

Decision Notice

& Finding of No Significant Impact

Grazing Authorization and Allotment Management Plans

Cross V Allotment

**USDA Forest Service
Gila National Forest
Reserve Ranger District,
Catron County, New Mexico**

Background

This decision covers the authorization of grazing and selected improvements for the Cross V Allotment on the Reserve Ranger District in Catron County, New Mexico. The allotment includes lands designated as Management Area (MA) 6A in the Gila National Forest Plan (GNFP).

The purpose and need for the Cross V Allotment Environmental Analysis (EA) is to authorize livestock grazing in a manner consistent with the GNFP and to provide long-term management direction on grazing through allotment management plans (AMPs). Cross V Allotment currently lacks sufficient environmental analysis to comply with Section 504 of the Rescissions Act of 1995 (P.L. 104-19). Completion of NEPA for this allotment fulfills a portion of the Region 3 and Gila National Forest's overall strategy to complete NEPA on all Forest allotments.

Monitoring data indicates that current conditions for this allotment are not currently meeting GNFP goals and standards for range condition. A large portion of the Cross V Allotment burned in 2006 by the Wilson Fire. Some areas have yet to recover and are currently in poor range condition. Outside of the areas burned by the Wilson Fire, large portions of Outlaw and South Pastures and a small portion of Cottonwood remain in poor range condition. Outside of the burn range condition is primarily the result of past grazing pressure and the areas have not recovered. Stocking is considered to be within capacity and would be sustainable if livestock are better distributed and not allowed to concentrate within any one area.

The authorization of grazing and the proposed management practices on the allotment were described in the Cross V Allotment Environmental Assessment (EA) in compliance with the Rescission Act of 1995 (P.L. 104-19) and the National Environmental Policy Act (NEPA). Three alternatives were considered but only two carried forward for detailed analysis. The EA analyzes and discloses the anticipated effects of the Proposed Action as compared to the No Action Alternative. 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 Reserve Ranger District office and the Gila National Forest Supervisor's Office.

Decision

Based upon my review of all alternatives, I have decided to approve the grazing management strategy described under Alternative Two, Proposed Action of the EA. The selected alternative will authorize managed livestock grazing on the Cross V Allotment. The action consists of three components: authorization, management practices and monitoring. The action will be implemented using an adaptive management strategy.

Alternative Description

The Reserve Ranger District, Gila National Forest, proposes to authorize grazing on the Cross V Allotment under the following terms and conditions that define the limits for the numbers, duration, intensity, frequency and timing of grazing.

- **Numbers and Duration:** Authorize grazing for up to 50 cattle, cow/calf pairs (or equivalent use by other kind or class of livestock) for up to 12 months. This would be equivalent to 792 Animal Unit Months (AUMs)¹
- **Intensity:** Set herbaceous forage utilization at a conservative use level, approximately 31 to 40 percent utilization, including wildlife use, throughout all areas. Within riparian areas in Largo Canyon limit the amount of woody sprouts, seedlings and saplings that are heavily hedged to not more than 25 percent.
- **Frequency and Timing:** Management systems will be designed to incorporate growing season rest or deferment in order to provide for grazed plant recovery. Timing of pasture moves will be dictated by utilization monitoring and management objectives specified in allotment management plans with the following design criteria:
 - Livestock will be managed using a deferred rest-rotation management system, with “best pasture²” use during the growing season. This grazing system may change based on short and long term monitoring and how well the system is improving conditions within the areas identified having poor range conditions
 - Based on an annual range assessment the actual rotation will be based on water availability, amount of forage, and current climatic conditions.
- **Livestock Management:**
 - Cottonwood, Outlaw, and some of South Pastures will be used for winter spring use. The higher elevation range in South and Devils Canyon will be used during the summer and fall.
 - Seasonal deferment (rest) will be accomplished by interchanging the on and off dates. For example livestock will be pushed through the South Pasture to summer early in Devils Canyon during the first half of the growing season and then pushed into the South Pasture for the second half of the growing season. For the next year this would be reversed.
 - Provide supplement for livestock as follows (to strategically manage livestock distribution and forage use):

¹ AUM is defined as the amount of oven-dry forage required by one animal unit (cow) for a period of 30 animal-unit-days.

² Best pasture is the pasture with the most favorable combination of water and forage that will provide for sustained use of pasture by scheduled numbers and time and allow proper distribution of livestock use (Holechek JL, RD Peiper, and CH Herbel. 1995. Range Management Principles and Practices. 2nd ed)

- Locate supplement sites 0.25 mile or more from waters except where prior written approval has been obtained from District Ranger.
- Place supplements where forage is abundant and current grazing use levels are low. Supplements should not be placed at any one location more than once during the grazing season to prevent the concentration of livestock.
- Limit supplement types to salt, protein, and mineral blocks to reduce risk of spreading noxious weeds and to reduce the risk of creating areas of concentrated livestock use.
- If there is a need for energy supplements such as grain, hay, surplus milk products, ethanol production by-products or molasses based products; a supplemental plan will be developed and approved by the District Ranger prior to placing these energy type supplements on National Forest lands.
- If utilization of 31 to 40 percent is exceeded in 30 percent of the areas frequented by livestock in two consecutive years, water-lots will be installed on the following waters in the Devils Canyon Pasture.
 - Devils Tank
 - Cross V Tank
- Restore all current range infrastructures, such as fences and waters, to good condition where needed and continue to maintain the current infrastructure that is currently in good condition.
- Ensure all future range fence reconstruction would be designed to be wildlife friendly including appropriate installation of elk crossings, use of smooth bottom wire, standard spacing to prevent entrapment, maximum height limits, and locations.
- Allow fire where practical and safe to assume a more natural role within the ecosystem.
- In areas where woody vegetation has proliferated at the expense of herbaceous vegetation, look for opportunities to reverse this trend.

The proposed action incorporates management flexibility by providing a range of allowable numbers that reflects variations in resource conditions and management objectives over time. Within this range, annual permitted livestock numbers will be specified in annual operating instructions. Initial stocking rates will be set based on existing resource and infrastructure conditions and will be based on range resource conditions. Changes in stocking would occur as a result of changes in resource conditions or management objectives. Herd movements would be determined by utilization levels, forage conditions and water availability and will be specified in annual operating instructions. A new allotment management plan (AMP) will be developed. The plan will also include mitigation measures and Best Management Practices to avoid or minimize effects to wildlife, soil and water quality. Monitoring of forage availability and utilization, range readiness and resource conditions will be used to determine whether management is being properly implemented and whether the actions are effective at achieving or moving toward desired conditions. With the exception of a possible need for water-lots in Devils Pasture, existing range improvements are considered sufficient to accomplish management on the allotment.

Monitoring

Short Term: Continue monitoring livestock management activities and the effects that livestock grazing activities are having on the allotment. Monitoring will be accomplished annually through allotment inspections, measuring current year forage production and grazing intensity, and the normal allotment record keeping activities.

Long Term: Periodically, various data collection techniques will be used to record vegetative and watershed conditions for a point in time to be compared with the same area at a later time to determine vegetative condition trend. Areas accessible to livestock within the Wilson Fire that burned at high intensity will be identified and will be considered key areas for monitoring.

Adaptive Management: Adaptive management is a tool that uses the documented results of management actions to continually modify management in order to achieve specific objectives. The proposed action is designed to provide sufficient flexibility to adapt management to changing circumstances. If monitoring indicates that desired conditions are not being achieved, adaptive management decision will be used to modify management. Such changes may include administrative decisions such as the specific number of livestock authorized annually, specific dates for grazing, class of animal or modifications in pasture rotations. However, such changes will not exceed the limits for timing, intensity, duration and frequency defined in the term grazing permit. Adaptive management will be implemented through annual operating instructions, which will adjust livestock numbers and the timing of grazing so that use is consistent with current productivity and is meeting management objectives.

Adaptive management also includes monitoring to determine whether identified structural improvements are necessary or need to be modified. Minor additions to existing infrastructure such as fencing or waters to achieve the objective of restoring range conditions will be tiered to this Environmental Analysis and are allowed providing that all new structures would have heritage and biological clearances prior to implementation and all Forest Plan Standards and Guides would be followed.

Rationale for the Selection

The selected alternative best meets the purpose and need and achieves desired conditions (EA pp. 3-11) in the following ways.

1. The alternative is consistent with the management emphasis, direction and standards and guidelines for MA 6A identified in the GNFP.
2. The alternative best achieves Forest Service Policy (FSM 2202) and the mission of the Gila National Forest Plan (Forest Plan p. 11) to manage for multiple use and sustained yield of goods and services in a way that maximizes long-term net public benefits consistent with resource integration, environmental quality, and management considerations.
3. The alternative site specifically identified areas of concern within each pasture (EA pp 5-7) where management and monitoring would be focused to achieve satisfactory range conditions.
4. The alternative will provide for growing season rest and conservative utilization that will promote improvement in upland vegetation and soil condition and will provide residual herbaceous vegetation to provide year-round habitat for wildlife species requiring herbaceous cover.
5. The permitted numbers identified with this alternative reflects a range of numbers to allow management flexibility for timely adjustments in authorized use.
6. The alternative will provide an adaptive management framework that will allow the Forest and grazing permittee to adjust management to recognize changing resource conditions to maintain conditions where they are now satisfactory and improve range conditions where conditions are less than satisfactory.

Public Involvement

The Cross V Allotment Project has been listed in the Schedule of Proposed Actions made public by request or by the Gila National Forest. A proposed action for Cross V Allotment was provided to interested parties January 28, 2008. A total of seven individuals, organizations, and/or agencies responded. A variety of individuals, environmental, professional, multiple-use organizations, and government agencies were represented on the mailing list. The scoping comments were reviewed and no significant issues were identified.

An EA was completed and distributed for comment August 27, 2008 to State, Federal, Tribal Governments, non-government organizations, and individuals detailing the purpose and need, existing and desired conditions, a detailed description of all alternatives, and the environmental consequences. Participants were provided 30 days to review and comment. Three responses were received and considered for the final EA.

Other Alternatives Considered

Current management was considered as an alternative, but was not carried forward for detailed analysis because Alternative Two, the Proposed Action is essentially current management with greater emphasis on monitoring and adaptive management.

Finding of No Significant Impact

After considering the context and intensity of the environmental effects described in the Environmental Assessment (EA), I have determined that these actions 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.

Both *beneficial and adverse impacts* were considered in the analysis (EA, Chapter 3, pp. 20-36). Grazing as proposed will result in removal of herbaceous vegetation, but will be limited to conservative levels in order to allow for the retention of litter and plant stubble to provide soil cover and wildlife habitat. Only minor improvements are being considered under this decision. Adverse effects have been reduced or eliminated through project design and mitigation measures (EA pp. 15-17). A deferred rest-rotation grazing system will be used to maintain and improve range and watershed conditions throughout the allotment (EA pp. 15). Timing of pasture moves will be based on “best pasture³”, dictated by amount of available forage, grazing intensity, availability of water, and management objectives specified in an Allotment Management Plan.

1. 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. This action is not expected to present significant hazards to workers or the public.
2. There are no known *unique characteristics* associated with the allotments. Therefore, the project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources considered to have unique characteristics.
3. 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 Three of the EA and the selected action has been designed and mitigated to address the various issues raised. 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 management practices proposed are commonly-used resource management practices described in agency directives, prescribed in the Forest Plan and used by other land management agencies. While some members of the public are opposed to public lands livestock grazing, this action is not highly controversial within the context of the National Environmental Policy Act.
4. The effects analysis (EA pp. 20-36) 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 information.

³ Best pasture is the pasture with the most favorable combination of water and forage that will provide for sustained use of pasture by scheduled numbers and time and allow proper distribution of livestock use (Holechek J.L., R.D. Peiper, and C.H. Herbel. 1995. Range Management Principles and Practices. 2nd ed)

5. The decision to reissue a grazing permit for the Cross V Allotment 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.
6. The *cumulative impacts* of the action on soils, vegetation and terrestrial and aquatic wildlife resources were considered and disclosed in the EA in the Appendix (EA pp. 21-23 and 28) and in a variety of specialist reports (PRs, #23, 27, 31, 32, and 33). The direct and indirect effects of the proposal are limited to continuing current management with greater emphasis on adaptive management and 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 herein. No past or future actions have been identified that will combine with the effects of the proposed action to cause cumulatively significant effects.
7. 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* because none are identified within the project area. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA pp. 35, PRs, #39 and 43). Mitigation included as part of the selected alternative is designed to preclude effects to these resources. 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. (PR, #43).
8. A Biological Evaluation (PR, #34) and Biological Assessment (PR, #29) have been completed for Cross V Allotment. The conclusions of these consultations document that the effects of Alternative Two, the Proposed Action Alternative may effect but not likely to adversely affect the Chiricahua leopard frog and the Mexican spotted owl and would not likely to jeopardize the Mexican gray wolf. No other listed species would be affected. The USFWS concurred with these findings August 13, 2008. Management practices that have been incorporated into the proposed action are sufficient to avoid effects to listed species (EA pp. 23-27).
9. This selected alternative is in full compliance with all federal, state and local law requirements imposed for environmental protection. Best Management Practices to protect water quality are included in the selected alternative (EA pp 15-17).

Findings Required by Other Laws and Regulations

National Forest Management Act. The Gila National Forest Management Plan (GNFMP) was adopted in 1986 and has been amended several times. The Cross V Allotment falls within Management Area (MA) 6A (EA p. 12). The Forest Plan identifies MA as suitable for grazing (Plan pp. 178-185). The term permit grazing authorization for this allotment is fully consistent with the long-term goals and objectives listed on pages 11-12 of the GFNP, as well as the standards and guidelines for MA 6A. Light to moderate utilization and growing season rest, in combination with prescribed mitigation features will meet the Forest Plan goals for range, wildlife, soil, water and riparian resources. There are no identified effects to management indicator species or sensitive species that would affect their Forest-wide populations or long-term viability (EA, pp. 29-32, PR, #32). Other NFMA consistency findings relate to the management of suitable timberlands. No timber is scheduled to be harvested: therefore, the other NFMA consistency requirements do not apply (GNFP, pp. 131).

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 rangeland condition and capacity (PR, #27). The proposal incorporates adaptive management actions necessary to adjust stocking to remain within

capacity (EA pp. 15-17). Grazing intensity levels are based on comprehensive reviews of existing scientific literature regarding proper utilization levels (EA, pp 15 and PR, #27). The effects analysis for listed, sensitive and management indicator species is based on the most recent survey and distribution information (PRs, #29 and 32-34). Opposing viewpoints regarding permitted use were received and considered in my decision (PRs, #11 and 40). Effects determination for listed species were reviewed and concurred with by U.S. Fish and Wildlife Service (PR, #30). Soil and riparian monitoring and effects analyses were conducted in accordance with accepted Forest Service monitoring techniques (PR, #23 and 31) 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.

Multiple Use Sustained Yield Act. The selected alternative will not impair land productivity (EA pp. 20-23) and is therefore consistent with this law.

Endangered Species Act. Consultation with the U.S. Fish and Wildlife Service was completed for the Cross V Allotment. These consultations conclude that the effects of the proposed action are not likely to jeopardize the continued existence of threatened, endangered or proposed species or critical habitat (PRs, #29-30).

National Historic Preservation Act. A Heritage Resource Investigation was completed with a finding of no adverse effect on cultural resources and submitted to SHPO (PRs, #39 and 43).

Executive Order 13186 (Migratory Birds). There are no identified effects on migratory birds, Birds of Conservation Concern and Important Bird Areas (EA, page 32-33, PR, #33).

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. 34).

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 *Silver City Daily Press*. 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. Field preparation work needed to implement this decision may proceed immediately.

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with regulations at 36 CFR 215. Individuals or organizations that provided comments or otherwise expressed interest in the proposed action during the comment period may appeal. 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, Dick Markley, Forest Supervisor, Gila National Forest, 3005 E. Camino del Bosque, Silver City, New Mexico, 88061-7863, fax: (575) 388-8204, email: appeals-southwestern-gila-reserve@fs.fed.us (.doc, .rtf or .txt formats only). 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 *Silver City Daily Press*. 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 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 he/she cannot use both for the same appealed decision.

An appeal by the permittee under the 36 CFR 251 regulations must be filed simultaneously with the Gila National Forest Supervisor Dick Markley (address above) and the Reserve District Ranger, John Pierson, Hwy 12, Box 170, Reserve, New Mexico, 87830 within 45 days of the date of publication of legal notice in the Silver City Daily Press.

Contact Information

For additional information concerning this decision or the Forest Service appeal process, contact John Pierson, District Ranger, Reserve Ranger District at (575) 533-6231.

/s/ John D. Pierson

JOHN PIERSON
District Ranger
Reserve Ranger District

Date September 30, 2008