grazing in a manner that maintains or improves project area resource conditions and achieves the objectives and desired conditions as described in the Tonto National Forest Land Management Plan (LMP). There is a need for change from the current management system to allow more flexibility (adaptive management) in pasture use including; duration, rest, and seasonal deferment.

The proposed action, described above, will meet the stated purpose and need through the implementation of a one unit; six pasture modified rest-rotation system of management which will allow for rest and seasonal deferment, necessary for maintenance and improvement of resource conditions.

The selected alternative best meets the purpose and need and achieves desired conditions in the following ways:

1. The selected alternative is consistent with the management objectives and direction for Management Areas 3B and 3I as identified in the LMP.
2. The selected alternative best achieves the mission of the LMP by providing a quality opportunity to graze domestic livestock while continuing to provide for other multiple uses, including wildlife and fish habitat and healthy ecosystems through conservative grazing strategies and adaptive management.
3. The selected alternative provides for the maintenance and addition of range improvements to improve livestock distribution and provide water to wildlife. Improved livestock distribution will help increase vegetative cover to protect soils and watershed health.
4. The selected alternative will provide an adaptive management framework that will allow the Forest and grazing permittee to adapt management to changing resource conditions.

Decision Implementation

Administrative actions necessary to implement the decision: The following administrative actions will be used to implement the NEPA-based decision to authorize grazing.

- **Permit Issuance** – Implementation of the Proposed Action would require reissuance of a term grazing permit in accordance with 36 CFR 222.3.
- **Allotment Management Plan (AMP).** The environmental analysis would be used to develop an AMP based on the following; goals and objectives for the allotment, management strategies designed to meet those goals, range improvements, mitigation measures, and monitoring requirements. The AMP would be incorporated into Part 3 of the term grazing permit.

- **Annual Operating Instructions (AOI)** The Mesa Ranger District will prepare annual operating instructions each year in cooperation with the permittee. Those instructions will include numbers and class of livestock, timing and duration of use for the year, pasture rotation schedule, monitoring criteria, structural and non-structural improvements to be constructed or maintained, and utilization standards.

Public Involvement

A project initiation letter was sent to the selected Interdisciplinary (ID) Team in February 2009, to solicit their involvement and comments for natural resource issues on the Allotment. This proposal was listed in the Schedule of Proposed Actions in April 2009. A scoping document for the proposed action was sent to the public on May 18, 2009. The purpose of the document was to describe the proposed action to any interested/affected parties, and solicit comments from those who may have concerns with the proposed action. The scoping document was sent to the following: 6 individuals, 9 members of private organizations, 19 members of various tribes, 3 state agency officials, 1 federal agency official, and the permit holder. From these scoping activities, 8 responses were received. Using those comments, along with the input of the Interdisciplinary Team (ID Team), a list of issues and mitigation measures were identified and alternatives to the proposed action were drafted. Those who responded to the scoping letter, or otherwise expressed an interest, were sent the Draft EA and given an opportunity to comment during the 30 day comment period. The public notice for the Draft EA was published in the Arizona Capitol Times on November 13, 2009. Four comments were received and used to amend and/or further refine the EA, where appropriate. The permittee requested, and was given Applicant Status to review the Biological Assessment before it was sent to the US Fish and Wildlife Service for concurrence (April 2010).

Finding of No Significant Impact

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

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. No significant effects on public health and safety were identified. The scope of the grazing authorization is limited to the implementation of managed livestock grazing and the installation and maintenance of structural range improvements using hand techniques or light equipment. These actions are not expected to present significant hazards to workers or the public.

3. There are no known unique characteristics associated with the allotment. The project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources considered to have unique characteristics (see EA, Chapter 3).
4. The effects on the quality of the human environment are not likely to be highly controversial. The environmental analysis process has documented expected environmental effects from the proposed action and alternatives. These effects were discussed in Chapter 3 of the EA, and the proposed action has been designed and mitigated to address the issues raised. The analysis reflects the judgment and expertise of resource management professionals who have applied their knowledge to similar projects and are using the best available science to support their conclusions. The management practices proposed are commonly used practices as described in agency directives (both Forest Service as well as other land management agencies) and in the objectives of the LMP. While some members of the public are opposed to public lands livestock grazing, this action is not highly controversial within the context of the National Environmental Policy Act.
5. The Forest Service as an agency has considerable experience with the types of activities to be implemented, specifically livestock grazing and management on Forest lands. The effects analysis shows 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. All future actions will be analyzed through the NEPA process and be independent of the specific nature of this action on the allotment.
7. The cumulative effects of the action were analyzed in the EA and are described in Chapter 3. They were determined not to be significant.
8. The action will have no significant adverse effects on districts, sites, highways, structures or other objects listed in or eligible for listing in the National Register of Historic Places (Chapter 3, pages 81 - 82 of the EA). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. While numerous historic and prehistoric sites exist on the allotment, mitigation measures for structural improvements and management practices will ensure that those sites are not significantly impacted by livestock grazing or associated practices on the allotment.
9. 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 (Chapter 3, pages 66 - 80 of the EA). Informal consultation with the US Fish and Wildlife Service has resulted in concurrence (AESO/SE 22410-2010-I-0083) with this conclusion. Management practices have been incorporated into the action to avoid effects to listed species.

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. All applicable laws and regulations were considered in the EA. The action is consistent with the LMP (see EA, Chapter 1).

Findings Required by Other Laws and Regulations

This decision to continue livestock grazing on the allotment is consistent with the intent of the LMP's long term goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for desired conditions as described in Chapter 1 of the EA.

The action will not impair land productivity (see EA, Chapter 3), and is therefore, consistent with the Multiple Use Sustained Yield Act of 1960.

The action conforms to the terms of the Endangered Species Act through consultation and concurrence of no significant impact from the US Fish and Wildlife Service.

No designated Important Bird Areas occur within the action area, so there is no violation of Executive Order 13186 (Neotropical Migratory Birds).

This decision does not impose disproportionately high adverse human health or environmental effects on minority or low-income populations (see EA, pages 87 - 88) and is therefore not a violation of Executive Order 12898 (Environmental Justice).

Administrative Review or Appeal Opportunities

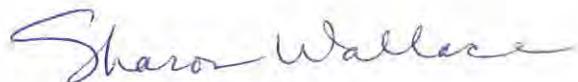
This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed by US mail or hand-delivered to the Appeal Deciding Officer, Gene Blankenbaker, Forest Supervisor, at the following address: 2324 East McDowell Road, Phoenix, Arizona 85006. The appeal may also be faxed to the Forest Supervisor's attention at (602) 225-5295. Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Arizona Capitol Times, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in the Arizona Capitol Times, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. Relative to issuance of the term grazing permit, a permittee may choose to appeal under the regulations listed at 36 CFR 251, Subpart C. The permittee must select which administrative review regulation (36 CFR 215 or 251) he or she will opt to use. Both cannot be used for the same appealed decision. An appeal by the permittee under the 36 CFR 251 regulations must be filed simultaneously with the Tonto National Forest Supervisor Gene Blankenbaker at the address above, and with Deputy District Ranger Sharon Wallace at 5140 E. Ingram St., Mesa, AZ 85205. The appeals must be filed within 45 days of the date of publication of legal notice in the Arizona Capitol Times.

Implementation Date

If no appeals are filed within the 45-day time period following publication of the legal notice, implementation may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

For additional information concerning this decision or the Forest Service appeal process, contact Kelly Kessler, Range/Wildlife Staff Officer, Mesa Ranger District at 480.610.3300.



Sharon Wallace
Deputy District Ranger
Mesa Ranger District

Date: 08/25/2010