

**File Code:** 1570**Date:** SEP 24 2019**Route To:****Subject:** Appeal Decision for the revised Coronado National Forest Land and Resource Management Plan**To:** Regional Forester, Southwestern Region

This is my decision on the appeals of the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the revised Coronado National Forest Land and Resource Management Plan (revised Forest Plan; FP).

Two appeals were submitted under the Optional Appeal Procedures:

Appeal #18-13-00-0003-219 - Sierra Club - Grand Canyon Chapter, represented by Sandy Bahr

Appeal #18-13-00-0004-219 - Arizona Game and Fish Department, represented by Jim deVos

The Arizona Game and Fish Department withdrew their appeal on June 11, 2019. On July 9, 2019, the Sierra Club – Grand Canyon Chapter withdrew portions of their appeal after mutually agreeing with the Southwestern Region on Forest Plan modifications to address their human migration and special use appeal points. Because of the explanation provided during the appeal resolution meeting, they have also agreed to withdraw the visual quality section of their appeal. Accordingly, I did not review the appeal from the Arizona Game and Fish Department or the issues withdrawn by the Sierra Club, et.al.

You signed the ROD for the Forest Plan on April 27, 2018, revising the 1986 Coronado National Forest Land and Resource Management Plan (revised Forest Plan). The revised Forest Plan conforms to the 1982 planning regulations at 36 CFR 219, last published in the Code of Federal Regulations (CFR) on July 1, 2000¹. The record for the appeal to the Chief of the Forest Service was transmitted in conformance with the Optional Appeal Procedures at Section 15(a).

¹ The Coronado National Forest Land and Resource Management Plan was prepared under the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 as amended by the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 et seq.), the implementing regulations of the NFMA at 36 CFR 219.17(b)(3) (77 FR 21260, April 9, 2012), and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and its implementing regulations (40 CFR 1500-1508).

NFMA's current implementing regulations at 36 CFR 219.17(b)(3) (77 FR 21270) allow the use of the provisions of the prior planning regulation, including its transition provisions (2000 Planning Rule at 36 CFR 219.35(a) and (b))



Coronado National Forest Land and Resource Management Plan

The revised Forest Plan guides the Coronado National Forest in fulfilling its stewardship responsibilities to best meet the needs of the American people in the present and the future. The revised Forest Plan provides a framework to promote ecological integrity and to guide management on the Coronado National Forest, which provides for ecologic, social, and economic sustainability. It is strategic in nature and does not specifically authorize nor prescribe any specific projects or activities.

The revised Forest Plan includes “plan components” and “other content.”² Any substantive changes to plan components require a plan amendment with appropriate analysis as required under the National Environmental Policy Act (NEPA). A change to “other content” may be made using an administrative correction process. The public must be notified of all administrative corrections to the revised Forest Plan.

Appeal Decision

This appeal decision is the outcome of a deliberative and extensive review process. My review of the appellants’ concerns provides a response to issues involving complex regulatory and management issues. My appeal review focused on compliance of the ROD and FEIS with applicable law, regulation, and policy, as cited by appellants.

Appellants raised appeal issues regarding procedural and planning requirements, as well as a range of natural resource issues. Appellants alleged various violations of the NEPA, NFMA, Endangered Species Act, and Administrative Procedure Act.

Your decision meets the requirements of applicable Federal law, regulations, and policy and is, therefore, affirmed.

Enclosure 1 describes my response to those issues raised by appellants where I affirmed, without instruction, the analysis and decision to select the Modified Proposed Action Alternative from the FEIS and approve the revised Coronado National Forest Land and Resource Management Plan (LRMP).

However, two issues contended by appellants raised the need to clarify or otherwise correct certain information in the planning documents. Below is my response to those issues for which I affirmed your decision but determined a need to instruct follow-up action.

Appeal Issue: Monitoring - The appellant contends the monitoring plan in the LRMP fails to comply with the 1982 planning regulation’s requirements. (Sierra Club, pages 7-8.)

They assert there is a lack of quantitative measures of performance for the few, weak objectives, and no way to evaluate whether or not Standards and Guidelines are being implemented appropriately.

(December 18, 2009)). The transition provisions of the 2000 planning rule allow the use of the prior planning regulation promulgated in 1982. Citations to 36 CFR 219 in this document refer to the 1982 rule.

² Plan components (decisions) include: goals/desired conditions, objectives, standards, guidelines, special areas, suitability of uses/areas, and monitoring.

Remedies suggested by appellant:

Revise the monitoring plan to include questions and indicators to track whether permitted and recreational uses on the Forest are sustainable, and require annual reporting of enforcement and compliance issues. Ensure monitoring protocols that will provide information in a timely way to ensure adaptive management of the forest can address ecological issues identified by monitoring before resources are lost.

Response:

The 2012 Planning Rule requires that forest plans developed under prior planning regulations, including the 1982 Planning Rule, follow the updated 2012 rule guidance on the required content in the monitoring plan. The Coronado developed its plan monitoring program consistent with the requirements of the 1982 rule, but also with an effort towards meeting the 2012 rule monitoring requirements.

In order to be consistent with the monitoring requirements identified the 2012 Planning Rule directives, the monitoring plan must include one or more monitoring questions and associated indicators addressing nine monitoring categories, (Forest Service Handbook 1909.12, Chapter 30).

The majority of the nine items are addressed in the existing plan monitoring and evaluation chapter. However, one 2012 rule monitoring requirement (which is not a requirement of the 1982 rule) is not directly addressed: focal species. The ROD, at page 44, states: "soon after the revised Coronado plan is approved, a monitoring transition process will be undertaken to identify focal species that should be part of the Coronado plan monitoring requirements."

I am in agreement with the appellant that monitoring protocols should be developed. However, it would not have been appropriate for the Forest to include that level of detail in their Land Management Plan. The appellant has provided useful insights that should be considered as the Forest transitions their monitoring plan to the 2012 Planning Rule and develops a monitoring plan implementation guide (should they choose to do so). In particular, the adaptive management lens the appellants encourage can help point the Forest toward ensuring the monitoring questions being asked are meaningful and useful, and the plan for monitoring and interpretation are appropriate for meeting those information needs.

Conclusion and Instructions:

No immediate changes to the Coronado's monitoring plan is needed as it complies with the 1982 Planning Rule requirements.

With regard to the remedy suggested around recreational use, there is not a specific requirement for the Forest to monitor impacts of permitted and recreational uses. However, the Coronado National Forest has included an objective in the revised Forest Plan to "evaluate five percent of recreation sites annually for conformity with Region 3 Sustainable Recreation Strategy Performance and Accomplishment Measures as applicable (FP, page 78)." Although this objective was not captured in the monitoring plan, it would be worth including to better communicate this commitment with the public.

When transitioning the monitoring plan to 2012 Planning Rule requirements, the Coronado National Forest should specify the indicators they will use (consistent with 2012 Planning Rule direction). This will help address the appellants' concern about vague language. Additionally, many specifics could be developed and documented in a monitoring plan implementation guide. While not required, developing such a document would facilitate the Forest's monitoring efforts and evaluations in the future.

The appellants have offered some useful insights about items they would like the Forest to monitor, and the need to provide information on a timeline that is consistent with adaptive management information needs. I instruct you to review these recommendations to consider whether they are within the capabilities of the Forest and whether they would improve the Forest's ability to adapt their management in response to changing conditions or new information as they implement their revised Forest Plan.

Appeal Issue: Mount Graham - The appellants claim the Forest Service has improperly, and illegally, conflated the Mount Graham Astrophysical and Biological Research Areas into a single designation. They contend the actual language of the Arizona-Idaho Conservation Act is not accurately reflected in the "Rationale for Change" statement for the proposed designation of the combined astrophysical/biological area. The appellants assert the impacts of this proposed change have not been adequately disclosed or analyzed in the Environmental Impact Statement (EIS). They claim the Biological Assessment fails to adequately identify the risks to the red squirrel claiming a violation of the NEPA, NFMA, Endangered Species Act, Administrative Procedures Act, and common sense.

The appellants claim specific, substantive questions and concerns regarding proposed management changes in the Mount Graham Red Squirrel Refugium have not been addressed in the EIS or ROD in violation of NEPA.

The appellants reiterate their ongoing concern regarding the failure of the Forest Service to address the continued operation of the Observatory for the past 7, nearly 8 years without a permit. They claim this is a violation of the NEPA and this oversight must be addressed before the Forest Service can move forward with a ROD for the revised Forest Plan. (Sierra Club, pages 9-15.)

Remedies suggested by appellant:

The appellants recommend retaining the language from the 1986 Forest Plan for Management Area 2A and ceasing operations of the Observatory until the permit has either been approved or denied.

The appellants recommend removing the statement on page 153 of the revised Forest Plan pertaining to the impact on Cultural Resources, Endangered, Threatened, and Sensitive Species, other wildlife, and the unique forests found in the Piñaleno Mountains.

Response:

The Arizona-Idaho Conservation Act of 1988 (Public Law 100-696) Title VI – Mount Graham International Observatory, directs U. S. Department of Agriculture to issue a Special Use Authorization establishing the Mount Graham International Observatory Research Site on the Coronado National Forest.

Per the revised Forest Plan, the Mount Graham Astrophysical and Biological Research Area was designated in 1989 (sic) by the Arizona-Idaho Conservation Act, and encompasses 2,937 acres in the highest elevations of the Pinaleno Ecosystem Management Area. Management of the Mount Graham Astrophysical and Biological Research Area places emphasis on biological research for the Mount Graham red squirrel and spruce-fir vegetation type at the Mount Graham Red Squirrel Refugium, and astronomical research at the Mount Graham International Observatory (FP, page 155).

The Mount Graham Astrophysical and Biological Research Area is part of the Pinaleno Ecosystem Management Area. It is desired that the Mount Graham Astronomical and Biological Research Area provides habitat for the Mount Graham red squirrel and astrophysical research at the Mount Graham International Observatory. Recreational uses or management activities do not degrade these special habitats (FP, Desired Condition, page 156).

The revised Forest Plan sets forth a number of plan components specific to Mount Graham, including:

- Within habitat for the Mount Graham red squirrel, no new recreational residence or developed recreation areas will be established (FP Standard, page 156).
- Within habitat for Mount Graham red squirrel:
 - a. Red squirrel habitat needs should supersede the needs of all other species of plants and animals.
 - b. Hiking use levels should not negatively impact Mount Graham red squirrel habitat or individuals.
 - c. Vegetation treatments should be designed and implemented to avoid disturbance of Mount Graham red squirrel middens. (FP Guideline, page 156)
- Activities occurring within federally listed species habitat should apply habitat management objectives and species protection measures from approved recovery plans and signed conservation agreements. (FP Guideline, page 67)
- Working with the University of Arizona and western Apache Tribes to mitigate or reduce the effects of the Mount Graham International Observatory on the traditional cultural property (FP Management Approach, page 165).

- Trails in the Mount Graham Astrophysical and Biological Research Area are open to hikers and visitors who are provided with information about the cultural significance of the area and the ways to be respectful. (FP, Desired Condition, page 165)
- Researchers, employees, students, volunteers who visit the Mount Graham International Observatory, and observatory employees are informed about the importance of Dził Nchaa Si'an to western Apache people and how to be respectful when visiting, living, residing, or working on the mountain. (FP, Desired Condition, page 166)

The appellant asks the Forest Service to reconsider merging the designation of the Mount Graham Biological Research Area and the Mount Graham Astrophysical Site because these areas have different purposes and the uses are incompatible.

Neither the Arizona-Idaho Conservation Act of 1988, nor NEPA prohibits the combining of these two areas for management purposes. The revised Forest Plan discloses the Forest is combining the areas in "Management Area 2A" and the FEIS analyzes the existing conditions under the no action alternative, as well as the preferred alternative in compliance with NEPA. As the appellant points out, the Arizona-Idaho Conservation Act limits the Observatory and related appurtenances to the designated 24 acres identified on a map entitled, "Mount Graham International Observatory Site."

In response to the appellants concerns about the Mount Graham red squirrel, the FEIS, Appendix A, Response to Comments, states, "(b)ecause the Mount Graham International Observatory is already installed and has not submitted plans to expand, the Forest Service must consider the effects of the Observatory have been documented and addressed under the existing NEPA documentation and the associated consultation documents (AESO 02-21-86-F-075) and as such is considered part of the baseline for effects to the squirrel. In Chapter 3 of the environmental impact statement, the "Species Diversity and Viability," "Environmental Consequences" section acknowledges a revision of this recovery plan is currently in preparation. When finalized, the recovery plan will be complied with under ARP-G-1. The creation of a recovery plan is under the authority of the U.S. Fish and Wildlife Service (USFWS), rather than the Forest Service. The Forest Service will assist in this process as much as possible and will comply with it during project planning and implementation phases." (FEIS, Volume 2, page 85)

Table 15 in the FEIS, Volume 1, page 59, discloses the potential effects of the selected alternative on species diversity and viability of the endangered Mount Graham red squirrel as:

- Population trend = Positive
- Habitat trend = Positive
- ESA determination = may affect, likely to adversely affect
- Critical habitat = may affect, likely to adversely affect
- Plan components integrate current science and Mount Graham red squirrel recovery plans
- Direction includes a hierarchy among species for site-specific decision-making, with Mount Graham red squirrel needs above all others
- Other direction relates to mitigating effects of recreation and protecting middens
- No new recommended wilderness area in Mount Graham red squirrel habitat

The status, distribution, habitat, critical habitat designation, and risk factors to the Mount Graham red squirrel are disclosed in the FEIS, Volume 1, on pages 226-227. “The Coronado National Forest does not conduct any activities that would diminish habitat quality, midden concentrations, or red squirrel survival within critical habitat (USFWS 2011).” (FEIS, Volume 1, page 227)

“The proposed action defines desired conditions based on the current science for wet mixed-conifer and spruce/fir communities and provides management objectives and guidelines as a framework for implementing site-specific projects to achieve the desired conditions. Forest-wide plan components would guide treatment in the mixed-conifer forest through planned and unplanned ignitions and mechanical treatments on 16,200 acres to maintain species diversity and an appropriate diversity of open conditions and structural classes. There are no plan objectives to restore habitat quality in the spruce/fir forest in the proposed action or any of the alternatives, which would have a minimal effect since most of this vegetation community has burned in the last decade and is now in an early seral condition within the historic range of variation for the potential natural vegetation type.”

Table 71 lists the major threats (fourth column) followed by the guidelines and standards that address threats to Mount Graham red squirrel (fifth column). ARP-G-1 defers mitigations to recovery plans for threatened and endangered species. The Mount Graham red squirrel has a final recovery plan (USFWS 1993d) and a revised recovery plan has been drafted (USFWS 2011), which is incorporated into the plan by reference per ARP-G-1.

EMA-PIN-G (guidelines)-3A, B, and C refer specifically to the Mount Graham red squirrel. The first establishes a hierarchy, recognizing needs of Mount Graham red squirrel conservation and management as superseding all other species (including Mexican spotted owl and northern goshawk). The second relates to potential effects of recreation, and the third ensures protection of the middens (caching and den sites), as was done in the design of the Pinaleno Ecosystem Restoration Project. EMA-PIN-S (standard)-2 prohibits the establishment of new recreational structures. The vegetation-dry mixed conifer (VDM), vegetation-wet mixed conifer (VWM), and vegetation-spruce fir (VSF) guidelines are for conducting vegetation management in montane conifer forests, especially to retain important structural features, re-create old-growth life form to squirrel habitat, and guidance for crews doing vegetation management. As a set, these plan components address the threats to species viability for Mount Graham red squirrel, such that there is a low risk of the species becoming extinct due to Forest Service management of its habitat.” (FP, Volume 1, page 270)

“The potential effects of climate change to the Mount Graham red squirrel could include long-term drought and hotter average temperatures, which could result in a higher risk of stand-replacing fires, heat and water stress on conifer trees, and increase in exotic pest episodes, all of which would be major threats to Mount Graham red squirrel habitat. However, there are no expectations of measurable changes in climate within the temporal bounds of the proposed action (USFWS 2012).” (FEIS, Volume 1, page 271)

Table 80 outlines the trends and determinations by alternative for Mount Graham red squirrel. (FEIS, Volume 1, page 271)

Trends and Determinations	No Action	Proposed Action	Alternative 1	Alternative 2
Population trends ¹	Positive	Positive	Positive	Positive
Habitat trends ¹	Positive	Positive	Positive	Positive
ESA determination	May affect, likely to adversely affect	May affect, likely to adversely affect	May affect, likely to adversely affect	May affect, likely to adversely affect
Critical habitat determination	May affect, likely to adversely affect	May affect, likely to adversely affect	May affect, likely to adversely affect	May affect, likely to adversely affect

1. Population and habitat trends for Mount Graham red squirrel needs an explanation. There was a huge population decline in the last 2 decades, so the population is already very low and holding capacity is low. There were catastrophic insect outbreaks followed by catastrophic fires. While it is hoped the Coronado National Forest will recover, especially under the Pinaleno Ecosystem Restoration Project, it is possible that because of human causes and climate change, the ecosystem and squirrel may not recover.” (FEIS, Volume 1, page 271)

With respect to the question about the University of Arizona permit, the revised Forest Plan provides broad management direction on the use of National Forest System lands. Issuance of a special use permit does not occur at the Forest Plan level. Any special use activity must be reviewed, to determine if the use is consistent with the revised Forest Plan. In this case, the permit to the University of Arizona for the Mount Graham International Observatory was issued on January 29, 2015, and allows use of 8.6 acres. The Mount Graham International Observatory was authorized by an act of Congress and cannot be removed by any action in this forest plan. The effects of the Mount Graham International Observatory permit on traditional cultural properties and Native American sacred sites have been taken into account. (FEIS, Volume 2, page 110)

Finally, the appellant asserts that traditional forest products need further definition including levels of collection. Table 14 of the revised Forest Plan, page 168, describes the suitability of selected activities by management area. The revised Forest Plan glossary defines most of the suitable uses, with the exception of Forest products (traditional) and fuelwood products.

Conclusion and instructions:

The FEIS appropriately discloses that the Mount Graham Astrophysical and Biological Research Area will be a single management area and analyzes impacts of this management area and associated proposed management direction as required by the NEPA.

I find the impacts of the designation of the Mount Graham area and impacts to the red squirrel were analyzed in compliance with the NFMA, NEPA, and ESA.

Forest Service regulations for implementing the NFMA require the plan “provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species and provide that habitat for species chosen under 36 CFR 219.19 is maintained and improved to the degree consistent with multiple-use objectives established in the plan” (1982 rule, 36 CFR 219.27). As described in 36 CFR 219.19, the Agency achieves this mandate by managing wildlife habitats (primarily indicated by vegetation community composition and structural stage

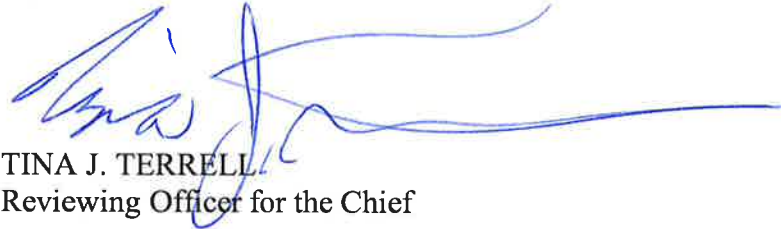
per 36 CFR 219.26), developing additional plan components for particular species, if needed, and then evaluating the effects of the alternatives “in terms of both amount and quality of habitat and of animal population trends” (36 CFR 219.19(a)(2)). The revised Forest Plan complies with this direction.

Finally, issuance of a special use permit does not occur at the Forest Plan level. Forest Plans are not used directly for permitting of activities; rather they are used during separate permitting processes and decisions as a consistency check. In the case of this observatory, the Arizona-Idaho Conservation Act dictates many of the conditions for this observatory and its continued existence.

I am instructing you to:

- correct citations to the Arizona-Idaho Conservation Act of 1988 in all Plan related documents; and,
- define all suitable uses found in Table 14 of the revised Forest Plan in the glossary.

This appeal decision is the final administrative determination of the U.S. Department of Agriculture, unless the Secretary, on his own initiative, elects to review the decision within 15 days of receipt (Optional Appeal Procedures, Section 17(d)). By copy of this letter and notification of availability on the Web site, I am notifying all parties to this appeal.



TINA J. TERRELL
Reviewing Officer for the Chief

Enclosures

cc: Sierra Club–Grand Canyon Chapter; Region 3 Planning-Matt Turner; Region 3 Appeals-Roxanne Turley
Sierra Club–Grand Canyon Chapter; Region 3 Planning-Matt Turner; Region 3 Appeals-Roxanne Turley