

# **Decision Notice**

## **& Finding of No Significant Impact**

### **Grazing Authorization and Allotment Management Plans**

#### **Spar Canyon Allotment**

**USDA Forest Service  
Gila National Forest  
Silver City Ranger District,  
Grant County, New Mexico**

### **Background**

This decision covers the authorization of grazing and selected improvements for the Spar Canyon Allotment on the Silver City Ranger District in Grant County, New Mexico. The allotment includes lands designated as Management Area (MA) 7F in the Gila National Forest Plan (GNFP).

The purpose and need for the Spar Canyon Allotment 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). Spar Canyon 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 in satisfactory vegetative and watershed condition. The north part of the allotment has very rough broken terrain which makes it very difficult to manage livestock in this area.

The authorization of grazing and the proposed management practices on the allotment were described in the Spar Canyon 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 alternative 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 Silver City 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, the Proposed Action of the EA. The selected alternative will authorize managed livestock grazing on the Spar Canyon Allotment while recognizing the hardships that would occur by including the rough northern part of this allotment. The Spring Pasture will be excluded from the

livestock grazing rotation system. The action consists of three components: authorization, management practices and monitoring. The action will be implemented using an adaptive management strategy.

## Alternative Description

The Silver City Ranger District, Gila National Forest, proposes to authorize grazing on the Spar Canyon 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 75 cow/calf pairs (or equivalent use by other kind or class of livestock) for up to 12 months.

The proposed action will incorporate management flexibility by providing a range of allowable numbers (0 – 75) 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 (AOIs). Initial stocking rates will be set based on existing resource and infrastructure conditions. Changes in stocking would occur as a result of changes in resource conditions or management objectives.

- **Intensity:** Set herbaceous forage utilization at a conservative use level, approximately 31 to 40 percent utilization, including wildlife use, throughout all areas and not more than 25 percent of riparian wood sprouts; seedlings and saplings in a riparian reach being heavily hedged.
- **Frequency and Timing:** A two pasture 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:
  - For the Spar and Brushy pastures herd movements would be determined by utilization levels, forage conditions, water availability, and current climatic conditions and will be specified in annual operating instructions. Timing of pasture moves will be dictated by amount of available forage, grazing intensity, availability of water, and management objectives specified in an allotment management plan. In order to meet the resource objectives for the allotment it will be necessary to monitor grazing intensity while livestock are present in each pasture. When there are indications that livestock are concentrating in any part of a pasture or on special sensitive areas, action will be taken to reduce the potential impacts by moving the livestock to other portions of the pasture or to another pasture on the allotment.
  - The Spring Pasture will be excluded from the livestock grazing rotation system.
- **Livestock Management:** A new allotment management plan (AMP) will be developed. The plan will 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.
  - Construct riparian protection fences, with livestock access points, around Perry and Seep Springs in the Spar pasture.
  - Restore all current range infrastructures, such as fences and waters, to good condition where needed and continue to improve the current infrastructure that is currently in critical to satisfactory condition.
  - Ensure all future range fence reconstruction would be designed to be wildlife friendly.

- Provide supplement for livestock as follows (to strategically manage livestock distribution and forage use):
  - 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 place 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 to use energy supplements such as grain, hay, surplus milk products, ethanol production by-products or molasses based products; a supplemental plan will need to be developed and approved by the District Ranger prior to placing these energy type supplements on National Forest lands.

## Monitoring

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. 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.

## Rationale for the Selection

The selected alternative best meets the purpose and need and achieves desired conditions (EA pp. 6-7) in the following ways.

1. The alternative is consistent with the management emphasis, direction and standards and guidelines for MA 7F 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 selected alternative resolved the difficulty of managing livestock within rough broken higher elevation terrain by not including Spring Pasture in the management rotation and protecting sensitive wildlife species and riparian habitat (EA pg 10-12).
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 reverse any downward vegetative trend.

## **Public Involvement**

The proposed action was listed in the Schedule of Proposed Actions. The grazing permittee was involved early and has been involved throughout the process. The Proposed Action was mailed under a cover letter February 14, 2008, to approximately 89 state, Federal, Tribal governments, non-government organizations, and individuals detailing the proposed action for management on the Spar Canyon Allotment. 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. The EA was circulated for an additional 30 day review August 22, 2008. All comments were reviewed and no new issues were brought forward (EA pg 8).

## **Other Alternatives Considered**

Alternative Three, 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. 15-47). 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. 10-12). A grazing system that provides growing season rest with seasonal deferment will be used to maintain and improve range and watershed conditions throughout the allotment (EA pp. 10-12).

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. With the exception of Wilderness, there are no known *unique characteristics* associated with the allotments. The project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources considered to have unique characteristics. Most of the Wilderness associated with Spar Canyon Allotment will be excluded from grazing by excluding Spring Pasture. No new infrastructure, roads, etc are planned within any remaining wilderness.
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 3 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. 15-47) 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.
5. The decision to reissue a grazing permit for the Spar Canyon Allotment does not establish a *precedent for future actions* with significant effects. With the exception of minor changes in infrastructure that may be identified as being needed through adaptive management, 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 (EA pp. 16, 18-22, and 37-38) and in a variety of specialist reports (PRs, #35 and 43). The direct and indirect effects of the selected alternative limit livestock grazing during growing seasons and provides 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. 46, PR, #27). 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 and SHPO concurred (PR, #27 and 33).
8. A Biological Assessment and Evaluation (PRs, #42, 43, and 44) have been completed for Spar Canyon Allotment. The conclusions of these consultations document that the effects of Alternative Two would not likely jeopardize the Mexican gray wolf and would not adversely affect any other listed species. The US Fish and Wildlife Service concurred with these findings August 13, 2008 (PR #46). Management practices that have been incorporated into Alternative Two are sufficient to avoid effects to listed species (EA pp. 25-32).
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 10-12).

## 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 Spar Canyon Allotment falls within Management Area (MA) 7F (EA pp 6-7). The Forest Plan identifies MA as suitable for grazing (GNFMP pp. 227-234). 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 GNFMP, as well as the standards and guidelines for MA 7F. 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. 25-41, PR, #40, 42, 43, and 44). Other NFMA consistency findings relate to the management of suitable timberlands. No timber harvest is planned within the Spar Canyon Allotment.

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, #32). Alternative Two incorporates adaptive management actions necessary to adjust stocking to remain within capacity (EA pp. 10-12). Grazing intensity levels are based on comprehensive reviews of existing scientific literature regarding proper utilization levels (EA, pp 15-16 and PR, #32). The effects analysis for listed, sensitive and management indicator species is based on the most recent survey and distribution information (PRs, #40, 42-44). Opposing viewpoints regarding permitted use were received and considered in my decision (PRs, #31 and 53). Effects determination for listed species were reviewed and

concluded with by U.S. Fish and Wildlife Service (PR, #46). Soil and riparian monitoring and effects analyses were conducted in accordance with accepted Forest Service monitoring techniques (PR, #35) 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. 16-22) and is therefore consistent with this law.

**Endangered Species Act.** Consultation with the U.S. Fish and Wildlife Service was completed for the Spar Canyon Allotment. These consultations conclude that the effects of Alternative Two are not likely to jeopardize the continued existence of threatened, endangered or proposed species or critical habitat (PRs, #42-46).

**National Historic Preservation Act.** A Heritage Resource Investigation was completed with a finding of no adverse effect on cultural resources with concurrence from SHPO (PRs, #27 and 33).

**Executive Order 13186 (Migratory Birds).** There are no identified effects on migratory birds, Birds of Conservation Concern and Important Bird Areas (EA, pg 41-43).

**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. 44).

## 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

The 30 comment period for this project ended on September 22, 2008. Only two supportive comments were received. Therefore, this decision is not subject to appeal pursuant to 36 CFR 215.12.

Relative to issuance of the term grazing permits, the permittee may choose to appeal under the regulations listed at 36 CFR 251, Subpart C. Appeals, including attachments, must be filed in writing, consistent with 36 CFR 251, Subpart C, and submitted 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.

An appeal by the permittee under the 36 CFR 251 regulations must be filed simultaneously with the Gila National Forest Supervisor Dick Markley and the Silver City District Ranger, Russell Ward at the following address: Gila National Forest, 3005 E. Camino del Bosque, Silver City, New Mexico, 88061-7863, fax (575) 388-8204, email: [appeals-southwestern-gila-silvercity@fs.fed.us](mailto:appeals-southwestern-gila-silvercity@fs.fed.us).

## Contact Information

For additional information concerning this decision or the Forest Service appeal process, contact Russell Ward, District Ranger, Silver City Ranger District at (575) 388-8201.

RUSSELL WARD  
District Ranger  
Silver City Ranger District

Date\_\_\_\_\_