

Decision Notice And Finding of No Significant Impact Grazing Authorizations

**Last Chance, Barney, Fresno, Happy Valley, Cumero, Rock Pile, Rincon
and Agua Verde Allotments**

**USDA Forest Service
Coronado National Forest
Santa Catalina Ranger District,
Pima and Cochise Counties, Arizona**

Background

In January 2009, the Coronado National Forest completed a *National Environmental Policy Act* (NEPA) review of a proposed action to authorize managed grazing, implement selected management practices and construct range improvements on the Last Chance, Barney, Fresno, Happy Valley, Cumero, Rock Pile, Rincon and Agua Verde Allotments on the Santa Catalina Ranger District in Pima and Cochise Counties, Arizona. The allotments (collectively, the Rincon Mountains Allotments) are located adjacent to one another in the Rincon Mountains (see attached map). The Coronado National Forest Land and Resource Management Plan (Forest Plan) identifies much of the analysis area as suitable for livestock grazing [lands designated as Management Areas 4, 7 and 9 in the Forest Plan (EA Figure 4)]. Additional lands designated as not suitable (Management Area 1) are also found in the analysis area.

The Rincon Mountains Allotments are currently authorized for livestock grazing and have been so authorized for many years. The environmental impacts analysis of the grazing authorizations has been completed in compliance with the requirements of NEPA and Section 504 of the *Rescission Act of 1995* (P.L. 104, 1995). In addition to the regulatory need to conduct the environmental analysis, the purpose and need for the proposed action arose for the following reasons (EA p. 4-5):

- There is a need to formally incorporate additional flexibility into the management of the allotments in order to allow the Forest Service and individual grazing permit holders to be able to adapt management to changing resource conditions or management objectives, and to comply with Forest Service Policy (*FSH 2209.13 Chapter 90*).
- Additional watering facilities may be necessary to improve livestock distribution and improve the reliability of pastures in the Rincon allotment.

The proposed authorization of grazing and the proposed management practices on the allotments were described and analyzed in the Last Chance, Barney, Fresno, Happy Valley, Cumero, Rock Pile, Rincon and Agua Verde Allotments Environmental Assessment (EA). The EA analyzes and discloses the anticipated effects of the proposed action and one alternative (No Action/No Grazing). It also describes specific mitigation and monitoring requirements that will be implemented as part of the proposed action. The

EA is available for review at the Santa Catalina Ranger District Office and the Coronado National Forest Supervisor's Office. The project administrative record is available for public inspection at the Coronado National Forest Supervisor's Office. Throughout this Decision Notice, references to documents contained in the project record supporting the analysis are referenced by project record (PR) number.

Decision and Rationale

Based upon my consideration of the alternatives, the impacts analysis disclosed in the EA and public comments on the proposal, I have decided to approve a modified version of the proposed action described under *Alternative 2* of the EA (the change is described under Improvements, below). The selected alternative will authorize managed livestock grazing on the Last Chance, Barney, Fresno, Happy Valley, Cumero, Rock Pile, Rincon and Agua Verde allotments and certain management actions necessary to implement the authorization.

The selected action consists of four components - authorization, improvements, management practices and monitoring – and the action will be implemented using an adaptive management strategy. The four components are described below.

1. Authorization

Grazing would be authorized on the Rincon Mountains allotments under the following terms and conditions.

- **Duration and timing of grazing.** Use on the Rincon and Rock Pile allotments would be authorized during the winter dormant season (October 1 through March 31). Use on the Last Chance, Happy Valley, Barney, Agua Verde, Cumero and Fresno allotments would be authorized year-long using rotational grazing. Although authorized year-long, grazing may be limited to seasonal use on some allotments and in some years. Grazing management would be designed to insure that pastures receive periodic summer growing season rest or deferment in order to provide for grazed plant recovery. The sequence and timing of pasture moves will be based on monitoring of range readiness, ecological condition, and utilization. On all allotments, the timing and duration of grazing would remain similar to current practices.
- **Intensity of grazing.** Forage utilization will be managed at a level corresponding to light to moderate intensity (30-45%)¹ in order to provide for grazed plant recovery, increased plant vigor, and retention of herbaceous litter to protect soils and provide forage and herbaceous cover for wildlife. Consistent patterns of utilization in excess of 45% of key species in key areas would be used as a basis to modify management practices or take administrative actions necessary to reduce utilization in subsequent grazing seasons. Within the Rincon Mountain Wilderness, an annual utilization

¹ Based on review of numerous grazing intensity studies, Holechek (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, et al 2004, PR 47).

guideline of 35% would apply in accordance with Forest Plan direction. On wilderness allotments with a high percentage of rest or winter-only use, annual utilization will be allowed up to 45%.

The following administrative actions would be necessary to implement the decision to authorize grazing.

Grazing Permits. New ten-year term grazing permits would be issued for each allotment for the numbers and under the terms described below. The term grazing permit will identify the number, kind and class of livestock authorized and the season of use as required by Forest Service policy (FSM 2231.11). Permits will also identify the total AUMs² authorized for each permit. The number and class of livestock would be allowed to vary depending on resource conditions and management objectives. Resource conditions that would affect management decision include but are not limited to precipitation, forage production, water availability, previous annual or seasonal utilization levels and vegetation and soil condition and trend. Annual use would not exceed the total AUMs authorized or the season of use identified for the allotment. Annual adjustments would be documented and authorized in annual operating instructions. Depending on prevailing climate, resource conditions, management needs and permittee preference, actual use may be significantly less than authorized use in some years. Grazing permits would be issued within 90 days of final agency action following the NEPA decision to authorize grazing [FSH 2209.13(94) and R3 Supplement 2209.13-2007-1].

- **Last Chance.** 80 cow/calf pairs or equivalent yearlong, up to 1267 AUMs.
- **Barney.** 65 cow/calf pairs or equivalent yearlong, up to 1030 AUMs.
- **Fresno.** 20 cow/calf pairs or equivalent yearlong, up to 317 AUMs. The allotment would stay in non-use status for the foreseeable future.
- **Happy Valley.** 140 cow/calf pairs or equivalent yearlong, up to 2218 AUMs.
- **Cumero.** 125 cow/calf pairs and four horses or equivalent yearlong, up to 2038 AUMs.
- **Rock Pile.** 25 cow/calf pairs or equivalent, 10/1-3/31, up to 198 AUMs.
- **Rincon.** 52 cow/calf pairs or equivalent, 10/1-3/31, up to 412 AUMs.
- **Agua Verde.** 100 cow/calf pairs or equivalent yearlong, up to 1584 AUMs.

Allotment Management Plans. Consistent with Forest Service manual guidance (FSH 2209.13, 94) new allotment management plans (AMPs) would be developed for each allotment and would be incorporated into any term grazing permits issued. The AMPs will specify the goals and objectives of management, management strategies, range

² An animal unit month (AUM) is a measure of the amount of *forage* required by a 1000 lb cow or its equivalent for one month based on a daily allowance of 26 lbs. of dry forage per day (Society for Range Management 1998, USFS 1997). It is not synonymous with animal month (or head-month), which is an expression of one month's *occupancy* of the range by an animal.

improvements and monitoring requirements and will incorporate an adaptive management strategy. The use of coordinated resource management plans (CRMPs) will continue where in place and such management will be encouraged where the coordinated use of intermingled private or state lands is conducive to more effective management.

Annual Operating Plans. The Forest Service and permittees will jointly prepare annual plans, referred to as Annual Operating Instructions (AOI), for each allotment prior to each grazing year. The AOI will set forth:

- The maximum permissible grazing use authorized on the allotment for the current grazing season and the numbers, class, type of livestock, and timing and duration of use.
- The planned sequence of grazing in pastures on the allotment, or the management prescriptions and monitoring that will be used to make changes.
- Structural and non-structural improvements to be constructed, reconstructed, or maintained and who is responsible for these activities.
- Allowable use or other guidelines to be applied and followed by the permittee to properly manage livestock.
- 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.

Cumero/Keith allotment boundary adjustment. Approximately 820 acres of National Forest, comprising the former Keith allotment, will be added to the Cumero allotment, bringing the Cumero allotment boundary to the Forest boundary in sections 17, 20 and 29 of Township 15 south, Range 19 east. No additional capacity will be assigned with this acreage.

2. Improvements

The responsibility for maintenance of range improvements will be assigned to the permittee(s) in the terms and conditions of each grazing permit (FSM 2244.03). Maintenance activities include the repair of fences and water facilities, cleaning of stock ponds and other actions necessary to maintain the improvement in serviceable condition necessary to serve the purpose intended. On an annual basis, responsibilities for repair and maintenance of existing improvements will be identified in the AOI(s).

Existing infrastructure (waters, fences and other facilities) is considered sufficient to meet the needs of management on all but the Rincon allotment. A proposal to develop a new water on the Rincon allotment is described in the EA on p. 17. However, I have decided not to authorize this additional water development at this time. Instead, adaptive management strategies will be used to control livestock numbers and distribution on the Rincon allotment during years when water is limited. If future monitoring indicates that these management actions alone are not sufficient to protect vegetation resources, a new water source may be proposed. The purpose and need for and the effects of any future new water development, will be analyzed and disclosed through a separate NEPA analysis.

3. Management Practices.

To mitigate resource impacts, the following measures will be implemented. These practices have been demonstrated to be successful when used on similar projects and are considered effective at reducing environmental impacts. They are consistent with applicable Forest Plan standards and guidelines, Best Management Practices and the terms and conditions and conservation measures of applicable U.S. Fish and Wildlife Service Biological Opinions. Implementation of the mitigation measures and design criteria is intended to preclude the occurrence of potentially significant environmental impacts. Although no new range facilities are proposed, construction mitigation features are describe in the event that the need for additional infrastructure is identified through monitoring.

Soil, Water and Vegetation – the objective is to mitigate effects of livestock grazing and facility construction through the use of Best Management Practices (FSH 2509.22, PR 60) and adaptive management. Practices include, but are not limited to the following.

- Utilization of key upland herbaceous forage species in key areas will be managed to achieve the goal of light to moderate grazing as a pasture average. The objective is to protect plant vigor, increase herbaceous residue needed for soil protection and to increase herbage producing ability of forage plants. A utilization guideline of 30-45% use of key species in key areas will be used to achieve this objective.
- Management practices will be used to achieve proper distribution or lessen the impact on sensitive areas. Practices include herding, salting and controlling access to waters. Salt will be placed on good feed, one quarter to one half mile from waters and salting locations will be moved annually. Placement of liquid or bulk supplements will require prior approval of the District Ranger.
- No hay will be placed on Forest lands in order to minimize the introduction of weed seeds.

Wildlife – the objective is to mitigate impacts to wildlife from livestock grazing and from disturbance associated with maintenance and construction of range facilities.

- All water developments will include wildlife access and escape ramps. Waters will be kept available to wildlife year round.
- All new and reconstructed fencing will be built to Forest Plan standards (Forest Plan, p. 35) to provide for wildlife passage through the fence. At a minimum, this will be a 4-strand fence with smooth bottom wire 16 inches off of the ground and a total height of 42 inches or less.
- Range construction projects will be designed to avoid the destruction of agaves. If impacts to agaves are unavoidable, the Forest will insure that no more than 1% of agaves within 800 meters of a project are impacted. The objective is to avoid impacts to long-nosed bat food resources.

- All proposed range facilities will be evaluated by a qualified wildlife biologist for effects to threatened, endangered or sensitive species prior to any ground-disturbing activities. Facilities will be designed and constructed to have no adverse effect on listed species.
- Utilization of herbaceous forage will be maintained at 45% or less in order to maintain sufficient herbaceous stubble to provide cover for Montezuma quail and other wildlife that require herbaceous cover.

Heritage Resources – The objective is to protect heritage resources (historic and prehistoric sites) from direct or indirect impacts caused by ground-disturbing activities associated with the construction of range facilities and to monitor the effects of cattle grazing on sites to ensure that adverse effects are not occurring. These measures are consistent with the *Standard Protocol for Rangeland Management* developed pursuant to Stipulation IV.A of the *Region 3 First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities* (PR 67). In general, these measures include the following:

- All structural range facilities will be surveyed by qualified personnel for heritage resources prior to any ground-disturbing activities. Facilities will be built or modified to avoid impacts to heritage sites. If unrecorded sites are discovered during the course of project implementation, activities will cease and the Forest or District Archeologist will be notified.
- Range facilities, if needed, will be located so as to avoid concentrations of livestock on identified heritage resource sites.
- No salting will occur within or adjacent to identified heritage sites.
- If impacts from grazing (e.g. excessive trampling, cattle rubbing against and knocking down standing features) are occurring to heritage sites, measures will be taken (e.g. fencing) to protect them.

4. Monitoring

The objective of monitoring is to determine whether management is being properly implemented and whether the actions are effective at achieving or moving toward desired conditions identified for the project area (see Chapter 1, pp. 10-11). Monitoring is necessary under the adaptive management strategy proposed in order to implement timely and effective management changes.

Effectiveness monitoring includes measurements to track condition and trend of upland and riparian vegetation, soil, and watersheds. Monitoring will be done following procedures described in the Interagency Technical Reference³, the Region 3 Rangeland Analysis and Training Guide, and the Riparian Area Survey and Evaluation System (RASES). These data are interpreted to determine whether management is achieving desired resource conditions, whether changes in resource condition are related to

³ Interagency Technical Reference (ITA). 1996. Sampling Vegetation Attributes. Cooperative Extension Service, USDA Forest Service and Natural Resources Conservation Service, and USDI Bureau of Land Management.

management, and to determine whether modifications in management are necessary. Effectiveness monitoring will occur at five to ten year intervals, or more frequently if deemed necessary. Examples of effectiveness monitoring include, but are not limited to dry weight rank, pace transects, pace quadrat frequency, Parker 3-step, riparian evaluations (RASES or proper functioning condition), soil and watershed condition assessments and repeat photography. Monitoring will occur at established permanent monitoring points which are identified on maps included in the grazing permits.

Implementation monitoring will occur on an ongoing basis and will include such things as inspection reports, forage utilization measurements, livestock counts, Grazing Response Index (PR 68) and facilities inspections. Utilization measurements are made following procedures found in the Interagency Technical Reference on utilization studies (1996b)⁴ and with consideration of the Principles of Obtaining and Interpreting Utilization Data on Southwest Rangelands (Smith et al, 2007, PR 61).

Utilization will be monitored on key forage species, which are perennial grasses that are palatable to livestock. At a minimum monitoring will include use in key areas⁵ (PR 74), but may include monitoring outside of key areas. Utilization on non-grass species (forbs, shrubs and trees) may also be measured if appropriate for the site. Utilization may be monitored both during the grazing season (seasonal use) and at the end of the growing season (annual utilization). The Santa Catalina District Range Staff Officer and the permittees will be responsible for monitoring livestock grazing utilization. Over 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 permittees.

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 will be provided to the District Range Staff annually.

Adaptive Management

Adaptive management uses the documented results of management actions (monitoring) to continually modify management in order to achieve specific objectives, which are identified under *Desired Condition* on pages 10 and 11 of the EA. Adaptive management provides the flexibility to adjust livestock numbers and the timing of grazing so that use is consistent with current productivity and is meeting management objectives. Under the adaptive management strategy proposed, the specific number of livestock authorized, specific dates for grazing, class of animal and modifications in pasture rotations may be administratively modified as determined to be necessary and appropriate, based on

⁴ Interagency Technical Reference. 1996. Utilization Studies and Residual Measurements. 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 will occur first. They are 5 acres or more in size. Properly selected key areas will reflect the overall acceptability of current management.

implementation and effectiveness monitoring. However, such changes will not exceed the limits for timing, intensity, duration and frequency analyzed and disclosed in the EA and authorized in this decision. Administrative changes will be documented and implemented in the AOI, AMP and/or the term grazing permit.

Adaptive management also includes monitoring and analysis to determine whether identified structural improvements are necessary or need to be modified. In the case that changing circumstances require physical improvements or management actions not disclosed or analyzed previously, further interdisciplinary review would occur. The review will consider the changed circumstances and site-specific environmental effects of the improvements in the context of the overall project. Based on the results of the interdisciplinary review, the Ranger will determine whether correction, supplementation or revision of the EA is necessary in accordance with Forest Service Handbook direction at FSH 1909.15(18) and FSH 2209.13(96.1), or whether further analysis under NEPA is required.

Other Alternatives Considered

In addition to the proposed action, one other alternative was evaluated in the EA: *No Action* (summarized below). A comparison of the effects of these alternatives is found in Chapter 3 of the EA.

Under the No Action alternative (*Alternative 1*), grazing would not be authorized and use of the allotments by domestic livestock would be discontinued. The permittees would be given one year from the date of the decision to remove livestock from the allotments. Existing structural improvements would remain in place but would not be maintained. Improvements contributing to resource protection or enhancement, such as water developments important for wildlife or riparian fencing, would be maintained where feasible using other program funds. Periodic inspection of structural improvements would be used to determine whether maintenance or removal is needed. Removal or maintenance of improvements would be authorized by a separate decision. Where possible, maintenance of allotment boundary fences would be reassigned to adjacent permittees with the understanding that livestock are to be kept off of the allotment(s).

While this alternative would meet the natural resource objectives defined for the allotments, it would not be fully consistent with Forest Service Policy (FSM 2202.1) and the Forest Plan Mission (Forest Plan p. 9) to manage for multiple use and sustained yield and to contribute to a viable rural economy.

Reasons for the Selection

I have decided that the proposed action best meets the purpose and need and achieves desired conditions (EA pp. 10-11) in the following ways.

1. The alternative is consistent with the management emphasis, direction and standards and guidelines for Management Areas 1, 4, 7 and 9 identified in the Coronado Forest Plan (PR 1).

2. The alternative best achieves Forest Service Policy (FSM 2202) and the mission of the Coronado National Forest Plan (Forest Plan p. 9) to manage for multiple use and sustained yield and to contribute to a viable rural economy.
3. The alternative will provide for annual summer growing season rest or deferment and light to moderate utilization that will promote maintenance or improvement in upland vegetation and soil condition, and will provide residual herbaceous vegetation to provide year-round habitat for Montezuma quail and other species requiring herbaceous cover.
4. The permitted numbers reflect the range of variability that affects capacity on the allotments and the proposal provides an adaptive framework that allows for timely adjustments in authorized use in response to changes in grazing capacity and resource condition.
5. The alternative provides a basis for sharing responsibility for successful implementation of this decision with the permittees.

Public Involvement.

The Forest met with the permittees during 2007 to identify issues and develop and refine proposed management actions on the allotments. The proposal has been listed since October 2007 on the Forest's Schedule of Proposed Actions, which is posted on the Coronado National Forest website. In October 2007, a Forest interdisciplinary team met to develop proposed actions and to identify preliminary issues, concerns and measures to carry forward into the analysis. The proposal was provided to 25 individuals, groups and other agencies for comment during scoping in December 2007 (PR 35). Using comments received during scoping (PRs 36-42) the Forest refined the list of issues and concerns to address.

In October 2008, a draft of the EA (PR 69) was provided to parties who had expressed interest in the project. The public was also notified of the opportunity to comment through a legal notice published in the *Arizona Daily Star* on October 10, 2008 (PR 70). Two comment letters were received in response to this solicitation (PRs 71-72). A summary of these comments and a Forest Service response is contained in the project record at PR 75.

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 initial management activities will 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 will be developed and further analysis under NEPA will occur.

Finding of No Significant Impact

After considering the context and intensity of the environmental effects described in the EA, I have determined that the proposed action will not have a significant effect on the quality of the human environment as defined in the Council on Environmental Quality implementing regulations at 40 CFR 1508.27. Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Context: The action is a site-specific action that by itself does not have international, national, region-wide or statewide importance. Effects are limited to the locale of the project area.

Intensity: The following discussion is organized around the ten significance criteria described in the National Environmental Policy Act (NEPA) regulations at 40 CFR 1508.27.

1. Both *beneficial and adverse impacts* were considered in the analysis (EA, Chapter 3, pp. 23-53). Grazing as proposed will result in removal of herbaceous and some woody vegetation, but will be limited to moderate intensity (EA p. 15) in order to allow for the retention of litter and plant stubble to provide soil cover and wildlife habitat. Adverse effects have been reduced or eliminated through project design and mitigation measures (EA pp. 17-19). Regular growing season rest on all of the allotments, pasture deferrals and light to moderate utilization are predicted to result in long-term improvement in soils and vegetation (EA pp. 39-45).
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 installation of range facilities using hand tools and, potentially, motorized equipment. These actions are not expected to present significant hazards to workers or the public.
3. The project area does not contain *unique characteristics* such as eligible wild and scenic river segments, research natural areas, zoological botanical areas or other areas that would require special management by regulation or Forest Plan direction. All of the allotments are located partially or entirely within the Rincon Mountain Wilderness. Current grazing use within the wilderness is in compliance with Forest Plan standards and the Congressional Grazing Guidelines (EA p. 48). Although one new livestock water development was initially identified for construction within the Rincon Mountain Wilderness, this action has been removed from the proposal. Therefore, there will be no effects resulting from construction activities in the wilderness.
Portions of the project area fall within Inventoried Roadless Areas. No road construction is proposed that would affect the status or characteristics of Inventoried Roadless Areas (EA pp. 48-50). There are no prime farmlands or wetlands in the project area. Existing riparian areas associated with Paige Creek, Ash Creek and Turkey Creek are fenced to exclude cattle during most of the year and will remain fenced under the proposed action.

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 my decision. These effects have been disclosed in Chapter 3 of the EA (pp. 23-53) and the proposed action has been designed and mitigated to address the various issues raised (EA pp. 14-20). Proposed construction activities within the Rincon Mountain Wilderness were identified as potentially controversial (PRs 38, 39, 71). The proposed action has been modified to eliminate this potential controversy. The analysis represents the judgement and expertise of resource management professionals who have applied their knowledge to similar projects and resources in the past. The actions proposed are commonly-used resource management practices described in agency directives, prescribed in the Forest Plan and used by other land management agencies. The intensity of grazing and management practices proposed are consistent with the best scientific and commercial information currently available and current Forest Service direction (PR 1, 47, 48, 49, 50). While some members of the public have expressed opposition to public lands livestock grazing and others view the Forest Service as too restrictive in its management, this action is not highly controversial within the context of the National Environmental Policy Act.
5. The effects analysis (EA pp. 23-53) indicates the effects are not uncertain, and do not involve *unique or unknown risk*. The Forest Service has considerable experience with the types of activities to be implemented. The effects described in the EA are based on the judgement of experienced resource management professionals using the best available scientific and commercial information.
6. The decision to reissue grazing permits for the allotments does not establish a *precedent for future actions* with significant effects. Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects and project feasibility (EA p. 21 and proposed action, above).
7. The *cumulative impacts* of the action on soils, vegetation and terrestrial and aquatic wildlife resources were considered and disclosed by resource in the EA in Chapter 3, and in a variety of resource specialist reports (PRs 43, 51, 52, 55, 56, 57, 58, 60). The direct and indirect effects of the proposal are expected to be minor in the short term and beneficial or neutral over the long term. None of the effects are considered significant for reasons described in the EA and specialists reports. No past or future actions have been identified that will combine with the effects of the proposed action to cause cumulatively significant effects.
8. 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*. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA pp. 50-51, PR 66). Mitigation included as part of the selected alternative is designed to preclude effects to these

resources (EA p. 14, PR 47). The proposed action includes provisions to survey for and avoid sensitive heritage sites prior to any ground-disturbing activities (EA pp. 18-19 and Management Practices, above) and is in compliance with with Section 2(c) of the Standard Consultation Protocol for Rangeland Management, Appendix H of the Forest Service Region 3 First Amended Programmatic Agreement Regarding Historic Property Protection (PR 67). A Heritage Resources Investigation was prepared and submitted to the State Historic Preservation Office (SHPO) with a determination of no adverse effect to cultural resources. Concurrence from SHPO was received on June 27, 2008 (PR 66). Representatives of 12 Native American Tribes with traditional ties to southeastern Arizona were also notified of the results of this investigation in April 2008 (PR 66).

9. Formal and informal consultation with the U.S. Fish and Wildlife Service (USFWS) was completed both as part of the Forest-wide reinitiation of consultation on ongoing and long-term grazing on the Coronado National Forest in 2002 (PR 43) and at the project level (PRs 54, 62, 64) for all of the allotments. The consultation concluded that the effects of the proposed action are not likely to adversely affect the Mexican spotted owl and its critical habitat, or the Lesser long-nosed bat. These findings are summarized in the EA on pages 24-31. Management practices have been incorporated into the proposed action that are sufficient to avoid effects to listed species (EA p. 18, PR 54). Consultation with USFWS was concluded on July 15, 2008 (PR 64). Livestock permittees were provided the opportunity to request applicant status during consultation (PR 46). In a Biological Evaluation of the proposed action, the District Biologist reports that, while individuals of Forest management indicator species and Region 3 Forest Service sensitive species could be affected by the proposed action, Forest-wide populations would not be affected, nor there would not be a trend toward Federal listing of any of these species (EA, pp. 32-35, PRs 51-53).
10. The proposed action is in full compliance with all federal, state and local law requirements imposed for environmental protection. The Arizona Department of Environmental Quality reviewed and commented on the proposal (PR 72). Best Management Practices to protect water quality are included in the selected alternative (EA p. 18, PR 59).

My conclusions regarding the effects of the proposed action are based on a review of the record that demonstrates a thorough review of the relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty and risk. Proposed grazing management was developed using data obtained and interpreted according to accepted monitoring practices for identifying resource condition and rangeland capacity (PRs 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 49, 50, 57, 59).

The proposal incorporates adaptive management actions necessary to adjust stocking to remain within capacity (EA pp. 15-21 and Selected Alternative, above). Grazing intensity levels are consistent with existing scientific literature regarding proper utilization levels

(PRs 47, 48, 49, 61) and technical guidance provided by the Arizona Game and Fish Department for Montezuma quail (PRs 49, 50).

The effects analyses for listed, sensitive and management indicator species are based on the most recent survey and distribution information (PR 51, 52, 53, 54). Effects determinations for listed species were reviewed and concurred with by U.S. Fish and Wildlife Service Biologists (PR 64). Soil and riparian monitoring and effects analyses were conducted in accordance with accepted Forest Service monitoring techniques (PRs 57, 59, 60) and are based on site-specific data collected within the project area. Based on the documentation in the record, I conclude the best available science was considered in developing and analyzing the proposal.

Findings Required by Other Laws and Regulations

National Forest Management Act. The Coronado Land and Resource Management Plan (Forest Plan) was adopted on August 4, 1986 and has been amended several times. The 2008 Forest Service planning regulations state that projects must be consistent with the applicable plan (36 CFR 219.8 (e)). The Rincon Mountains allotments fall within Management Areas 4, 7 and 9, all of which are designated as suitable for livestock grazing. Small areas of Management Area 1, identified as not suitable for grazing, are found in the project area, but these areas are not accessible to livestock and are not grazed. The grazing authorizations for the allotments are fully consistent with the long-term goals and objectives listed on pages 9-11 of the Coronado Forest Plan, as well as the standards and guidelines for Management Areas 1, 4 7, and 9. Light to moderate utilization and growing season rest, in combination with the application of mitigation to avoid or minimize impacts will allow management of the allotments to meet the Forest Plan goals for range, wildlife, soil, water and riparian resources. There are no identified effects to Management Indicator Species, migratory birds or Forest Service sensitive species that will affect their forest-wide populations or long-term viability (EA, pp. 23-39, PRs 51, 52, 53). Other NFMA consistency findings relate to the management of suitable timberlands. The project area does not contain any suitable timberlands; therefore, the other NFMA consistency requirements do not apply.

I find that all actions identified in Alternative 2, as modified, are consistent with direction in the Coronado National Forest Land and Resource Management Plan.

Multiple Use Sustained Yield Act. The selected alternative will not impair land productivity (EA pp. 23-53) and is therefore consistent with this law.

Endangered Species Act. Consultation with the U.S. Fish and Wildlife Service was completed both as part of the Forest-wide consultation on ongoing and long-term grazing on the Coronado National Forest and at the project level for all of the allotments considered in the analysis (PRs 43, 54, 62, 64). The USFWS concurred with the Forest Service determinations that the proposed action is not likely to adversely affect the Mexican spotted owl and its designated critical habitat, and not likely to adversely affect the lesser long-nosed bat. New information considered during site-specific consultation indicates that the proposal will have no effect on the Southwest Willow Flycatcher (PR 62, 64).

National Historic Preservation Act. A Heritage Resource Investigation was completed with a finding of no adverse effect on cultural resources. Concurrence from SHPO was received on June 27, 2008 (PR 66).

Executive Order 13186 (Migratory Birds). There are no identified effects on migratory birds, Birds of Conservation Concern and Important Bird Areas (EA, pp. 37-39 and PR 53).

Executive Order 12898 (Environmental Justice). This decision does not impose disproportionately high adverse human health or environmental effects on minority or low-income populations (EA pp. 52-53).

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with regulations at 36 CFR 215 and 36 CFR 251. Individuals or organizations that provided comments or otherwise expressed interest in the proposed action during the comment period, which ended on November 10, 2008, may appeal under 36 CFR 215. A notice of appeal must be in writing and clearly state that it is a Notice of Appeal being filed in pursuant to 36 CFR 215. Appeals must be filed (regular mail, email, fax, hand-delivery, or express delivery) with the Appeals Deciding Officer and should be submitted to: Appeals Deciding Officer, Jeanine Derby, Forest Supervisor, Coronado National Forest, 300 West Congress, Tucson, AZ 85701, fax: (520) 388-8305, email: appeals-southwestern-coronado@fs.fed.us. 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.

Appeals, including attachments, must be filed in writing, consistent with 36 CFR 215.14 within 45 days of the date of legal notice of this decision in the *Arizona Daily Star*. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely on dates or timeframes provided by any other source.

Relative to issuance of the term grazing permits, permittees may choose to appeal under the Forest Service land uses regulations listed at 36 CFR 251, Subpart C. The permittee must select which administrative review regulation (36 CFR 215 or 251) he/she will opt to use, because both cannot be used to appeal the same decision. An appeal by the permittee under the 36 CFR 251 regulations must be filed simultaneously with the Coronado National Forest Supervisor Jeanine Derby (address above) and the Santa Catalina District Ranger, Stan Helin, 5700 N. Sabino Canyon Road, Tucson, AZ 85750 within 45 days of the date on the written letter providing notification of the decision.

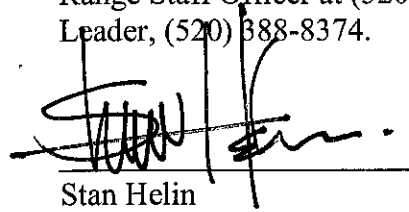
Implementation Date

This project will be implemented no sooner than five business days following the close of the appeal filing period established in the notice of decision published in the *Arizona Daily Star*. If an appeal is filed, implementation will not occur sooner than 15 calendar days following a final decision on the appeal. Implementation means actually issuing the new permit or accomplishing any ground disturbing actions. Field preparation work needed to implement this decision may proceed immediately.

February 2009

Contact Information

For additional information concerning this decision or the Forest Service appeal process, contact Stan Helin, Santa Catalina District Ranger or Tim Connor, Santa Catalina District Range Staff Officer at (520) 749-8700, or contact Richard A. Gerhart, Analysis Team Leader, (520) 388-8374.



Stan Helin
District Ranger
Santa Catalina Ranger District

Date: FEB 9, 2009