

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT

*WEST BEAR CANYON AND DEL RIO
GRAZING ALLOTMENTS*

Prescott National Forest
Chino Valley Ranger District
USDA Forest Service
T. 17-20 N., R. 1 and 2 E., 1 W., Gila and Salt River Base & Meridian
Yavapai and Coconino Counties, Arizona

This project was initiated to address the authorization of livestock grazing on the West Bear and Del Rio Allotments, and what management will be used if authorized. An Environmental Assessment (EA) that addresses proposed management actions is available at the Chino Valley Ranger Station, 735 Highway 89 North, Chino Valley, AZ; by mail at P.O. Box 485, Chino Valley, AZ 86323, or by phone request (520) 636-2302.

1.1 DECISION AND RATIONALE

1.2 DECISION. IMPLEMENT ALTERNATIVE 2. I have chosen to implement Alternative 2 for future management of the West Bear Canyon and Del Rio Allotments, from now on to be referred to as one allotment, the West Bear Allotment. (See pp. 6, 2. Holistic Management. Selected Alternative for a detailed description of this alternative.)

1.2. RATIONALE. The reasons for choosing Alternative 2 as my preferred management action are as follows:

- * Alternative 2 is projected to have the best chance and fastest recovery of VGC (vegetative ground cover) on ranges used in the growing season of any alternative. It rated highest, very near to the projected effects of Alternatives 1 and 4. These three were more valuable to this measure of the resources health than the projected continuance of the current acceptable levels of static and upward trends projected to occur in alternatives 3 and 5.
- * Although not projected to be the best nor fastest recovery in VGC for the rangelands used for dormant grazing use, it is expected to at least maintain current upward trend. Alternatives 4 and 1, in that order, were projected to have somewhat higher but not significantly different speed and trend of recovery. I feel this pace of recovery is acceptable considering the lack of significant difference in effect on watershed and rangeland conditions between this and other alternatives.
- * All alternatives were projected to at least maintain an acceptable level of soil productivity. Alternatives 2, 1, and 4, in that order of effectiveness, were rated as improving soil productivity over ten years. Although not significantly different than Alternatives 1 and 4, projections of Alternative 2's chances for improving soil productivity is the highest of any alternative.

- * In our analysis of the revenue return to the treasury, predictions were for there to be virtually no difference in the amount of money returned between any of the alternatives, including Alternative 1 (no grazing). In addition, the analysis showed the amount of discretion in deciding on spending that I have at the District (Chino Valley Ranger District) will never be great enough to effect the much higher prorated costs that are the discretion of the Congress, the President, and the administrative levels in the FS (Forest Service) above the District level. This combination of virtually no difference in economic effects (return) and my inability at the site specific level to effect a difference no matter which management action I choose, makes the analysis not useful to me for deciding site specific management changes. I did not use this evaluation in selecting between the management action alternatives any more than to see the effects were very similar and apparently acceptable to the administrative levels above me.
- * Although not giving the highest return on the dollar using our cost effectiveness analysis, Alternative 2 is expected to return value above the break-even point for every dollar invested by the FS. Only Alternative 5 had a better efficiency, returning a projected \$1.26 per dollar invested verses alternative 2's return of \$1.05. Because any economic analysis is based on assumptions and estimates, these numbers are not exact and are given more for their relative value compared to each other. Because Alternative 2 relatively has the second highest rating and is within our most current projected funding availability, I find our projected monetary contribution to the implementation to this project is reasonable.
- * In our analysis, predictions were for there to be no difference in the overall effects on the availability, distribution, or quality of small mammal or pronghorn habitat between alternatives. All alternatives are projected to meet the overall habitat needs equally well for these wildlife species. Because the projections indicated no difference in the overall effects of alternatives, this set of effects were not used to help select one alternative over another.
- * In addition to the resource and economic reasons for selecting this alternative, Alternative 2 also has the benefit of best meeting the direction of the Secretaries of Agriculture and Interior, the Chief of the Forest Service and the Southwest Regional Forester for us to work toward the management of National Forests through collaborative stewardship methods (PR, Docs. 209, 210). The permittee is prepared and willing to manage the allotment collaboratively with a broad spectrum of federal, state and private interests represented once the management plan is written and implemented. This is a requirement of management under Alternative 2. I feel our management of the resources has the potential to be significantly improved using a collaborative stewardship model as opposed to not having it. As with any alternatives implementation, problems with management will arise. I value the assistance this type of collaboration offers in problem solving that this broad spectrum of the public and agency managers will bring to bear on problems and management challenges. I expect this collaborative effort to, in the long run, reduce our time required to manage and monitor this allotment.
- * With the implementation of this alternative, the permittee and the RMRS (Rocky Mountain Forest and Range Research Station, Flagstaff) have agreed to assist us in managing the allotment in an adaptive management framework. The Forest (Prescott National Forest) and permittee have agreed to work with the RMRS in studying the effects of grazing on resources and modifying management at every opportunity based on the results of the studies for the length of a 6 year

study . Because the RMRS will be studying the ecosystem much more intensely than either the permittee or we will be able to do, we will have more in-depth information to determine where the management action is working as projected and where it is not. By knowing this, we will very quickly know and react with adaptations needed to improve management. Because of this I feel our resource management will be substantially improved over the other alternatives where adaptive management would not be implemented.

1.3 BACKUP ALTERNATIVE: The Region-3 Forest Service Manual direction states that 'if a time control grazing option is selected for management, a backup grazing management system should also be chosen in case the time control grazing option is abandoned or is not working. The following is my decision for the backup option and the reasons for the selection.

Since I do not know when or for what reasons Alternative 2 may be abandoned in the future and more importantly what the resource conditions and needs will be at that time, I select both Alternatives 3 or 4 as the fall back option. (See pp. 7, **3. Rotational Grazing System**, and pp.8, **4. Deferred/Rest Rotation Grazing System** for detailed descriptions of these alternatives.) Which alternative is implemented will be based largely on the needs of the affected resources at the time. Once notified, or the permittee notifies the FS that Alternative 2 is to be abandoned for management the permittee will be responsible for the cost of doing an assessment of the status of progress toward the desired conditions on page 1 of the EA (environmental assessment). This would be done to FS specifications and with FS oversight. As a result of the findings of resource conditions in this assessment, one of the following two actions will occur :

1. In the situation where the desired conditions on page 1 of this EA are either already met or substantial movement toward majority of each of them has occurred, either alternative 3 or 4 can be implemented. My reasoning for this decision follows:

1. Since desired levels of resource improvement will have occurred or have been substantially reached, the maintenance of the trend or the condition is important. At no added expense to the government, Alternative 3 has the expected ability with current resource conditions to maintain current acceptable trends and levels for soil productivity, and VGC needs of the rangelands. With the improved conditions as described above, I feel Alternative 3's management would be able to do the same if and when Alternative 2 were abandoned. The permitted numbers would be set at an initial 650 head as specified in Alternative 3. Over at least the next 3 years the permittee would need to stand the cost of a pasture by pasture yearly measurement of plant frequency, composition and vegetative ground cover studies for the FS to do, or validate and oversee. This information coupled with actual use (by pasture) will be the basis of carrying capacity determinations either up or down from the starting point. An environmental analysis to establish a higher carrying capacity would need to be done either on the FS time frame for reanalysis or at the permittees expense. A lower capacity would not require an environmental analysis to change permitted numbers.

2. Alternative 4 has the projected ability to clearly meet resource objectives with current resource conditions. At no added expense, I feel it would be in an even better position to improve the resources if desired levels have been reached or substantially reached. The permitted livestock numbers would be set by carrying capacity studies as above in 1. If, at the

end of the study, this capacity appears to be more than the amount approved in this analysis, an environmental analysis of that change would be needed and the permittee would need to stand this cost unless it is to the Forest's advantage to do it. If the capacity figures are less than analyzed in this analysis, these may be implemented immediately without an environmental analysis.

3. As above in the reasons for selecting Alternative 2, the revenue cost analysis estimates and the effects on small mammal and pronghorn were virtually the same between all alternatives. Because they are virtually the same effects, it does not matter which alternative is selected relative to these issues.

II. In the situation where resource conditions and trends for the majority of each described desired condition on page 1 of the EA are not attained or are not substantially moving toward attainment when and if Alternative 2 is abandoned, Alternative 4 will be implemented and remain in place until some analysis indicates it is not the most proper management for the allotment. Initial carrying capacity and permitted numbers would be set through a review of existing monitoring data or the number analyzed for this alternative would be used if existing monitoring at the time is inconclusive. Final permitted numbers would be through studies as described in I. I., above. If numbers of livestock were shown to be higher than those analyzed in this document for Alternative 4, an environmental analysis would need to be completed for this change. If the livestock carrying capacities are lower than those analyzed in this analysis, the change could be made without further environmental analysis. The permittee would be responsible for all costs for monitoring review, monitoring for carrying capacity, and any needed environmental analysis.

My reasons for using Alternative 4 in this situation are:

1. Alternative 4's projected effects are that there will be increases in the VGC over the current stable trends on rangelands grazed during forage plant dormant season. It, along with Alternative I has the highest expected ability of all alternatives to positively effect VGC amounts in the dormant season ranges. Alternative 4's projected effect is better than the projections of maintenance of the acceptable current stable trend in VGC for Alternatives 3 and 5.

2. Alternative 4's expected ability to increase VGC on rangelands scheduled to be grazed during the growing season are nearly the same as Alternative 1 and only slightly lower than Alternative 2, which has the highest projection. Alternative 4's effect of increasing trends or maintaining them for improving VGC is better than Alternative 3 and 5's projected acceptable effect of maintaining current static and upward trends.

3. Alternative 4's projected slight improvement of soil productivity is equal to the amount projected for Alternative 1. These are both better than the projected effect of maintaining acceptable soil productivity levels which occurs for Alternatives 3 and 5.

4. Although Alternative 4's projected cost efficiency was second lowest, it was preferred over Alternatives 3 and 5 (which both had better cost efficiency estimates) because as a fallback plan, there is no additional direct cost to the government and it better meets the VGC and soil productivity improvement needs of the rangeland as noted above. It was selected over

Alternative 1 because it has a slightly better cost efficiency estimates and all effects analyzed indicate resource needs are being met virtually as well in Alternative 4 as they are in Alternative 1.

5. As above in the reasons for selecting Alternative 2, the revenue cost analysis estimates and the effects on small mammal and pronghorn were virtually the same between all alternatives. Because they are virtually the same effects it does not matter which alternative is selected from the point of view of effects on these interests. The accumulation of these effects better assure recovery and attainment of the described desired conditions in the shortest possible time.

The reason for having the permittee be responsible for the cost of studies and analysis needed to implement either of the backup alternatives, is that if not for selecting the time control grazing alternative at the present time, the analysis would be complete and another alternative could be chosen now. I do not feel it is in the interest (or even the ability with reduced budgets and work time available) of the FS to be doing the required studies to implement either of the backup alternatives. If additional environmental analysis is needed, it is potentially to the permittees interest to do so. Since this is the case, it is logical the permittee be responsible for the cost. The FS will bear the cost associated with oversight.

2.0 PUBLIC INVOLVEMENT AND SCOPING

Public involvement and scoping was initiated on June 3, 1997 with the mail distribution of the scoping letter and report for this project. These documents were mailed to numerous federal and state agencies, Indian tribes, private interest groups, and private citizens who were on a comprehensive list of known and anticipated interested parties which had been compiled and maintained by the Chino Valley Ranger District. In addition, the project was posted on the Forest's Schedule of Proposed Actions. The Ranger District received seventeen letters in response to this scoping effort. Scoping activities identified several substantive issues: improvement of soil and watershed condition, wildlife habitat reduction, and degree of project cost effectiveness.

As a result of scoping, additional economic analyses, and analysis of effects to small mammal habitat were included in the EA. Use of prescribed fire to maintain grassland conditions was added to the proposed action and alternatives, also as a result of suggestions from the public. The specific people and agencies who asked to be involved in this project are documented in the Project Record, which is available for review at the Ranger Station.

The Forest service conducted field studies from July, 1996 through June, 1998. Much of this work was done in close cooperation with the RMES (Rocky Mountain Experiment Station).

On August 3, 1998 the Pre-Decision Notice, consisting of a cover letter and environmental assessment, was mailed to those parties who had indicated an interest in continuing to participate in the analysis. A notice explaining the Pre-Decision was published in Prescott's *Daily Courier* newspaper on August 5, 1998. The Ranger District received eighteen letters in response to the mailing and notice. The comments on the EA centered on the same issues as the comments on the scoping document. All comments received throughout the analysis were considered in the decision.

All public responses to the Pre-Decision and how they were dealt with are located in the Project Record, which is available for review at the Ranger Station.

3.1 ALTERNATIVES CONSIDERED:

The alternatives considered in detail included a no action alternative and four grazing (action) alternatives that respond to the needs for the action and the issues (see Chapter 3 of the EA). Nine other alternatives were eliminated from detailed study.

3.2 Detailed Alternatives

1. **No Action.** This alternative would incrementally discontinue grazing over five years. Administration of the existing term grazing permit (650 livestock yearlong) would continue, but the number of livestock authorized to graze would be decreased by at least 20% for each of the next five grazing years. At the end of five years, grazing would not be authorized on the allotment.

2. **Holistic Management. Selected Alternative.** A new 10 year time control grazing permit, implementing HM (Holistic Management), will be issued for a range of 650 to 850 CYL (and 10 horses needed to manage the allotment). It will combine the two existing permits for West Bear Canyon and Del Rio Allotments into one allotment, the West Bear Allotment. The Verde River will be excluded from livestock grazing.

The holistic management approach assesses the use of various tools, including animals, to achieve resource management objectives. This includes the principle of using livestock impact to influence vegetation. Environmental goals will be set for each pasture, then a grazing strategy will be developed to meet those goals. The grazing year will be broken into two seasons; the dormant season (November through March), and the growing season (April through October). Livestock distribution will be varied based on the different pastures used during these two seasons, and the different goals to be achieved.

During the growing season, approximately 25 summer pastures will be used for livestock rotation. These smaller pastures will have the effect of creating some improvement of livestock distribution and concentration in the pasture. Livestock movement through these pastures will be based on recovery rest. Through this method, the fastest growing, preferred plant species will be monitored until they were bitten once, signalling that cattle should be moved. Livestock will be rotated to the next pasture before enough regrowth has occurred on the grazed plant to cause it to be grazed again. This will usually occur after a fairly short period of time; the average grazing period per pasture will be approximately three days. The intent in this timing will be to reduce the potential for plant stress from recurrent grazing during the same growing season. Rest periods following pasture use will be based on the weather conditions. If the weather was favorable and growth was fast, the minimum recovery rest period would be 60 days. The minimum recovery rest period will be 90 days for climatic conditions where plant growth was slow. Pastures might be used twice in the growing seasons, once in the spring, and again in the summer. These pastures will not be used during the dormant season, unless conditions in a pasture specifically warranted it. This will be based on the need to remove a build-up of cured

forage and stimulate plant growth. The total days of pasture use will be an average of three to six days. The dates of pasture use will be rotated each year to vary the dates of use such that species will not be grazed at the same time from year to year.

Approximately 15 pastures will be used for livestock grazing in the dormant season. The holistic approach for grazing during this season will focus on management feasibility and animal performance. Continuous grazing, without the need to have pasture moves during inclement weather will be the most feasible operation method in this steep, rough country. Cattle will be distributed throughout the pastures and will graze for the entire dormant season. The stocking rate will be at the minimum so as to maintain animal performance and not have negative effects on vegetation. Half of the pastures used in the winter (the larger pastures) will not be used during the growing seasons, thereby these pastures will receive continuous growing season *deferment*. These are the larger sized pastures. The other half of the winter pastures will be scheduled in some years for growing season use, as described in the previous paragraph. These are the smaller sized pastures which will provide some level of cattle concentration.

The permit will be issued for a range of 650 to 850 CYL (*Cattle Year Long*). (Season of use is yearlong for the allotment, not for the individual pastures.) The lower number is based on the 1993 Range Analysis, which does not consider the fencing and water developments. The higher number reflects the additional flexibility and distribution from the proposed improvements. This number is further substantiated by previous stocking levels that the allotment has supported during a variety of weather conditions. The higher number designates the highest level of stocking that will be permitted; this level of use will be associated with available productivity, climatic conditions, and vegetative conditions. Initial stocking will not exceed 650 head. Actual stocking levels will be determined for both the dormant and growing seasons based on forage monitoring.

A Biological Planning and Control Chart will be developed by the permittee and approved by the District Ranger in advance of each growing and dormant season. The permittee will keep the chart up-to-date. An actual use record and a record of general overall forage utilization by livestock for each pasture will be kept current within 30 days.

The proposal will develop twenty new grazing pastures, for a total of 40. Design specifications for construction of all range improvements are listed in Appendix D of the EA. The proposed amount of range structural improvements are listed in Appendix E of the EA. Figures E 1 - E4 in Appendix E show the existing and proposed improvements for fencing and waters.

The entire reach of the Verde River on NFS land within this grazing allotment, approximately 9.5 miles, will not be grazed by livestock. River crossings will be allowed in the winter season as described in Section 3.4.5 of the EA. Additional water sources in adjacent upland pastures will be constructed to provide livestock water that is currently only available at the Verde River. FS funding to accomplish riparian area protection will be limited to \$11,630. This amount, together with permittee contributions, will be used to generate matching cost-share funds from potential partners. Riparian area protection includes fencing out the river corridor from pastures and developing water sources away from the river. FS funds for work on the other improvements will be limited to an additional \$21,900.

3. Rotational Grazing System. This alternative was originally designated as the only backup grazing strategy to the proposed action. Now, together with Alternative 4, it is part of a flexible backup plan to the selected alternative, #2 HM, which provides optional grazing and stocking strategies, depending on the environmental conditions that exist at the time that HM is discontinued.

Permitted stocking levels would be 650 CYL plus 10 horses. These numbers are based on the 1993 Range Analysis and reflect the existing number of pastures and water sources only. The livestock would be managed as one herd during the growing season (April - October) and dispersed during the dormant season (November - March).

The entire reach of the Verde River on NFS land within this grazing allotment, approximately 9.5 miles, would not be grazed by livestock. River crossings during the winter would occur as described in Section 3.4.5 of the EA. Additional water sources in adjacent upland pastures would be constructed to provide livestock with water that is currently provided by the Verde River. FS costs for river fences to accomplish riparian area protection would be limited to \$11,630. This amount, together with permittee contributions, would be used to generate matching cost-share funds from potential partners.

The backup plan would use all range developments in place at the time that HM is discontinued, including pastures created by electric fences, the trail at King Springs, and all new water developments. Optional removal of non-riparian electric fences at the permittee's discretion would leave 20 fenced pastures (including the those on the Verde River). If the fences planned to separate the Verde River from grazing were not yet constructed, they would have to be in place before grazing would occur in the adjoining pastures: Bald Hill and River Pastures.

Key-area utilization would be used to time livestock movement between pastures in both growing and dormant seasons. The grazing permit would require utilization monitoring by permittee. The FS would assist when possible. In the case of disagreement on utilization levels, the FS monitoring would take precedence.

Grazing rotations would be designed to achieve the following objectives:

1. Utilization of key perennial grass species would not exceed 35% by weight;
2. Emphasize winter use in pastures south of Hell Canyon.

Key areas and key species per pasture would be established by the FS with input from the permittee, within 2 years of starting the backup plan.

4. Deferred/Rest Rotation Grazing System. If the Selected Alternative (#2 HM) is discontinued, this grazing system may be implemented, depending on environmental conditions at the time HM is discontinued. It is rotation grazing based on use of utilization standards. Range improvements in place at the time that HM is discontinued would be used. Removal of non-riparian electric fences would be at the permittee's discretion. The Verde River would be excluded from livestock grazing.

A new 10-year term permit would be issued to replace the existing permit for 650 livestock yearlong. The permit would be for 300 livestock yearlong and 10 horses needed to manage the allotment. Grazing would be based on utilization standards as described in Alternative 3., Rotational Grazing. Eleven of the eighteen grazing pastures would be part of a 3-year grazing cycle. Pastures would be rested for one full year out of every three years. The other seven smaller pastures would be used 1 to 2 weeks per year to provide flexibility of movement through the main pastures. A typical rest-and-graze, 3-year sequence for each of the eleven major grazing pastures would be approximately:

- a. 12-20 months of rest
- b. up to 2 months of grazing (dormant season)
- c. 12-20 months of rest
- d. up to 2 months of grazing (growing season)

Pasture rotations would be developed to ensure that two full growing seasons of rest occurred between use periods. Pasture would be used during the growing season once every three years. Growing season use would be alternated between cool and warm season use. The season of use during the two months of grazing would have the ability to be varied such that use would not occur in a pasture during the same two month time period for a full 9 year cycle.

Time of use, management intensity, and/or livestock numbers would be adjusted to stay within utilization limits. The flexibility of having eleven main pastures available and seven pastures for short-term flexibility, would allow for variability in timing of use of pastures, and increased opportunities for rest during adverse climatic conditions (such as drought). The permit would require permittee monitoring to follow utilization standards.

Livestock grazing would not occur in the entire 9.5 miles length of the Verde River in the allotment. River crossing would occur under the guidance of a FS fish biologist (as described in Section 3.4.5 of the EA) during the winter season only. The river corridor is currently fenced out of the Bear Pasture and is approved for being fenced out of Bald Hill Pasture. Use of these pastures following fence construction could occur because the pastures have sources of water other than the Verde River.

Livestock grazing would occur in the River Pasture after new water sources have been built to supply water away from the Verde River, and after the river has been fenced out. Unless this occurs prior to implementing this grazing system, the River Pasture will become a non-viable grazing unit. Livestock would be able to trail through the uplands of this pasture (away from the river corridor) in order to gain access to adjacent pastures, and would be able to cross the Verde River under conditions and at sites designated by the FS fish biologist when in transit through the pasture.

5. Existing Management Strategy (Current Situation). It would continue the terms of the existing permit under the current management strategy. The allotment would be managed using HM. The permit would remain at 650 head year long plus 10 horses. Annual season of use and numbers would be based on existing and predicted environmental conditions of that year.

Livestock moves between pastures would be based on recovery rest. No additional range improvements would be built.

Grazing strategies would be developed to meet environmental goals for each pasture. A Biological Planning and Control Chart would be developed by the permittee and approved by the District Ranger in advance of each grazing season (growing and dormant). The permittee would keep the chart up-to-date and modify the chart in response to environmental conditions. An actual use record and a record of general overall forage utilization by livestock for each pasture would be kept current by the permittee within 30 days. Timing of livestock movement between pastures during the growing season would be based on the principle of recovery rest (see EA, pp. 12, para. 2).

The Verde River would be excluded from livestock grazing. The Bear Pasture currently has the river corridor fenced out, and the Bald Hill Pasture has been approved for fence construction to separate the river. Use can occur in the uplands of these pastures after fencing is in place. Under this alternative, no other new fences would be installed. Therefore, the River Pasture would not have the river separated from the uplands, and would not be approved for grazing use.

If the permittee discontinued HM, utilization standards would be used to time livestock movement between pastures. Permittee monitoring would be required under the AOP (Annual Operating Plan).

3.2 Eliminated Alternatives

Nine other alternatives were developed by the IDT, or were suggested by public response to scoping (see EA, Appendix 8). They were given careful consideration but were eliminated from detailed analysis for these reasons: 1. The intent was met by an alternative considered in detail in the EA or, 2. the suggested alternative would not adequately meet the project's purpose and need and would have limited merit as a stand alone alternative.

4.0 FINDING OF NO SIGNIFICANT IMPACT

Based on our review of the EA and supporting record, I have determined that the selected alternative does not constitute a major federal action significantly affecting the quality of the human environment, as defined by the provisions of 40 CFR 1508.27(b). The environmental effects do not meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. The context is local versus statewide, national, or international. The intensity, or severity of impact, is not significant based on the following ten points:

1. Consideration of both beneficial and adverse impacts. The EA identifies both beneficial and adverse impacts. Beneficial impacts are long-term. Adverse impacts are short-term and localized, such as light to moderate levels of soils compaction which could occur on some soils under wet conditions. There could also be short-term adverse effects to ground cover and wildlife cover by grazing, and prescribed fire could affect some individuals of less mobile wildlife species.

Beneficial effects would be long term, such as increases in vegetative ground cover, improved nutrient cycling, improved watershed condition and improved plant species composition.

2. Consideration of the degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act. We informally consulted with the U.S. fish and Wildlife Service. A BA (biological assessment) has been conducted on the selected alternative for four endangered and three threatened species. A BE (biological evaluation) has been conducted for 18 Forest Service sensitive species. The BA concludes that the selected alternative "may affect, not likely to adversely affect" the razorback sucker (and its critical habitat), spikedace, Colorado squawfish and bald eagle, and have "no effect" on the American peregrine falcon, Southwestern willow flycatcher, and Mexican spotted owl. The BE concludes that the selected alternative "may impact, but is not likely to result in a trend toward federal listing or loss of viability" to these species: speckled dace, roundtail chub, Swainson's hawk, ferruginous hawk, lowland leopard frog, Ripley's wild buckwheat, and Mearns's sage. It will have "no impact" to any of the other sensitive species considered.

The remaining eight points will not be discussed further because there are:

3. no effects on public health and safety;
4. no unique characteristics of the geographic area;
5. no highly uncertain or unknown risks;
6. no highly controversial effects on the quality of the human environment;
7. no precedent for future actions with significant effects;
8. no relation to other actions with individually insignificant but cumulative significant impacts;
9. no effect on listed or eligible Historic Places or cultural resources;
10. no violations of Federal, State, or Local laws or requirements imposed for the protection of the environment.

5.1 FINDING REQUIRED BY OTHER LAWS.

- 5.2 National Environmental Policy Act (NEPA): This act established the basis for conducting and documenting environmental analyses, including public participation. Except for limited situations, site specific impacts of livestock grazing must be assessed before permitting the activity. This environmental analysis assessment demonstrates compliance with this act.
- 5.2 National Forest Management Act: This law amends the Forest and Rangeland Renewable Resource Planning Act and requires the preparation of plans and regulations that direct management activities. The Prescott National Forest is managed through compliance with standards and guidelines contained in the Forest plan as amended. This project is consistent with all Forest Plan goals on pages 11-14, objectives for pinyon-juniper and juniper/riparian on pages 21-22, management area emphasis on page 65, and standards and guidelines on pages 67-69.
- 5.3 Rescissions Act of 1995 (Public Law 104-19): Section 504(a) requires adherence to a schedule for NEPA analysis of grazing allotments. The West Bear Del Rio Allotments are scheduled to have completed NEPA analysis by 9/30/98. This decision constitutes completion of the NEPA analysis.
- 5.4 Endangered Species Act (ESA): Forest Service policy requires Biological Evaluation to review all programs and activities for possible effects on endangered, threatened, proposed or sensitive species. ESA requires that effects of federal actions on endangered, threatened species

and species proposed for listing be evaluated. All activities included in this decision have been reviewed and evaluated in a Biological Assessment (federally listed species), and a Biological Evaluation (Region 3, Regional Forester's Sensitive Species list for the Prescott National Forest).

5.5 Clean Water Act: Section 313 of the act requires Federal agencies to comply with all substantive and procedural state water quality requirements. Livestock grazing is not a point source of pollution. Section 401 certification is required for discharge such as from a pipe, flume, or ditch, into waters of the United States. The state is responsible to identify BMPs (Best Management Practices) to have a project review process. Arizona Department of Environmental Quality has been involved through the planning process. Applicable BMPs have been identified and specific applications are included in the project record.

5.6 National Historic Preservation Act: A National Programmatic Agreement on grazing between the Advisory Council on Historic Preservation and the Forest Service establishes options for meeting the requirements of Section 106 of the act. Livestock grazing as a federal undertaking has been cleared. The fences and waterline have also been given clearance.

5.7 American Indian Religious Freedom: It is the policy of the United States to protect and preserve for American Indians their freedom to practice traditional religions. Agencies are directed to develop policies and procedures in consultation with tribal religious leaders. Indian tribes were included in the scoping process and invited to comment on this project.

6.0 SUMMARY

The analysis and other evidence compiled for this site specific project proposal have not revealed any potential for significant environmental effects, therefore, preparation of an Environmental Impact Statement is not necessary and will not be prepared.

7.0 APPEAL RIGHTS

This decision is subject to appeal by the public in accordance with 36 CFR 215, or by the permittee or holders of like permits in accordance with 36 CFR 251 subpart C. Those eligible to appeal under 36 CFR 251 subpart C may appeal under either 36 CFR 215 or 36 CFR subpart C, but not under both rules.

To appeal this decision under 36 CFR 215, a person must submit a written appeal to the Appeal Deciding Officer: Eleanor Towns, Southwestern Regional Forester, 517 Gold Avenue SW, Albuquerque, New Mexico, 87102 within 45 days of the date of the publication of this decision in the *Daily Courier* newspaper of Prescott, Arizona.

To appeal this decision under 36 CFR 251 subpart C, a person must submit a written appeal to the Appeal Deciding Officer: Michael R. King, Forest Supervisor, 344 S. Cortez St., Prescott, Arizona 86303 within 45 days of the publication of this decision in the *Daily Courier* newspaper of Prescott, Arizona. A copy of the notice of the appeal must also simultaneously be sent to: Mark Johnson, District Ranger, Chino Valley Ranger District, P.O. Box 485, Chino Valley, AZ 86323. Evidence of timely filing will be determined by the U.S. Postal Service postmark or date of receipt - whichever is earliest.

