
DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

PEAKS ALLOTMENT

U.S. FOREST SERVICE
PEAKS RANGER DISTRICT
COCONINO NATIONAL FOREST
COCONINO COUNTY, ARIZONA

BACKGROUND AND LOCATION

The Peaks Allotment is located north of Flagstaff and is roughly bounded by Highway 180 on the west, the Coconino National Forest boundary on the north, the Cinder Hills area/Sunset Crater National Monument on the east, and the City of Flagstaff on the south (Figure 1). The boundary comprises approximately 157,500 acres, however only approximately 153,000 acres within the boundary are National Forest System land and are part of the allotment; the remainder is comprised of state and private land. Elevations run from approximately 4,800 feet to 9,500 feet and vegetation adheres to typical elevation regimes: mixed conifer forests are present at the highest elevations; ponderosa pine, aspen, and mountain grasslands dominate the mid-elevations; and pinyon/juniper woodlands and grasslands are typical at the lower elevations.

Livestock grazing has occurred in the area since the late 1870s. Permitting began around 1908 with the establishment of the National Forests. Over the past 15 years, livestock use has only occurred in 9 of the 16 main grazing pastures (or 32% of the Peaks Allotment area). The current season of use is from May 22 to October 15 and the current permitted livestock numbers are 1,200 head of adult cattle or 5,799 Animal Unit Months (AUMs). The permittee has stocked the allotment 10 of the past 15 years. Additionally, adjacent grazing permittees were authorized to use portions of the Peaks allotment, primarily due to wildfires that affected their allotments; most of this use occurred when the Peaks permittee had selected non-use and/or were operating well below permitted use. From 1995 to 2009, total annual livestock use of the Peaks allotment averaged 307 head of adult cattle and the average period of use was 130 days (average 1,310 AUM's/year). This represents only 23% of the permitted livestock use.

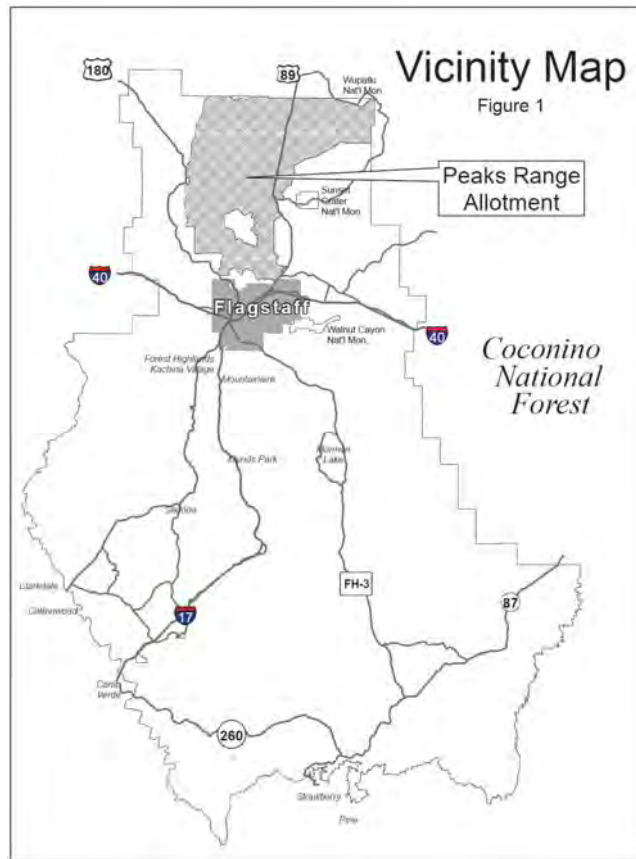


Figure 1. Vicinity map and boundary for the Peaks Allotment

DECISION

Based upon my review of the Peaks Allotment Environmental Assessment (EA), I have decided to implement Alternative 2, which is the Proposed Action Alternative.

The Proposed Action consists of five components: authorization, structural improvements, monitoring, adaptive management, and resource protection measures. The Proposed Action follows current guidance from Forest Service Handbook 2209.13, Chapter 90 (Grazing Permit Administration; Rangeland Management Decision Making).

Authorization

Under the Proposed Action, the Forest Service would authorize the continuation of livestock grazing for the Peaks Allotment under the following terms:

Permitted Grazing Area/Deferred Pastures

The permitted grazing area would include the following pastures: #13, #18, Badger, Headquarters, Holding, Kelly, Kendrick, Missouri Bill, and Saddle Mountain. These pastures total approximately 48,900 acres and represent approximately 32% of the entire Peaks Allotment area. They also represent the portion of the Peaks Allotment that has been grazed by the permittee for the past 15 years. The following pastures would continue to be deferred from

livestock grazing due to the lack of infrastructure to manage livestock grazing (primarily fencing and water): Deadman's, Dove Tanks, Freidlein Prairie, Frisco Mountain, Gyler, Sandy Seep, and Schultz (see Figure 2). Should the permittee decide to invest in the needed infrastructure to support livestock grazing in the deferred pastures, an environmental analysis would need to be completed prior to authorizing livestock grazing.

Permitted Livestock

Permitted livestock numbers for the permitted grazing area would be a maximum of 1,900 AUMs, which is the equivalent of 375 head of adult cattle for approximately five months, (Appendix A describes the estimated grazing capacity in more detail). Annual authorized livestock numbers would be based on existing conditions, available water and forage, and predicted forage production for the year. Adjustments to the annual authorized livestock numbers may occur during the grazing season, based on conditions and/or range inspections; however, they would not exceed the permitted livestock numbers of 1,900 AUMs.

Season of Use

The permitted season of use would be from May 15 to October 15. The season of use may be extended by allowing livestock to enter the allotment as early as May 1 and/or remain on the allotment until October 31. An extended season of use would only be authorized if it has been determined through range inspections that soil, water, and vegetation conditions are suitable. If the season of use is extended, the maximum permitted Animal Unit Months (1,900) would not be exceeded.

Management

Livestock grazing would continue to occur through a rotational management system which would allow for plant growth and recovery. The early and mid-season grazing that occurs in Kelly, Kendrick, and Saddle Mountain pastures would continue to be managed using a deferred rotation management system. The mid to late season grazing of Badger, Missouri Bill, and Headquarters pastures would continue to be managed using a rest-rotation management system. If the pasture fence identified in the Structural Improvements Section is constructed in the Headquarters pasture, the resulting North and South Headquarters pastures would be managed using a rest-rotation management system (see Figure 2). Livestock use of the pastures #13 and #18 occur in the late fall and management of these pastures is planned primarily based on time control and the permittee's operational needs (i.e. shipping).

Grazing Utilization

A management guideline of conservative use (30-40% forage utilization as measured at the end of the growing season) would be employed to maintain or improve rangeland vegetation and long-term soil productivity.

Grazing Intensity

Grazing intensity is defined as the amount of herbage removed through grazing or trampling during the grazing period. Grazing intensity would be managed to allow for the physiological needs of plants. Generally, grazing intensity would be managed at moderate levels (40-50%) in the late spring and early summer months when sufficient opportunity exists for plant regrowth.

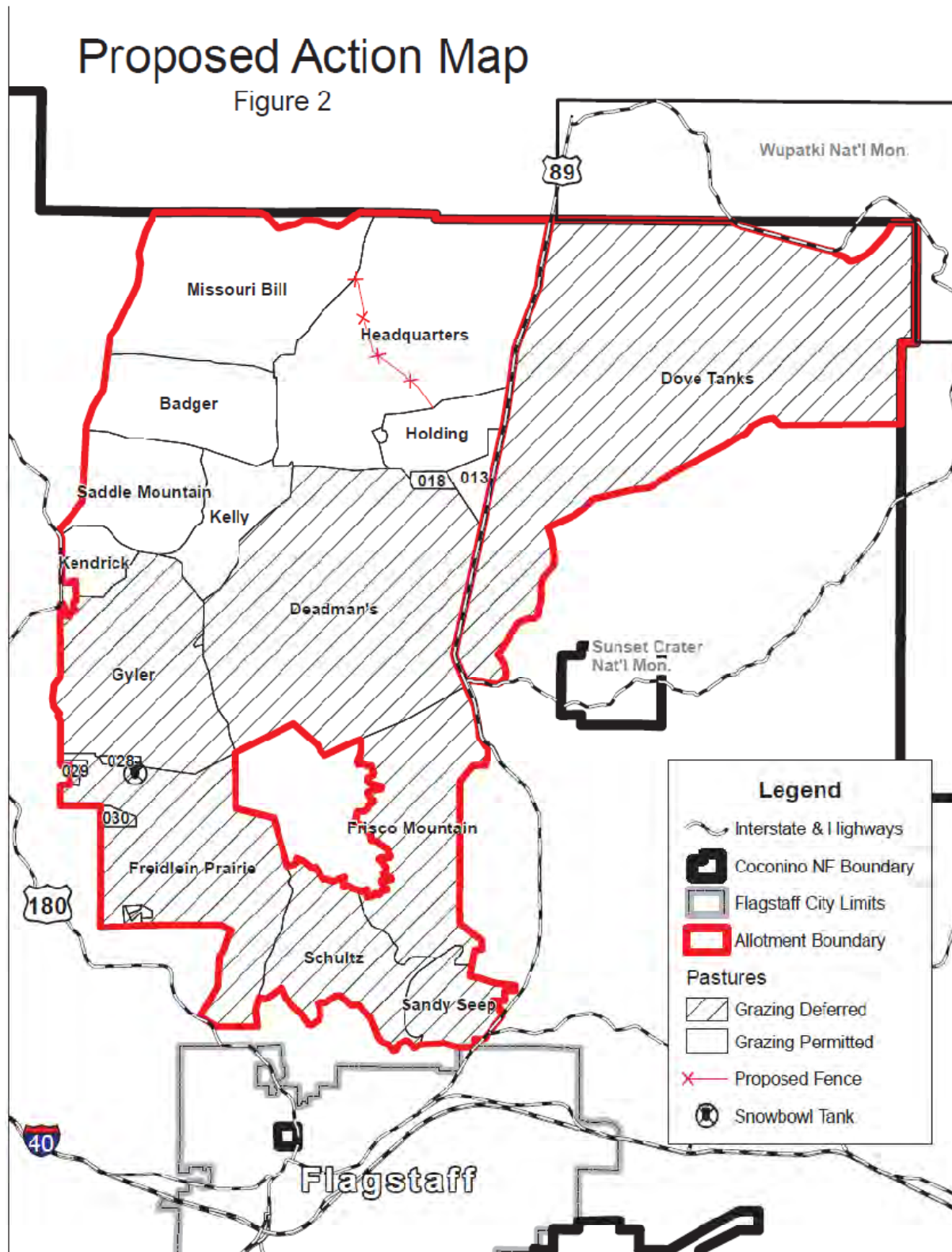


Figure 2. Map of the Allotment Area and Proposed Action

During the late summer and fall, grazing intensity would be managed at conservative levels (30-40%) when the potential for plant re-growth is limited.

Pasture Grazing Period

The grazing period within each pasture would be based upon weather/climate conditions, current growing conditions, and the need to provide for plant re-growth following grazing. The length of the grazing period within each pasture would also consider and manage for the desired grazing intensity and utilization guidelines. The grazing period per pasture would generally not exceed 30 days during the early to mid season use period (May - July), and 45 days during the mid to late season use period (August - October). Pastures would be grazed only once during the grazing season.

Structural Improvements

To improve grazing management, approximately four miles of new three-strand barbwire and smooth wire fence would be constructed in the Headquarters pasture (see Figure 2). This fence would divide the pasture, creating the North and South Headquarters pastures, and would improve grazing management by improving the timing, intensity, frequency and duration of livestock grazing. This fence would be constructed in accordance with specifications developed to facilitate wildlife passage.

Snowbowl Tank would be naturalized. This tank is located in the Freidlein Prairie pasture which is one of the pastures that is proposed for continued deferment from livestock grazing (see Figure 2). This tank is located near a population of Bebb willow, a Forest Service Sensitive plant, which is currently receiving heavy browsing from elk. Removing this water source should help reduce elk concentration in the area and as a result, reduce the browsing pressure on the Bebb willow. Naturalization would be accomplished by filling in the pit of the tank with material from the existing dam, re-contouring the impacted area and seeding with native vegetation.

Monitoring

Two types of monitoring would be used: implementation and effectiveness monitoring. Implementation monitoring would be conducted on an annual basis and would include: livestock actual use data, grazing intensity evaluations during the grazing season (within key areas), utilization at the end of the growing season (within key areas), and visual observation of vegetation and ground cover.

Effectiveness monitoring to evaluate the success of management in achieving the desired objectives would occur within key areas on permanent transects at an interval of 10 years or less. Effectiveness monitoring may also be conducted if data and observations from implementation monitoring (annual monitoring) indicate a need. A baseline for monitoring has been established from previous years of gathering monitoring data in accordance with prior permit requirements.

Both qualitative and quantitative monitoring methods would be used in accordance with the Interagency Technical References (USDA/USDI 1996), Forest Service Region 3 Rangeland Analysis and Management Training Guide, and the Forest Service Region 3 Allotment Analysis Handbook.

Adaptive Management

The Proposed Action includes adaptive management, which provides a menu of management options that may be needed to adjust management decisions and actions to meet desired conditions as determined through monitoring. If monitoring indicates that desired conditions are not being achieved, management would be modified in cooperation with the permittee. Adaptive management allows the Forest Service to adjust the timing, intensity, frequency, and duration of livestock grazing, the grazing management system, and livestock numbers. If adaptive management adjustments are needed for these factors, they would be limited to the terms identified in this Proposed Action and they would be implemented through Annual Operating Instructions (AOI). Adaptive management would also allow for the construction of structural range improvements that have been identified and analyzed in an applicable NEPA document and are determined, through monitoring, to be necessary for achieving desired conditions. An example of a situation that could call for adaptive management adjustments is drought conditions.

Resource Protection Measures

The Proposed Action is designed to comply with Coconino National Forest Plan standards and guidelines, as amended. Design features are incorporated into the proposed action (above) to protect forest resources of soil, water, scenery values, wildlife and aquatic habitat, and rare plants. Mitigation measures and Best Management Practices would be implemented to prevent the introduction and spread of invasive plants, to protect heritage resources, and to protect public health and safety during project implementation.

Mitigation Measures

In response to public comments on the proposal, mitigation measures were developed to minimize some of the potential impacts the proposed action may cause. Applicable Forest Plan standards and guidelines, Best Management Practices, and Forest Service Manual and Handbook direction will be incorporated in proposed action and implementation. The Mitigation Measures proposed for this project are found on pages 13-15 of the EA and include mitigations for noxious and invasive weeds, soil and watershed, wildlife and sensitive plants.

DECISION RATIONALE

The Proposed Action will meet the purpose and need to authorize the continuation of livestock grazing in a manner that maintains and/or moves the area toward Coconino National Forest Plan objectives and desired conditions and maintains or improves vegetation and soil conditions within the allotment. Livestock grazing is part of the multiple use management of National Forest System lands and environmental analysis demonstrates that livestock grazing can be managed on this allotment without significant impacts to other resources (i.e., wildlife, vegetation, soils, water quality). The No Action Alternative (or no grazing alternative) was not selected because, while this alternative may allow for maintenance or improvement of vegetation and soil conditions, it does not meet the purpose and need of authorizing cattle grazing in a manner that maintains or moves the area toward Forest Plan desired conditions. The Peaks Allotment EA documents the environmental analysis and conclusions upon which this decision is based.

The following alternatives were considered based on FSH guidance and public comments, but were eliminated from detailed analysis in the EA.

Current Grazing Management

Per FSH 2209.13 92.31, “Current Management should also be analyzed in detail as an alternative to the proposed action if current management meets the stated purpose and need for action.” For this project, the Proposed Action is equivalent to Current Management in terms of actual use, monitoring, adaptive management, and resource protection measures, thus no additional alternative will be analyzed.

Utilization Guideline below 30%

One comment brought forward from the Friends of Anderson Mesa requested the development of an action alternative that would reduce utilization to below 30%. An alternative was considered that would reduce utilization from 30-40% to below 30% utilization. The analysis of reducing utilization in other recent range projects has not shown a large difference from the effects of allowing cattle grazing at 35% or at 20% utilization. There were no important differences in effects to soils, vegetation, wetlands, wildlife, or other resources. 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 utilization guideline alternative would result in similar environmental effects as that of the Proposed Action, it was eliminated from further analysis.

PUBLIC INVOLVEMENT

The project was listed in the Schedule of Proposed Actions from January 2008 through July 2010. On August 14, 2009, the proposal was mailed to members of the public, affected individuals, and other agencies for comment via letters and email. This officially marked the beginning of the 30-day scoping period. Scoping comments were accepted until September 18, 2009. A mailing list was compiled of local agencies, businesses, individuals, and organizations interested in or determined to be potentially impacted by the project. Emphasis was placed on contacting people affected or concerned about the project. Scoping documents, including a discussion of the proposed action and a map, were sent to 57 individuals, organizations, agencies, and tribes on the mailing list. Announcements soliciting public input on the Proposed Action were posted on the Forest Service’s website. Thirteen tribes were notified of the project. Additionally, on August 11, 2009, the Forest Service hosted a meeting with the permittee of the Peaks Allotment. The meeting focused on the Proposed Action. Three comment submissions were received. On the basis of these comments, the interdisciplinary team addressed the issues identified in the EA.

On June 27, 2010, the EA was released for 30-day public comment period and a legal notice was published in the Arizona Daily Sun. Interested individuals, organizations, agencies and tribes on the mailing list were notified of the availability of the EA by letter and email. Written responses were received from three organizations (Forest Service Employees for Environmental Ethics, Friends of Anderson Mesa, and the Center for Biological Diversity) during the comment period. A total of 18 comments were included in the three letters, and primarily involved the analysis of

wilderness within the allotment, wildlife habitat concerns, and grazing suitability/capacity. Responses to the comments received during the 30-day comment period can be found in the attached Response to Comments document.

FINDING OF NO SIGNIFICANT IMPACTS

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

Context

I have determined that the Proposed Action are site-specific actions, limited to those areas of the Peaks Allotment where grazing will be permitted (32% of the allotment, shown in Figure2) and to the area surrounding Snowbowl Tank. By themselves the Proposed Actions do not have international, national, region-wide, or statewide importance. The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance in the area associated with the Peaks Ranger District.

Intensity

The intensity of effects was considered in terms of the following:

- 1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.
- 2. The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety because management of the rangeland activities and construction of improvements will be conducted in a safe manner to protect the public. Structural improvements will be completed using professional project design and implementation. Much of the allotment is in remote areas that are not frequently visited by the public. Public health and safety was not brought up as an issue during public scoping or comment periods.
- 3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area, because there are no parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the Peaks Allotment. Though there are known cultural resource sites within the grazed portion of the allotment, the Proposed Action will continue the status quo of grazing by wild ungulates and cattle that has occurred

throughout history. Therefore, there will be no effects to cultural resources as documented in the project State Historic Preservation Office (SHPO) consultation report located in the project record at the Peaks District office.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. Public concerns and input have been considered throughout the analysis process. For this project, we integrated studies, monitoring results, and published research findings to support our analysis. For this project, I find that the best available science was used and that the effects on the quality of human environment are not likely to be highly controversial from a scientific or technical standpoint. The effects are documented in the EA (located in the project record at the Peaks District office).
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with grazing actions and proposed mitigation measures like the ones proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (project record, Peaks District office).
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, due to the routine nature of livestock grazing authorization.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. Past, present and reasonably foreseeable actions within the project area that may have additive effects to vegetation, wildlife, and soil and watershed conditions include: permitted hunting, dispersed recreation, road maintenance, fuels reduction and forest health projects, geothermal energy exploration, Forest Service Travel Management Rule implementation, and private land development. The EA discusses the potential cumulative effects of these actions on each resource and I have determined that the additive impacts are not significant (project record, Peaks District office).
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. Consultation with the Arizona State Historic Preservation Office (SHPO) has been completed and they concurred with the Forests archeologist determination of no effect to listed or eligible sites. By avoiding known archeological sites there will be no effect to cultural resources and any new sites discovered during implementation will be reported to the Forest archeologist and ground disturbing work halted (project record, Peaks District office).

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** 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. Mexican spotted owls are known to occur within the allotment; however, no livestock grazing will occur within protected or restricted habitat. Therefore, a determination of No Effect was given by the Forest Service Biologist and documented in the Biological Evaluation. (project record, Peaks District office).

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA, pages 6-8). The action is consistent with the Coconino National Forest Land and Resource Management Plan.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Coconino National Forest Land Management Plan. The project was designed to maintain and/or move the area toward Coconino National Forest Plan objectives and desired conditions and maintain or improve vegetation and soil conditions within the Allotment.

The environmental analysis of grazing use on the Peaks Allotment is required by the Rescission Act of the Burns Amendment of 1995. The project follows direction for rangeland management contained in FSM 2202.1 and 2203.1 and Chapter 90, Rangeland Management Decision Making of FSH2209.14 – Grazing Permit Administration Handbook. The project also complies with the Endangered Species Act of 1973 (as Amended), the National Historic Preservation Act (NHPA) of 1966 and the Archeological Resource Protection Act of 1979.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (appeal) pursuant to both 36 CFR Part 215 and 251. Appellants must submit appeals under only one authority. Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Arizona Daily Sun, the newspaper of record. The publication date in said newspaper of record is the exclusive means for calculating the time to file an appeal. However, when the 45-day filing period will end on a Saturday or Sunday or federal holiday, the filing time is extended to the end of the next federal working day.

Individuals or organizations who provided comment or otherwise expressed interest in the proposed action by the close of the comment period may appeal. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. Attachments received after the 45 day appeal period will not be considered. Written appeals under 36 CFR 215 must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer:

Earl Stewart, Coconino National Forest Supervisor
1824 S. Thompson St.
Flagstaff, Arizona 86001
Fax: (928-527-3620)

The office business hours for those submitting hand-delivered appeals are 8:00 a.m. – 4:30 p.m., Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-southwestern-coconino@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

In accordance with 36 CFR Section 215.14, it is the responsibility of those who appeal a decision to provide the Appeal Deciding Officer sufficient evidence and rationale to show why the Responsible Official's decision should be remanded or revised.

- State that the document is a Notice of Appeal filed pursuant to 36 CFR Part 215.
- List the name, address and telephone number of the appellant.
- Identify the decision document by title and subject, date of decision, and name and the title of the Responsible Official.
- Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects.
- State how the Responsible Official's decision fails to consider comments previously provided and, if applicable, how the appellant believes the decision violates federal law, regulation, or policy.

Those who hold written authorizations to occupy and use National Forest System lands pursuant to 36 CFR 251 may appeal this decision with a written Notice of Appeal meeting the requirements at CFR 251.90. The permittee or eligible applicant may appeal this decision under 36 CFR 251. A Notice of Appeal must be consistent with 36 CFR 251.90 and **filed simultaneously** with the Appeal Reviewing Officer and Deciding Officer within 45 days from the date of this decision. These Appeals should be sent to:

Earl Stewart, Appeal Reviewing Officer,
Forest Supervisor
Coconino National Forest
1824 S. Thompson St.
Flagstaff, Arizona 86001
Fax: (928) 527-3620

and

Mike Elson, Project Deciding Officer,
District Ranger, Peaks and Mormon Lake Ranger Districts
5075 N. Highway 89
Flagstaff, Arizona 86004

Appeals may be filed electronically. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to appeals-southwestern-coconino@fs.fed.us and to mtelson@fs.fed.us. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals. The Deciding Officer is willing to meet with permit applicants or holders to hear and discuss any concerns or issues related to this decision. This decision may be implemented during an appeal unless the Reviewing Officer grants a stay under 36 CFR 251.91.

IMPLEMENTATION DATE

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five 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.

CONTACT

For additional information concerning this decision, contact: Gary Hase, District Rangeland Management Staff, Peaks and Mormon Lake Ranger Districts, 5075 North Highway 89, Flagstaff, AZ 86004. Phone: 928-527-8265.

SIGNATURE

I determined the Proposed Action for the Peaks Allotment will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.



Mike T. Elson
District Ranger
Peaks and Mormon Lake Districts
Coconino National Forest

August 19, 2010

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