

**DECISION NOTICE AND  
FINDING OF NO SIGNIFICANT IMPACT**

**PINE/HOG CANYON ALLOTMENTS  
GRAZING STRATEGY AND ASSOCIATED IMPROVEMENTS**

**Payson Ranger District  
Tonto National Forest  
USDA Forest Service  
Gila County, Arizona**

**Decision and Rationale**

**BACKGROUND**

Pine/Hog Canyon Allotment has a current term grazing permit authorizing up to 223 adult cattle from November 1<sup>st</sup> through May 31<sup>st</sup>, and from 90 adult cattle (even years) and 176 adult cattle (odd years) from June 1<sup>st</sup> through October 31<sup>st</sup>. The current Allotment Management Plan was approved on 8/26/1985.

Purpose of the proposed action is for continued authorization of grazing on these allotments 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 are three primary needs for the proposed action: incorporating adaptive management, structural practices to better control livestock distribution, and improved riparian management. Current management does not provide for adaptive strategies that will allow the Forest Service and grazing permittee to respond to changing resource conditions. Proposed range improvement practices such as fencing and improved access to water, will better control livestock distribution. Improved riparian area management may include, but is not limited to, fencing key riparian reaches and monitoring in order to reach desired resource conditions.

**DECISION**

Based upon my review of the alternatives considered in detail, it is my decision to implement Alternative 2 contained in the Environmental Assessment (EA) for the Pine/Hog Canyon Allotment. A new 10-year Term Grazing Permit will be issued. The following table outlines the specific actions included in my decision for the allotment.

**Table 1. Decision elements for the Pine/Hog Canyon Allotment**

<b>FEATURES</b>	<b>Specific Action</b>
<b>Permitted Use</b>	Initial stocking rate of no more than 50 cow/calf pairs or 792 Animal Unit Months (AUM's) until existing range improvements are maintained to standards in enough pastures to support a pasture rotation. Based on monitoring of forage resources and range improvements, stocking levels will be increased up to the proposed maximum of 185

	cow/calf pairs, or 2,930 AUM's. Cattle numbers will fluctuate yearly based upon forage production and status of range improvements.
<b>Pasture Management</b>	Ten main pastures will be used in a grazing rotation incorporating rest and deferment as needed to achieve desired resource conditions. The number of pastures used in a given year will depend on herd size. Pasture use periods will be kept flexible to the extent possible. Those pastures at higher elevations have typically been used in spring/summer (May through October) and include: Red Hills, Strawberry Mountain, Strawberry Point, Telephone Draw, Cedar Mesa North and South, and Buckhead holding North and South. Those pastures at lower elevations typically used in fall/winter (November through April) are Connally Point, White Hills, Round Valley, Hog Canyon, and Gilmore. The Strawberry Point pasture would be limited use only; use would depend on maintenance of the fence around the towns of Pine and Strawberry. Actual pasture season of use each year will depend on observed resource conditions and herd size.
<b>Rest/Deferment</b>	Generally pastures will be grazed only once during the grazing year. However, if the need arises to provide rest (or deferment) for other pastures, a pasture may be used twice provided there has been sufficient vegetative growth/regrowth and grazing is managed within the intensity and utilization guidelines.
<b>Utilization Standards</b>	<p><b>Uplands:</b> Herbaceous in pastures = 30 - 40% Browse in pastures = &lt;50% of current years leader growth</p> <p><b>Riparian:</b> Use on Deergrass = &lt; 40% of plant species biomass Maintain an average of 6 - 8 inches of stubble height during the grazing period on emergent species.</p>
<b>Mitigation</b>	In Mexican Spotted Owls Protected Activity Centers (PAC), no human disturbance from cattle gathering or construction activities will occur during the breeding season (March-August) unless surveys confirm owls are not present.
<b>Improvements</b>	<ol style="list-style-type: none"> <li>1. Trap fencing around existing and planned water developments in order to better control livestock distribution, as needed.</li> <li>2. Water developments by pasture: Strawberry Mtn (1); Red Hills (1); Telephone Draw (1); Connally Point (2); Round Valley (1); Hog Canyon (2)</li> <li>3. Add 2 new troughs and up to ½ mile of pipeline to existing Buckhead holding pasture water system.</li> <li>4. Split the Connally Point pasture into east and west units with approx. 2 miles new fence.</li> <li>5. Split the Red Hills pasture into north and south units with approx. 1-1/2 miles new fence.</li> <li>6. Riparian exclosures, such as, Hog Canyon Spring and Sycamore wash springs if monitoring shows that riparian allowable use levels cannot be achieved over long-term without fencing.</li> </ol>

	<p>7. Drift fencing or enclosure to keep cattle from Pine Creek in Red Hills and White Hills pastures, if monitoring shows allowable use levels cannot be achieved over long-term without fencing.</p> <p>8. All existing improvements would be maintained to Forest Service standards. This may require major reconstruction for fences, or addition of impermeable liners or bentonite clay for existing earthen stock tanks to make them functional.</p>
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## RATIONALE FOR THE DECISION

My objective in reaching this decision was to select an alternative that allows for a response to changing resource conditions or management objectives, while addressing the multiple use resource needs of the agency and the sustained long-term economic returns of the ranching operation. This alternative maximizes movement toward the management direction and best complies with the standards and guidelines as specified in the Tonto LMP. This alternative will meet these needs by sustaining or improving rangeland productivity. I am particularly concerned with the need for improvement in riparian systems. Alternative 2 establishes riparian use guidelines for key riparian reaches. I believe Alternative 2 has the best potential for movement towards meeting the Forest's LMP objectives, while considering the current socioeconomic factors. Alternative 2 also addresses the Forest Service's mission to provide a sustained flow of resources from National Forest System lands while promoting a healthy and productive environment.

As stated in the EA, Alternative 1 would be less effective in meeting the objectives as specified in the LMP. Alternative 1 does not provide for additional water developments, nor provide for continued permittee maintenance of existing waters. It is a Tonto LMP standard and guideline to provide for a minimum of one water source per section in big game key areas.

Alternative 1 may provide the most improvement to the environmental resource conditions in areas without dense woody overstory; however, it does not address the social and economic needs to both the affected permittees and to Gila County. It does not address the Forest Service's mission to provide a sustainable flow of resources from National Forest System lands. It also does not address the need for an adaptive management strategy.

## ALTERNATIVES CONSIDERED

The alternatives considered for the Pine/Hog Canyon EA included a "no grazing" alternative and an action alternative, which responded to the purpose and need for action and the issues. Chapter 2 of the EA contains a complete discussion of alternatives.

### **Alternative 1 (no grazing) -**

- grazing by domestic livestock will not occur
- range improvements will not be maintained with Forest Service funds generated through the collection of grazing fees

## **Alternative 2**

- grazing by domestic livestock will occur
- an Adaptive Management strategy will be used to manage the allotment
- range improvements will be constructed to better control livestock distribution including new water developments, trap fencing around existing tanks, and pasture interior fences

## **Public Involvement**

District Ranger Edward E. Armenta formally initiated the NEPA process in April 2009. A scoping letter was sent to interested/affected parties to solicit comments concerning the proposed action for the Pine/Hog Canyon Allotment (see Consultation and Coordination on pages 59-60 of the EA for a list of persons, organizations and agencies that were consulted). Comments received were analyzed in June 2009 to identify issues with the proposed action. District Ranger Armenta identified no significant issues that could not be mitigated within the two alternatives to be considered in the analysis.

A copy of Chapters 1 and 2 of the Environmental Assessment went to the public for a 30-day comment period in August 2009. Six letters or emails were received in response. All comments received throughout the analysis were considered in this decision. A content analysis on the comments and their consideration is in the project record.

## **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 findings on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety because rangeland management activities would be conducted in a safe manner to protect the public. Rangeland management activities similar to those described in the EA have occurred in this area, as well as over most of the Forest, without incident of issue with public health and safety. Public health and safety was not identified as an issue during scoping. The project does not involve national defense or security.
3. The selected alternative does not propose any new road construction or changes to existing travel management. There are no inventoried roadless areas, congressionally-designated wilderness areas, or Wild and Scenic Rivers in the Project Area. The project area is known to contain cultural resources of both prehistoric and historic periods. The action will not have an adverse effect on heritage resources.
4. This Environmental Analysis is tiered to the LMP Environmental Impact Statement. Forest-wide effects of LMP's standards were disclosed in that EIS. The selected



alternative with the identified mitigation considered in the EA meet LMP standards. In addition, extensive scoping was completed during the analysis in order to identify areas of potential controversy. The scoping activities are identified in Chapters 1 and 4 of the EA, this Decision Notice, and the project record. Areas of potential controversy were identified as issues. Issues were used to focus development of alternatives, mitigation measures, and limit the scope of the analysis of the effects in the EA. There has been no information presented that would demonstrate that the action would cause adverse impacts that could not be mitigated. I conclude that it is very unlikely that the environmental effects associated with the action will be highly controversial.

5. This action is similar to many past actions, both in this analysis area, and adjacent areas. Effects of this action will be similar to the effects of past, similar actions. Livestock grazing and fence construction have occurred on the Tonto National Forest for over 100 years. The Interdisciplinary Team that conducted the analysis used the results of past actions as a frame of reference, and combined that insight with scientifically accepted analytical techniques and best available information to estimate effects of the proposal. I conclude there are no unique or unusual characteristics about the area, not previously encountered, that would constitute an unknown risk upon the human environment.
6. Similar actions have occurred in the watershed. Effects of this project are minor and short-term in nature. Major follow-up actions will not be necessary. I conclude that this action does not establish precedence for future actions with unknown risks to the environment.
7. Chapter 3 of the EA discusses the combined effects of the project with other past, current and reasonably foreseeable future actions. Based on the discussions in the EA and information identified during public review of the EA and given in the Decision Notice, I have concluded that there are no significant, cumulative impacts.
8. There are no known sites or structures within the project area that are currently listed or eligible for placement on the National Register of Historic Places. Consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the *National Historic Preservation Act* has been completed for grazing and proposed improvements and the SHPO has concurred with the no adverse effect determination.
9. A Biological Assessment for endangered, threatened and Forest Service Sensitive species was completed in 2010 and submitted to the U.S. Fish and Wildlife Service for informal concurrence. The project area contains designated critical habitat for Mexican Spotted Owl as defined by the Endangered Species Act.

The following determinations were made for threatened and/or endangered species in the 2010 Biological Assessment:

Common Name	Species	Status	Analysis Area Occurrence	Determinations
Mexican Spotted Owl (species)	<i>Strix occidentalis lucida</i>	T	PAC's	May affect, not likely to adversely affect
Mexican Spotted Owl (critical habitat)	<i>Strix occidentalis lucida</i>	T	Critical habitat	May affect, not likely to adversely affect
Chiricahua Leopard Frog	<i>Rana chiricahuensis</i>	T	Historic	May affect, not likely to adversely affect

Based upon the conclusions documented in the Biological Assessment and the wildlife effects analysis, I conclude that there will be no adverse effects to species as listed in the above table or their habitat determined to be critical under the Endangered Species Act (ESA).

- Chapters 1-3 document the analysis for this project which does not threaten or violate any federal, state or local law imposed for the protection of the environment. This project is fully consistent with the Tonto LMP and the *National Forest Management Act* (NFMA), *Clean Water Act*, and the *Federal Land Policy Management Act of 1976*.

**Based on the above considerations I have concluded that this project is in compliance with statutes imposed for the protection of the environment and that this is not a major federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not needed.**

## Findings Required by Other Laws and Regulations

The EA is appropriately tiered to and consistent with the Tonto Land Management Plan and the selected alternative is in compliance with management direction for the area.

The *National Environmental Policy Act* provisions have been followed as required by *40 CFR 1500*. The EA analyzed a reasonable range of alternatives, including the No Grazing alternative. It also discloses the expected impacts of each alternative and discusses the identified issues. This document describes the decision I have made and my rationale for the decision.

The decision meets all requirements of the *Endangered Species Act*. Informal concurrence was obtained from the U.S. Fish and Wildlife Service as to the determinations made on Threatened and/or Endangered species in the Biological Assessment that was submitted by the Forest Service on September 2, 2010. Concurrence from the U.S. Fish and Wildlife Service has been requested and received for Alternative 2, the Adaptive Management alternative, on September 20, 2010.

The selected alternative complies with the provisions of the *National Historic Preservation Act* (NHPA). The State Historic Preservation Officer and any potentially affected tribes have been consulted. Clearance for this project has been received, with concurrence by the State Historic Preservation Officer.

Water and air quality standards will be met. There are no classified floodplains or wetlands within the project area.

The project area does not contain any portion of the Matazal and Hellsgate inventoried roadless area outside of the Hellsgate and Matazal Wilderness and does not propose any new road construction within this area, or elsewhere in the project area.

## **Implementation Date**

If no appeals are filed within the 45-day period, implementation of the decision may occur on, but not before, the 5th business day 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.

## **Administrative Review or Appeal Opportunities**

This decision is subject to appeal pursuant to regulations at *36 CFR 215*. Individuals or organizations who provided comment or otherwise expressed interest in the proposed action during the comment period may appeal. Interest expressed or comments provided on this project prior to or after the close of the comment period do not have standing for appeal purposes. The appeal must be filed (regular mail, fax, email, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer. Submit appeals to:

Gene Blankenbaker  
Forest Supervisor  
Tonto National Forest  
2324 E. McDowell Rd  
Phoenix, AZ 85006  
Fax: 602-225-5295

If hand delivered, the appeal must be received at the above address during business hours (Monday - Friday 8:00 am to 4:30 pm), excluding holidays. Electronic appeals may be submitted to: [appeals-southwestern-tonto@fs.fed.us](mailto:appeals-southwestern-tonto@fs.fed.us) (.doc, .rtf, or .txt formats only). 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.

Appeals, including attachments, must be in writing, fully consistent with *36 CFR 215.14*, and filed (postmarked) within 45 days following the date this notice is published in the *Payson Roundup*, the newspaper of record. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframes provided by any other source.

Relative to the 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 above address and with the District Ranger, Ed Armenta, at 1009 East Highway 260 Payson, Arizona 85541. Such appeals must be filed within 45 days of the date of publication of the legal notice in the *Payson Roundup*, newspaper of record.

## **FUTURE REVIEW OF THE DECISION**

In accordance with Forest Service Handbook direction [*FSH 1909.15(18)* and *2209.13(96)*], an interdisciplinary review of the decision will occur within 10 years, or sooner if conditions warrant. If this review indicates that management is meeting standards and achieving desired condition, the permit would be re-issued and initial management activities would be allowed to continue. If monitoring demonstrates that objectives are not being met and management options beyond the scope of the analysis are warranted, or if new information demonstrates significant effects not previously considered, a new proposed action would be developed and further analysis under NEPA will occur.

## **CONTACTS**

For additional information on this decision, contact Edward E. Armenta; District Ranger, at (928) 474-7900.



**EDWARD E. ARMENTA,**  
District Ranger  
Payson Ranger District  
Tonto National Forest

9/30/10  
DATE