

April 2007

Decision Memo

Grazing Authorizations: Polecat and Oak Grove Allotments

USDA Forest Service
Safford Ranger District, Coronado National Forest
Cochise County, Arizona

Township 12 South, Range 21 East, Section 24
Township 12 South, Range 22 East, Sections 12-14, 19-30, 32-35
Township 13 South, Range 22 East, Sections 2-4, 10, 11, 13, 14

BACKGROUND

This memo documents my decision to authorize continued livestock grazing on the Polecat and Oak Grove allotments in the Safford Ranger District. These allotments are located in the Winchester Mountains northwest of the town of Willcox in northern Cochise County, Arizona (map attached). The allotments include lands designated as Management Areas 1 and 4 in the Coronado National Forest Land and Resource Management Plan [Forest Plan, Project Record (PR) 1]. Management Area 1 includes steep, rugged lands at high elevations that are generally unsuitable for livestock grazing. Management Area 4 land is identified as suitable for grazing in the Forest Plan. Current resource conditions and grazing management on these allotments are consistent with Forest Service policy and meet the goals of the Coronado Forest Plan (1986, as amended). There is no need for change from current grazing management and no need for structural or other improvements.

The Rescission Act of 1995 (PL 104-19, Section 504) requires that National Environmental Policy Act (NEPA) compliance be completed prior to a decision by the Forest Service to authorize continued livestock grazing on active allotments under current management practices.

PURPOSE AND NEED

The purpose and need for the proposed action is directly related to the following statutes and Forest Service policy, which states "*Where consistent with the goals, objectives, standards and guidelines of Forest Plans, it is Forest Service policy to make forage from lands suitable for grazing available to qualified livestock operators*" [Forest Service Manual (FSM) 2202.1, FSM 2203.1, 36 CFR 22.2 (c), Multiple Use and Sustained Yield Act of 1960, Wilderness Act of 1964, Forest and Rangeland Renewable Resources Planning Act of 1974].

The purpose of the proposed action is to authorize livestock grazing in a manner that is consistent with Forest Service policy and that meets the following goals and objectives of the Forest Plan for range, wildlife, soil, water and land management on the Forest.

- To restore rangeland to at least moderately high ecological condition (70% to 75% of potential production, fair range condition) with stable soil and a static to upward trend (p. 10);
- Produce livestock products consistent with other resources and uses (p. 10);
- Eliminate grazing from areas not capable of supporting livestock without significant detriment to range or other resources (p. 10);
- Balance permitted grazing use with grazing capacity (p. 10);
- Provide habitat for wildlife populations consistent with the goals outlined in the Arizona and New Mexico Department of Game and Fish Comprehensive Plans and consistent with other resource values (p. 10);
- Provide for ecosystem diversity by at least maintaining viable populations of all native and non-native wildlife, fish and plant species through improved habitat management (p. 10);
- Improve the habitat of and protection for local populations of Threatened and Endangered species to meet the goals of the Endangered Species Act (p. 10);
- Provide a favorable flow of water in quantity and quality for off-forest users by improving or maintaining all watersheds to a satisfactory or higher level (p. 10); and
- Allow the use of available National Forest lands for appropriate public or private interests consistent with National Forest Policies (p. 11).

Agency action is needed because current grazing permittees have indicated that they wish to continue grazing on these allotments.

DECISION AND RATIONALE

Based in part on my review of the Project Record, I have decided to authorize continued livestock grazing on the Polecat and Oak Grove Allotments. The proposed action has three components - authorization, management practices, and monitoring - all of which will incorporate the principle of adaptive management.

Authorization

Livestock grazing will be authorized under terms and conditions that define the duration, frequency, timing and intensity of grazing on the allotments.

- **Duration, frequency and timing of grazing.** Use of each allotment will be authorized year-round in conjunction with grazing on adjacent state and private lands. Although grazing will be authorized year-round, there is no developed water within the Forest on these allotments, so use would be functionally restricted to the dormant (winter) season.

- **Intensity of grazing.** Forage utilization will be managed at a light to moderate intensity¹ in order to provide for grazed plant recovery, increased herbage production, and retention of herbaceous litter to protect soils. Consistent patterns of utilization in excess of 45% of key species in key areas will be used as a basis to modify management practices or take administrative actions necessary to reduce utilization in subsequent grazing seasons.

The following administrative actions will implement my decision.

- **Permit Issuance.** New 10-year term grazing permits will be issued to the current permittees for each allotment. The Polecat allotment will be permitted for up to 17 cattle yearlong (CYL), which is equal to 204 head-months, on/off. The Oak Grove allotment will be permitted for up to 50 CYL, which is equal to 600 head-months, on/off. The proposed permitted use is based on records of actual use on the allotments over the past 10 to 15 years and the effects of this use on resource conditions, as described below.
- **Allotment Management Plans.** New allotment management plans (AMPs) will be developed for each and will be incorporated into grazing permits. AMPs will describe the goals and objectives of management, management practices, and monitoring requirements. They will incorporate an adaptive management strategy under which specific numbers of livestock will be set each year based on resource conditions and management objectives.
- **Annual Operating Instructions (AOI).** On an annual basis, the Forest and permittee will jointly prepare an annual plan, or AOI, that sets forth:
 1. The number and class of livestock and the timing and duration of use for the current season.
 2. Allowable use or other standards to be applied and followed by the permittee to properly manage livestock.
 3. Monitoring for the current season that may include, among other things, documentation demonstrating compliance with the terms and conditions in the grazing permit, AMP and AOI.

Management Practices

At present, the only structural improvements on these allotments are fences between them within the interior of the Forest. No need for additional structural improvements has been identified. The responsibility for maintenance of improvements is assigned to the permittee(s) in the terms and conditions of each grazing permit (FSM 2244.03).

¹ Based on review of numerous grazing intensity studies, Holechek (1999, 2004) identifies light to moderate grazing as 32-43% average use of primary forage species. These averages are based on pasture-wide utilization averaged over time. The Forest Service monitors utilization based on the use of key forage species in key areas. Key areas are selected to be representative of management effectiveness over the entire pasture. For the purposes of monitoring, an annual use guideline of 30%-45% of key species in key areas will be used to monitor use in all pastures, which, combined with growing season rest or deferment, should insure pasture-wide average use of less than 45%. (Holechek, J.L, T.T Baker and J.C, Boren. 2004. *Impacts of controlled grazing versus grazing exclusion: What we have learned*. Range Improvement Task Force Report # 57. New Mexico State University, Las Cruces, NM)

To mitigate resource impacts, the following management practices will be implemented. These measures are consistent with applicable Forest Plan standards and guidelines and Best Management Practices for soils and watershed (FSH 2509.22). With the implementation of the following management practices, in combination with the proposed duration, frequency, timing and intensity of grazing, adverse environmental impacts would be avoided and desired resource conditions will be maintained.

- Herding and salting will be used, as needed, to achieve appropriate livestock distribution and/or lessen the impact on sensitive areas. Salt or similar solid supplements will be placed on good feed, and salting locations will be moved annually.
- No hay or bulk feed will be placed on Forest lands in order to minimize the introduction of weeds or invasive plant species.
- Fence reconstruction or repair will meet Forest Plan standards (Forest Plan, p. 35) to allow wildlife passage. The minimum requirement is for a 4-strand fence with a smooth bottom wire placed 16 inches from the ground surface and having a total height of 42 inches or less.

Monitoring

Monitoring will be conducted to determine whether allotment management is being properly implemented and whether it is effective at achieving or moving the landscape toward desired resource conditions.

Effectiveness monitoring, which includes the collection of data to determine condition and trends of upland and riparian vegetation, soils, and watersheds, will be conducted at a minimum of five-year intervals, or more frequently, as necessary. Such monitoring will be carried out according to procedures given in an Interagency Technical Reference² and Forest Service, Region 3, Rangeland Analysis and Training Guide.³ Data will be interpreted to determine whether management is achieving desired resource conditions, whether changes in resource conditions are related to management, and whether modifications in management are necessary

Implementation monitoring will be conducted annually to document allotment inspections, forage utilization measurements in key areas, livestock counts, and facilities inspections. Utilization measurements will be made in accordance with procedures found in another Interagency Technical Reference⁴ and with consideration of the Principles of Obtaining and Interpreting Utilization Data on Southwest Rangelands. Utilization will focus on key forage species, which are native perennial grasses that are palatable to livestock. At a minimum, use monitoring will be carried out in key areas⁵, but may also be conducted beyond key areas. Over

² Sampling Vegetation Attributes, Interagency Technical Reference. 1996. Cooperative Extension Service, USDA Forest Service and Natural Resources Conservation Service, and USDI Bureau of Land Management.

³ Rangeland Analysis and Management Training Guide. 1997. USDA Forest Service, Southwestern Region.

⁴ Utilization Studies and Residual Measurements. Interagency Technical Reference. 1996. Cooperative Extension Service, USDA Forest Service and Natural Resources Conservation Service, and USDI Bureau of Land Management. Revised 1999.

⁵ A key area is a portion of rangeland selected because of its location, use or grazing value as a monitoring location for grazing use, range condition and trend. Key areas are usually ¼ to 1 mile from water, located on productive soils on level to intermediate slopes where prescribed use would occur first. They are 5 acres or more in size. Properly selected key areas would reflect the overall acceptability of current management.

time, changes in resource conditions or management may result in changes in livestock-use patterns. As livestock-use patterns change, new key areas may be established, and existing key areas may be modified or abandoned in cooperation with the permittee(s). Permittees will be encouraged to participate in monitoring activities. Records of livestock numbers, movement dates, and shipping records will be kept by the permittees and shared annually with Safford District Range staff.

Adaptive Management

Adaptive management is a tool that uses the documented results of specific management actions to develop new actions that improve resource conditions. The proposed management of the Polecat and Oak Grove allotments is designed to allow management to adapt to changing circumstances. If monitoring indicates that desired resource conditions are not being achieved, adaptive management allows decisions related to specific elements of grazing to be modified. Such changes may include the specific number of livestock authorized annually, specific dates for grazing, or the class of animal. However, such changes will not be authorized to exceed the upper bound established in the 10-year permit for timing, intensity, duration and frequency of grazing. Adaptive management will be implemented through modification of annual operating instructions, which may adjust livestock numbers and the timing of grazing, so that use is consistent with current productivity and meets management objectives.

FINDING

I find that the continuation of existing grazing on the Polecat and Oak Grove allotments can be categorically excluded from documentation in an environmental impact statement or an environmental assessment pursuant to Section 339 of the 2005 Consolidated Appropriations Act. The categorical exclusion is appropriate in this situation because this action meets the provisions outlined in the Appropriations Act as follows:

1) *The decision continues current grazing management and livestock numbers as described below.*

Oak Grove. The allotment is located on the east side of the Winchester Mountains and consists of 4,292 acres of which 855 are considered capable and suitable for grazing. The allotment comprises a portion of a pasture of a larger ranch operation consisting of 16% Forest Service-administered lands and 84% state and private lands controlled by the permittee. Combined, these lands form a natural grazing unit and an on/off permit is used to promote efficient use of the intermingled lands consistent with Forest Service Policy (FSM 2231.14). The Forest boundary is only partially fenced and cattle are free to move on and off of the Forest; however, there is a fence between the Oak Grove and the neighboring Reilly Peak allotment. There is no permanent water on the Forest, so Forest Service lands receive only light grazing during the cooler months. Although water availability naturally restricts use to the winter months, cattle cannot be physically excluded due to the lack of a Forest boundary fence. Therefore, use is authorized year-round, on/off. The allotment is permitted for 50 cattle yearlong (CYL) on/off (600 head

months). Recent authorized use (1992-2006) has been 50 CYL, on/off, but actual use on the Forest has been variable because the allotment is not fenced. Range monitoring data indicate that usage is well below allowable. Allowable use is set at 40% of key forage species in key areas, but use is typically less than 20% (PR 5).

Polecat. The allotment is located on the southwest face of the Winchester Mountains and consists of 2,596 acres of which 1,269 are capable and suitable for grazing. The allotment comprises a portion of a larger ranch operation consisting of Forest Service-administered lands and state and private lands controlled by the permittee, which together form a natural grazing unit. The Forest boundary is unfenced and there is no permanent water on the Forest. There is a fence dividing the Polecat and the adjacent Rock House allotment. Livestock use is incidental to grazing that occurs on adjacent state lands, and the majority of livestock use is concentrated near the Forest boundary. The allotment is permitted for 17 cattle yearlong, on/off (204 head-months). Allowable use is 40%, but use is typically less than 20% (PR 4). Although water availability naturally restricts use to the winter months, cattle cannot be physically excluded because of the lack of a Forest boundary fence. Therefore, use is authorized year-round. Actual use was 17 cattle, on/off, from 1992 to 2003. The allotment has been in full or partial non-use since 2003. Nine head were authorized in 2006, preceded by two years of total non-use. As with the Oak Grove allotment, use is typically variable because of the lack of a fence.

2) Monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the Coronado National Forest Land and Resource Management Plan.

Rangeland condition data have been collected on the two allotments every year since 2001 (PR 4, 5). Soil cover and plant litter show marked improvements from conditions measured in the 1960s, and indicators of vegetation condition, such as plant species composition, indicate that vegetation is at or near its ecological potential. Ninety percent (90%) of the Polecat allotment and 85% of the Oak Grove allotment are in moderately high (good) range condition (PR 4, 5, 9, 10). Small areas on both allotments are in moderately low (fair) condition due to long-term increases in woody plants. Woody plant densities have increased as a result of long-term fire suppression and historic grazing practices dating to the early 1900's. This increase does not appear to be related to current management and is unlikely to change in the absence of fire. Soil condition is considered satisfactory, based on the presence of adequate groundcover and the absence of erosion indicators. Riparian conditions have been monitored periodically since 1987 (PR 6). Stream channels in both allotments are stable; however, drainages do not have the potential to support riparian vegetation because of the lack of surface and subsurface water flows. Current permitted cattle numbers, under the current management systems, fall within the carrying-capacity of the allotments. This conclusion is based on actual use data, utilization monitoring, and condition and trend monitoring accomplished since 2001 (PR 4, 5, 9, 10).

3) There are no extraordinary circumstances that invalidate the use of a categorical exclusion as the basis for this Decision Memo. I considered the potential for adverse impacts on the following resources to determine whether or not extraordinary circumstances warranted further impacts analysis and documentation in an EA or EIS:

Federally listed threatened or endangered species, designated critical habitat, species proposed for Federal listing or proposed critical habitat; and Forest Service sensitive species.

The effects of ongoing grazing activities on the allotments were evaluated and reported to the U.S. Fish and Wildlife Service (FWS) in Biological Assessments (BA) of Ongoing and Long-term Grazing on the Coronado National Forest⁶. Subsequent Biological Opinions, based on these BAs, were issued by the FWS⁷ in 1998 and 2002 (PR 7). Effects specific to the Polecat and Oak Grove allotments were evaluated in a biological assessment and evaluation (BAE) prepared in 2006 by the District Wildlife Biologist (PR 15). Informal consultation with the FWS was completed on March 29, 2007 (PR 16).

Lesser long-nosed bat (*Leptonycteris curasoae*). Past consultations with FWS regarding Forest-wide grazing have resulted in a determination that grazing “is likely to adversely affect” the LLNB, based on the susceptibility of flowering agave (the bat’s food source) to livestock grazing. Terms and conditions to avoid ‘take’ have not been issued (PR 7).

The site-specific BAE prepared to address this proposed action (PR 15) resulted in a finding that grazing “may affect, but is not likely to adversely affect” the LLNB on the Polecat and Oak Grove allotments and that impacts will be insignificant and discountable based on the following rationale:

- The project area is included within the mapped range of the lesser long-nosed bat (LLNB) under current guidance criteria (USDA Forest Service, 2004⁸). However, the LLNB has never been documented in the Winchester Mountains. The area has not been extensively surveyed, so there is not sufficient information to confirm or rule out the presence of the species. Based on the distance between the project area and the closest known roost, the likelihood that foraging bats use the allotments is remote. The project area is approximately 40 miles from the closest known roost and between five to 25 miles from the closest documented observation of foraging bats (PR 15). Foraging distances for this species reported from the scientific literature range from 1.7 to 17.5 miles, with an average of 11.7 miles (PR 15).
- The allotments are grazed primarily in winter. No permanent water is located on the Forest, which renders the allotments incapable of supporting grazing during the hot, dry summer months when agaves are blooming. Thus, it is unlikely that flowering agaves will be exposed to grazing cattle during the flowering season (April 1-June 15). Very little evidence of herbivory has been noted during field visits to the allotments (PR 15).
- Agaves are widely distributed at low densities throughout the allotments, and they occur in both grazed and ungrazed sites. Water availability restricts livestock distribution to areas

⁶ USDA Forest Service, 1998 and 2002. Biological Assessment of Ongoing and Long-term Grazing on the Coronado National Forest, Coronado National Forest, Tucson.

⁷ U.S. Fish and Wildlife Service, 1999 and 2002. Biological Opinion 2-21-98-F-399-R1, Continuation of Livestock Grazing on the Coronado National Forest, U.S. Fish and Wildlife Service, Phoenix, AZ.

⁸ Framework for Streamlining Informal Consultation for Livestock Grazing Activities. USDA Forest Service, Southwestern Region. March 31, 2004.

along the Forest boundary, and most of each allotment is not grazed by cattle. Therefore, most of the areas containing agaves are not exposed to grazing livestock.

Mexican spotted owl (*Strix occidentalis occidentalis*). There is one Mexican spotted owl protected activity center (PAC) within the Winchester Mountains, but it is outside of the project area (PR 15). Suitable nesting and foraging habitat is found at higher elevations in the allotments, however, topographic features and water availability generally restrict livestock access to these areas. Because of the lack of water, grazing is functionally restricted to the winter months, when owls are not nesting. The effects of grazing on herbaceous vegetation are considered insignificant and discountable based on the limited intensity, timing and duration of grazing that occur on the allotments. A determination was made that the proposed action "may affect, but is not likely to adversely affect" the MSO.

Critical habitat for MSO is designated on both allotments, although not all mapped critical habitat contains primary constituent elements for the owl. Historic and anticipated future use levels are less than 20%. These use levels will allow for sufficient residual vegetation to provide cover for MSO prey species and will support low-intensity fires that would reduce the risk of catastrophic wildfires. Based on this, the effects of grazing on MSO habitat will be insignificant and discountable, and the proposed action "may affect, but is not likely to adversely affect" MSO critical habitat.

Jaguar (*Panthera onca*). Scoping comments (PR 13) indicated a concern with effects to jaguar on both allotments as a result of continued grazing. There are no recorded observations of jaguar in the project area and no recorded observations north of Interstate 10 since the early 1960s. There is limited connectivity to suitable habitats to the south because of the presence of Interstate 10. No vegetation-disturbing activities are proposed that would affect jaguar cover or disrupt connectivity corridors to adjacent habitat. Consistent with previous assessments, it is determined that livestock grazing on the allotments would have no effect on the jaguar (PR 15).

Forest Service Sensitive Species. Effects to Forest Service Sensitive plant and animal species were evaluated in the project BAE (PR 15). A Forest Biologist determined that the proposed action would have no impact on *Penstemon discolor*, and "may impact individuals, but is not likely to result in a trend toward federal listing or a loss of viability" for *Hedeoma dentatum* and *Lupinus lemmonii*. Effects to American peregrine falcon (*Falco peregrinus anatum*) will be limited to disturbance by grazing cattle that "may impact individuals, but is not likely to result in a trend toward federal listing or a loss of viability".

Floodplains, wetlands, or municipal watersheds. The decision is limited to the authorization of light to moderate, generally seasonal, livestock grazing. Modifications in a floodplain are not proposed or authorized. There are no wetlands or municipal watersheds in the project area.

Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas. The allotments do not contain any wilderness, wilderness study areas or national recreation areas.

Inventoried roadless areas. Most of the Oak Grove allotment and smaller portions of the Polecat allotment contain inventoried roadless areas⁹. However, this decision does not authorize new roads or construction activities that would affect the characteristics¹⁰ of inventoried roadless areas.

Research natural areas. There are no research natural areas in the project area.

American Indians and Alaska Native religious or cultural sites. Consultation with potentially affected tribes resulted identified no cultural or religious concerns (PR 14).

Archaeological sites or historic properties or areas. A Heritage Resources investigation was completed, and a finding of no adverse effect on cultural resources was documented (PR 14). State Historic Preservation Officer concurrence with this finding was received on January 22, 2007 (PR 14).

PUBLIC INVOLVEMENT

A scoping notice was mailed to 17 agencies, organizations, and individuals on October 27, 2006 (PR 11). In December 2006, the project was listed in the Forest's Schedule of Proposed Actions, which is updated quarterly on the Forest's public website, <http://www.fs.fed.us/r3/coronado>. Permittees for the allotments were made aware of the analysis during informal meetings with the District Range Staff Officer and were provided a copy of public comments received in response to the scoping notice. No comments were received from the permittees.

Two responses were received in response to public scoping (PR 12, 13). One response (PR 12) indicated "no comment". The second (PR 13) provided an extensive discussion of the generalized effects of grazing, but did not identify site-specific effects related to the proposed action in the project area. Methods to reduce the effects of grazing are included in the project design and management practices described under the proposed action. This response also indicated concern with the effects of the proposed action on jaguar. Effects to this species are discussed above. Finally, the comment disagreed with the use of a categorical exclusion for this decision. My rationale for this decision is described under FINDING, above.

FINDINGS REQUIRED BY OTHER LAWS

The proposed action is consistent with Section 339 of the 2005 Consolidated Appropriations Act and with the objectives, standards and guidelines for Management Areas 1 and 4 established in the Coronado National Forest Land and Resource Management Plan (1986, as amended).

⁹ USDA Forest Service. 2000. Forest Service Roadless Area Conservation, Final Environmental Impact Statement. Washington, DC. November 2002.

¹⁰ The characteristics of roadless areas are defined on pages 3-3 to 3-7 of the Final Environmental Impact Statement.

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ADMINISTRATIVE REVIEW AND APPEAL

This decision is not subject to administrative appeal under 36 CFR 215, Forest Service *Notice, Comment and Appeal* regulations.

The Polecat and Oak Grove permittees, however, 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 Coronado National Forest Supervisor, Jeanine Derby, Appeal Deciding Officer, and Safford District Ranger, Toni Strauss, within 45 days from the date of the decision.

IMPLEMENTATION DATE

This project may be implemented immediately on the decision date below. The decision may be implemented during an appeal, unless the Reviewing Officer grants a stay under 36 CFR 251.91.

POINT OF CONTACT

Further information about the allotments and this decision are available from me at (928) 428-4150, Richard A. Gerhart, Forest Supervisor's Office, Range NEPA Analysis Team Leader, at (520) 388-8374, or Chuck Duncan, Safford Ranger District, Range and Watershed staff, at (928) 428-4150.



Toni Strauss
District Ranger
Safford Ranger District

4-16-2007

Date

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