Forest Service **Washington Office** **201 14th Street, SW**
Washington, DC 20250

File Code: 1570 **Date:** JUN 06 2016
Route To:

Subject: Appeal Decision for the revised Prescott 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 Prescott National Forest Land and Resource Management Plan (Forest Plan). All appeals of the Forest Plan have been consolidated into one set of issues and one decision is being rendered. The issues were sufficiently similar to allow consolidation (Optional Appeal Procedures, Section 13(b)). The appeal reference numbers are abbreviated throughout this decision document by the last four digits of the tracking number for the notice of appeal (NOA).

Four appeals were submitted under the Optional Appeal Procedures and all were considered in my decision. The appeals addressed in my review and decision are as follows:

Appeal #16-13-00-0001 -	Larry Voyles, representing Arizona Game and Fish Department
Appeal #16-13-00-0002 -	Barbara Hawke, representing Arizona Wilderness Coalition
Appeal #16-13-00-0003 –	Jay Lininger, representing Center for Biological Diversity and co-appellants Sierra Club Grand Canyon Chapter
Appeal #16-13-00-0004 -	Erik Ryberg, representing Western Watersheds Project

Each lead appellant will receive notification of my decision. The final appeal decision is available via the Web at http://www.fs.fed.us/appeals/ or in hard copy, upon request.

You published the ROD for the Forest Plan on August 7, 2015, revising the 1987 Prescott National Forest Land and Resource Management Plan. The Forest Plan conforms to the 1982 planning regulations at 36 CFR 219, last published in the Code of Federal Regulations (CFR) on July 1, 2000[1]. 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 Prescott 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)

Prescott National Forest Land and Resource Management Plan

The Forest Plan guides the Prescott National Forest in fulfilling its stewardship responsibilities to best meet the needs of the American people for the present and into the future. The Forest Plan provides a framework to promote ecological integrity and guide management on the Prescott National Forest so that it is ecologically sustainable and contributes to social and economic sustainability. The Forest Plan is strategic in nature and does not specifically authorize or prescribe any specific projects or activities.

The 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 will be notified of all administrative corrections to the Forest Plan.

Issues

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. Although some issues raised in the appeals are not specifically cited in this decision, all appellants' concerns have been considered. My appeal review focused mainly on compliance of the ROD and FEIS with applicable law, regulation, and policy, as cited by appellants.

Appellants raised appeal issues concerning procedural and planning requirements, as well as a range of natural resource issues, which included grazing, viability of federally-listed and other species, climate change, and aquatics and riparian habitat. Appellants alleged various violations of NEPA, NFMA, Endangered Species Act, and Administrative Procedure Act.

Appeal Decision

Your decision meets the requirements of applicable federal law, regulations, and policy and is, therefore, affirmed. Attachment 1 describes my response to those issues raised by appellants where I affirmed without instruction the analysis and decision to select Alternative E from the FEIS and approve the revised Prescott National Forest Land and Resource Management Plan.

However, two issues 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.

Rangeland Capability and Suitability

Issue: Appellants allege the Forest Service violated direction in 36 CFR 219.20. Specifically, they allege the agency failed to complete new analyses of capability and suitability for livestock

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(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.

grazing; the agency failed to consider changes in resource conditions and climate that have occurred since the previous plan was analyzed in the 1980s; and, the agency failed to distinguish lands in less than satisfactory condition and to plan for their restoration. (#0003 and #0004)

Response: Section 219.20(a) of the 1982 Planning Rule requires that lands suitable for grazing and browsing shall be identified; the capability of these lands to produce suitable food and cover for selected wildlife species shall be estimated; and lands in less than satisfactory condition shall be identified and appropriate action planned for their restoration.

Region-specific program management direction and guidance is provided through regional supplements to the Forest Service Manuals and Handbooks and regional guidebooks. The Southwest Region developed an operational draft document that was prepared to provide guidance to forest plan revision teams. This document was reviewed and revised as appropriate in January 2010 to conform to the requirements of the 1982 Planning Rule provisions regarding requirements for range (Project File [PF], Doc. 1350).

The Prescott National Forest's Determination of Livestock Grazing Capability and Suitability Report (PF, Doc. 1084) clearly describes the process followed in completing a new *capability* analysis. As described in the report, the process conformed to regional direction regarding the consideration of changes in resource and/or climate conditions that may have occurred after the previous Forest Plan analysis was completed in 1983. Information from the previous analysis is included in this report to indicate changes in total capable acres between that analysis and the current analysis.

The Determination of Livestock Grazing Capability and Suitability Report (PF, Doc. 1084) also clearly describes the process followed in completing a new *suitability* analysis. This process conformed to regional direction regarding the consideration of changes in resource and/or climate conditions that may have occurred after the previous Forest Plan analysis was completed in 1983. This new analysis incorporated relevant information from the 1983 analysis. It also incorporated results of project level NEPA analyses that altered suitability determinations after the 1983 Forest Plan analysis was completed.

Lands in satisfactory and less than satisfactory condition are identified in the 2009 Ecological Sustainability Report (PF, Doc. 297), the 2009 Assessment of the Management Situation (PF, Doc. 366), and the Hydrology and Soils specialist Report (PF, Doc. 1337). Information from these reports is summarized in the FEIS, Vol 1, pages 100-104.

The Forest Plan includes management direction designed to facilitate restoration of those lands identified as being in less than satisfactory condition.

I find no violation of law, regulation or policy. The FEIS and associated planning record include documentation to indicate that new livestock grazing capability and suitability analyses were completed. Those analyses appropriately considered changes in resource conditions and climate that occurred since the previous analysis in the 1980s. Lands in less than satisfactory condition were identified. Appropriate guidance is provided to support development of site specific (project level) plans that provide for restoration of those lands.

Instruction: Although lands in satisfactory and other than satisfactory condition were identified in the planning process, locating that information in the planning record was difficult. I am instructing you to provide the data applicable to these rangelands in a more accessible and understandable format. A map should also be included to spatially identify these lands. This information must be included in the planning record.

Management Indicator Species (MIS) Selection Process

Issue: The appellant contends the MIS selection process identified several species that met the selection criteria and the agency presented no basis for the Forest Service's decision to limit the selection of MIS to two species and one assemblage. They allege: the eight-page "Management Indicator Species Selection Process" document was silent regarding any reason why lowland leopard frog was not selected as an MIS even though it clearly meets all relevant selection criteria in violation of NEPA, NFMA, and APA; the absence of reason in the planning record for failing to carry forward prior MIS designations in the revised Prescott Forest Plan to indicate management effects "in the planning area" violates NEPA, NFMA, and APA; and, the Forest Service violated NFMA by not identifying MIS that would indicate management effects on nearly 80 percent of the Prescott National Forest. The appellant states the Forest Service cannot defend a contention that its management for wildlife viability in the Prescott National Forest is reliably indicated by just two terrestrial species and an invertebrate assemblage that occur on a small fraction of the planning area. (#0003)

Response: NFMA requires the agency to provide for diversity of plant and animal communities, and the agency does so using a combination of management tools including laws and the agency's planning regulations and manual direction (management direction in support of the Endangered Species Act, sensitive species management, and use of MIS). Pertaining to MIS, 36 CFR 219.19 (a)(1) states, "(i)n order to estimate the effects of each alternative on fish and wildlife populations, certain vertebrate and/or invertebrate species present in the area shall be identified and selected as management indicator species and the reasons for their selection will be stated. These species shall be selected because their population changes are believed to indicate the effects of management activities."

Management indicator species are selected because their population changes are believed to indicate the effects of management activities. Regulations at 36 CFR 219.19 and Forest Service policy do not require the agency to provide species-specific rationale for why individual species were not selected as MIS, but rather suggest that a set of "categories shall be represented where appropriate." In addition, the Forest is under no obligation to carry forward the previous set of MIS. The Forest is only required to evaluate management effects on fish and wildlife in the planning area and, if management actions are occurring in each of the ecosystems, monitor MIS to assess the effects of the actions. There is no requirement that 100% of the Forest be monitored; however, there is a requirement to provide habitat for viable populations in the planning area.

The planning record includes a May 2011 document, which outlines the 7 criteria the Forest used to evaluate and select MIS for the Forest Plan (PF, Doc. 1043). The Forest followed an earlier

R3 MIS selection process and criteria issued in March, 2010. The process focused on probable future management activities (PF, Doc. 1043, Table 1) thought to impact ecosystems.

The Prescott National Forest provided a description of the process used to select MIS, a list of the guiding principles and selection criteria, and the rationale for why the selected species were included in the final list. The Forest looked at perceived future threats to determine which of the 10 natural terrestrial vegetation types are at greatest risk (see monitoring reports) and which management activities would impact species (positive or negative). The Forest then used the small subset of MIS to evaluate the priority ecosystems requiring restoration (PF, Doc. 1100). This approach reflects available resources and how these limited resources are directed at the most pressing issues.

The FEIS estimated effects of each alternative on fish and wildlife populations using both MIS and many other terrestrial, aquatic, and riparian species. The Forest examined species viability (PF, Doc. 1352) in relation to desired habitat conditions outlined in the Forest Plan and used that as a basis to determine if viability would be a concern. The Forest also considered threats from FS management actions expected to occur in the planning area. The ten vegetation types describing major ecosystems on the Forest have different amounts of permitted and ephemeral human activities. Each major ecosystem could have one or more MIS to detect change where there is an expected impact. However, there is no requirement to do so, nor is there a requirement that each ecosystem has its own MIS designated.

The Forest's choice of MIS is based on the criteria used to sort through available species and an assessment of the degree of threat to the ecosystems, the condition of the ecosystem (PF, Doc. 1100), and the available resources to address priority ecosystem restoration work. The Forest decision reflects the changing environmental stressors and the Forest's response to them using their available resources as efficiently as possible. For those ecosystems lacking MIS, threats are low and habitat conditions are stable with lower structural departure than what is expected to maintain species viability (PF, Doc. 1100, Table 6).

There was no specific explanation in the record of why an MIS was not identified for each of the forest's ecosystems. However, previous annual wildlife monitoring reports have described barriers to successful monitoring as including: lack of adequate funding, migratory interference (cause and effect of off-site versus on-site effects cannot be separated), legal complexity, increasing environmental documentation requirements and new emerging issues. Noxious weeds, increased fire frequency (climate change), the urgent need to restore grasslands to combat loss of off-planning-area habitat to human development and disturbance are some of the reasons to realign the Forest portfolio of strategic investments to improve habitat. The principal concern raised in the Forest's 2014 monitoring report was the lack of resources to monitor MIS species and the need to enlist volunteers to help (Forest website). The 2010 monitoring report also stated lack of funding was a primary concern for monitoring MIS (PF, Doc. 1066, p. 28).

Pursuant to the 2012 Planning Rule, the Forest is required to modify its monitoring program (see 36 CFR 219.12(c)(1)). The 2012 Planning Rule does not include requirements to designate MIS or monitor their population trends. The Forest has prepared a draft monitoring plan chapter and is currently accepting public comment on it. I expect the appellant's concerns will be considered

regarding monitoring of ecosystems and species during development of a monitoring approach that meets the requirements of the 2012 planning rule.

With respect to MIS, I find no violation of law, regulation, or policy.

Instruction: Though not specifically required, species-specific rationale for why individual species were not selected would provide further clarity on this issue as raised by the appellant. I am instructing you to include this rationale in the planning record.

This appeal decision is the final administrative determination of the 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, I am notifying all parties to this appeal.

Brian Ferebee

BRIAN FEREBEE
Reviewing Officer for the Chief

Enclosure: Attachment 1 – Issues Affirmed Without Instruction

cc: Appellants
Region 3 Planning
Region 3 Appeals

Prescott National Forest Land and Resource Management Plan Appeal Issues Affirmed Without Instruction

This attachment includes responses to those issues for which the review found full compliance with relevant law, regulation, and policy and no need to provide follow-up instructions to the responsible official. The attachment is organized along the lines of the major laws most relevant to each issue and sub-groupings according to specific requirements under those laws and, in some cases, the particular forest resource at issue.

National Environmental Policy Act (NEPA)

Range of Alternatives

- Overall Range of Alternatives

Issue: The appellants contend the EIS violates NEPA by failing to evaluate a reasonable range of alternatives because the protective measures (Desired Conditions, Standards, and Guidelines) are the same for all the action alternatives. In addition, they contend none of the alternatives considered a "no regrets" course of action, all maintain the existing transportation system and all alternatives consider the same acreage to be "suitable" for livestock grazing despite significant new information. (#0003 and #0004)

Response: The NEPA at 40 CFR 1502.14 compels the agency to present the environmental impacts of the proposal and alternatives in comparative form, thus clearly defining issues and providing a clear basis for choice among alternatives by the decision maker and the public. In formulating alternatives agencies shall:

- (1) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated;
- (2) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits;
- (3) Include reasonable alternatives not within the jurisdiction of the lead agency;
- (4) Include the alternative of no action;
- (5) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference;
- (6) Include appropriate mitigation measures not already included in the proposed action or alternatives.

Forest Service NEPA regulations at 36 CFR 220.5(e) further explain "[t]he EIS shall document the examination of reasonable alternatives to the proposed action. An alternative should meet the purpose and need and address one or more significant issues related to the proposed action. Since an alternative may be developed to address more than one significant issue, no specific number of alternatives is required or prescribed." The Forest complied with these regulations by developing five alternatives in detail, including the No Action Alternative, which met the purpose and need (FEIS Vol. 1, pages 11-32) and ultimately identified Alternative E as the preferred alternative. Alternatives B and C specifically indicate they intend to restore and

improve habitat for native fish species. In particular, Alternative C "responds to the issue of species viability and habitat by placing increased emphasis on vegetation trends within both grassland and ponderosa pine vegetation types...In addition, Alternative C includes more management treatment for native fish and other aquatic species" (FEIS, Vol. 1, pages 135-177).

The Forest further complied with NEPA regulations by providing rationale for eliminating other alternatives from detailed analysis (FEIS Vol. 1, pages 32-34). Among the alternatives not considered in detail was one that responded to climate change. This was because "[c]limate change effects to resources are addressed in all of the action alternatives throughout the EIS. Plan direction also facilitates in building ecosystem resilience through desired conditions, objectives, and monitoring. Ecosystem resilience and adaptive capacity is expected to be achieved through the restoration of vegetation structure, vegetation composition, and appropriate fire regimes to ecosystems on the Prescott NF" (FEIS Vol. 1, page 33). Furthermore, "[a]ll the action alternatives are designed to address climate change as all include maintaining and restoring the health and resilience of ecosystems so that they may withstand climate change and other stressors. This allows the Responsible Official to select any alternative or a combination of alternatives and still have it be responsive to climate change" (FEIS Vol. 2, page 10).

Another alternative not considered in detail was a "hands-off" management approach that would "maximize long term vegetative health and the retention of water and forage for wildlife through the implementation of a minimal management strategy" (FEIS Vol. 1, page 33). This alternative was not considered in detail, because it "is contrary to the best available science" and because "[m]anagement action is necessary to trend these ecosystems towards the desired conditions and strengthen ecosystem resilience in the face of expected changes in the climate of the Southwest" (FEIS Vol. 1, page 33). Furthermore, "[a] "hands-off" approach would be insufficient to build the adaptive capacity and resilience needed to respond to expected changes in climate and other stressors" (FEIS Vol. 2, page 10).

Finally, an alternative suggested by the public, but not considered in detail, was one "that phases out issuance of livestock grazing permits over time" (FEIS Vol. 1, page 33). This was determined not to meet legal requirements under the Multiple Use-Sustained Yield Act and the National Forest Management Act and "was not consistent with the mission of the Forest Service and, therefore, outside the scope of this decision" (ibid.). The appellant alleged NEPA was violated because desired conditions, standards, and guidelines were the same for all action alternatives and that all alternatives maintain the existing transportation system and acreage suitable for livestock grazing. In fact, the Forest did state that all action alternatives shared desired conditions, management areas, standards, and guidelines (FEIS Vol. 1, page 13). While the plan components did not differ among action alternatives, they did differ in the levels of impact to or from the resource based on other management actions. The differences between alternatives are highlighted in Table 1 of the FEIS (FEIS Vol. 1, pages 34-37). The effects of the alternatives are summarized in Table 2 of the FEIS (FEIS Vol. 1, pages 38-40).

With regard to the allegation all action alternatives maintained the existing transportation system, the Forest considered the impacts roads and trails had to the sediment load and watershed integrity. "Alternatives B, C, D, and E contain specific plan-level guidance for watershed protection that would help to mitigate and restore the effects on water quality from the existing transportation system" (FEIS Vol. 1, page x). Alternatives were considered based on the impact wilderness designation would have on road building restrictions: "Alternatives B, D, and E recommend additional acreage for wilderness designation. A recommendation for wilderness designation imposes restrictions on any activity that could affect the wilderness character of the

area… Alternatives A and C do not recommend any areas for wilderness designation; there would be no restrictions on any activity, such as road building, that could affect wilderness character" (FEIS, Vol. 1, page x).

Similar allegations were made against the Forest relative to having the same number of suitable acres for livestock grazing in all alternatives. Here, the Forest varied acres of vegetation treatments for grasslands as a way to measure differences in impacts on livestock grazing among alternatives (FEIS, Vol. 1, page 34). The Forest disclosed, "Alternative A would have the least impact on yearly available forage for livestock of any of the alternatives, because it would not increase the number of acres burned in the grassland and chaparral vegetation types… The vegetation treatments for grasslands in Alternatives B, D, and E would have a greater impact on yearly available forage for livestock and a greater long term increase in available forage than Alternative A, but less than Alternative C" (FEIS, Vol. 1, page ix). The FEIS also discloses "there is currently no permitted sheep or goat grazing on the forest" and "[w]hen the impacts of livestock grazing range are substantial, modifications in the timing or amount of grazing activity can reduce the overall impact in critical areas… Any actual reissuance of permits to restock any of the retained vacant allotments will be evaluated through site-specific NEPA analyses" (FEIS, Vol. 1, page 104). Pages 8-10 of the ROD disclose the alternatives considered but eliminated from detailed study and the reasons why they were not fully considered. In conclusion, I find no violation of law, regulation, or policy within this document or decision.

- Grazing

Issue: The appellant argues the Prescott Forest Plan does not rehabilitate or restore lands that are considered suitable for livestock grazing, but exhibit less-than-satisfactory soil conditions" and "no rehabilitation of degraded upland soils is proposed." They further contend continued cumulative adverse effects of livestock grazing on the environment under the Forest Plan are likely to be significant, but are not disclosed in the FEIS, in violation of the NEPA and the APA." (#0003)

Response: In accord with 36 CFR 219.20, the suitability and potential capability of National Forest System lands for producing forage for grazing animals … shall be determined as provided in paragraphs (a) and (b) of this section. Lands so identified shall be managed in accordance with direction established in forest plans. (a) "Lands in less than satisfactory condition shall be identified and appropriate action planned for their restoration. (b) Alternative range management prescriptions shall consider grazing systems and the facilities necessary to implement them; land treatment and vegetation manipulation practices; … possible conflict or beneficial interactions among livestock, … wild animal populations, and methods of regulating these; direction for rehabilitation of ranges in unsatisfactory condition…"

CEQ regulations define cumulative impacts as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR 1508.7). Forest Service regulations at 36 CFR 220.4(f) further clarify that "CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects of past actions. Once the agency has identified those present effects of past actions that warrant

consideration, the agency assesses the extent that the effects of the proposal for agency action or its alternatives will add to, modify, or mitigate those effects." In identifying actions that warrant consideration, Forest Service policy at FSH 1909.15, Section 15.2 explains that "[s]patial and temporal boundaries are the two critical elements to consider when deciding which actions to include in a cumulative effects analysis. Spatial and temporal boundaries set the limits for selecting those actions that are most likely to contribute to a cumulative effect. The effects of those actions must overlap in space and time for there to be potential cumulative effects."

Determination of capability and suitability and identification of lands in less than satisfactory condition are addressed in the decision under the heading of "Rangeland Capability and Suitability". The 2015 Forest Plan includes management direction, objectives, standards and guidelines designed to facilitate restoration of those lands identified as being in less than satisfactory condition. Specific objectives (FP, Chapter 3, #18 and #19, page 64) relative to this concern with background information are in the Watersheds section. Guidelines affecting livestock grazing and improvement of lands in less than satisfactory condition are included in the watershed and vegetation sections of the Forest Plan in Chapter 4. Relative to cumulative effects, the Responsible Official acknowledges in the effects analysis that "[h]istoric grazing levels have been documented to be a source of impact to water resources...These impacts include erosion, sedimentation, soil compaction, loss of wildlife and fish habitat, decreased water quality, and lowered water tables" (FEIS Vol. 1, page 104). The Responsible Official also notes, "[s]ince the inception of the 1987 plan, 50 of the 68 allotments on the Prescott NF have received site-specific environmental review. These allotments were evaluated on the ecological conditions and usage trends for forage areas as part of the NEPA process associated with permit renewal. Forage production has been properly matched with permitted livestock numbers, and adaptive management strategies have been used to maintain and improve the rangeland resource" (FEIS Vol. 1, page 205). In addition to adjusting livestock numbers and using adaptive management to adjust for site-specific impacts, "areas closed to grazing due to site specific decisions" were removed from the identification of suitable acres (PF, Doc. 922, Grazing Management and Rangeland Analysis, page 4). The Responsible Official also recognizes cumulative effects can come from other entities, noting, "[w]atershed integrity is affected by management activities that occur both on the Prescott NF and on adjacent land under private, State, or other Federal management. The consequences of these actions are cumulative across boundaries" (FEIS, Vol. 1, page 110). They identify temporal boundaries by season (FEIS, Vol. 1, page 209).

In conclusion, the Forest Plan provides management objectives and guidance to support development of site specific (project level) plans that provide for restoration of lands in less than satisfactory condition. The Responsible Official noted historic impacts from grazing and used site-specific information to adjust livestock numbers, remove areas from suitability, and to adopt adaptive management strategies. The Responsible Official also recognizes cumulative impacts from non-Forest Service lands, identifying their temporal boundaries. I find no violation of law, regulation, or policy.

- Aquatics Conservation Strategy Alternative

Issue: The appellant contends the Forest Service did not consider or respond to its detailed proposal for an aquatic conservation strategy violating NEPA, NFMA, and APA (Administrative Procedure Act). In addition, the appellant argues the Plan would roll back virtually all of the standards and guidelines pertaining to aquatic habitat conservation and replace them with

discretionary guidelines and desired conditions which are inadequate to meet statutory and regulatory requirements to provide for viable fish and wildlife populations that depend on aquatic habitats in violation of NEPA and NFMA. (#0003)

Response: The Forest Plan was developed pursuant to the 1982 planning regulations, as allowed by the transition wording of the current regulations, 36 Code of Federal Regulations (CFR) 219.17(b)(3). The 1982 rule, section 219.27 provides the minimum specific management requirements to be met in accomplishing goals and objectives for the National Forest System. Included among those minimum management requirements is the requirement to "Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species and provide that habitat for species chosen under Sec. 219.19 is maintained and improved to the degree consistent with multiple-use objectives established in the plan."(36 CFR 219.27(a) (6)) In accord with Section 219.3 of the 1982 rule, the plan defined the plan decisions as (FP, pages 9-10):

Desired conditions (or goals) describe the picture for the future of the Prescott NF. They are the social, economic, and ecological attributes toward which management of the land and resources of the plan area is directed. They are aspirations and not commitments or final decisions which approve projects or activities, and they may only be achievable over a long period. "Goals," as required by the 1982 Planning Rule Provisions, are articulated as "desired conditions" in this plan.

Objectives describe how the Forest Service intends to achieve desired conditions for the Prescott NF. Objectives are concise projections of measurable, time specific intended outcomes. Objectives are the work that we think needs to be done and the means of achieving or maintaining desired conditions.

Standards are constraints that apply when an action is being taken to make progress toward desired conditions. The direction in a standard must be followed exactly, including the intent of the standard. Deviation from a standard requires a plan amendment.

Guidelines are also constraints that should apply when an action is being taken to make progress toward desired conditions. A guideline must be followed, however, unlike a standard, it may be modified somewhat for a specific project if the intent of the guideline is followed and the deviation is addressed in a decision document with supporting rationale. When deviation from a guideline does not meet the original intent, a plan amendment is required.

The definitions of standards and guidelines differ only to the extent that guidelines allow modification in site specific situations where changes will improve the likelihood of meeting the plans desired conditions and objectives. Therefore, both standards and guideline are requirements as defined by this plan.

The NEPA requires the agency to take a "hard look" at the effects of its actions and to provide the data needed to determine what those impacts are and how they vary among alternatives. Here, the EIS and background documents compare the trajectory of several specific ecosystem types including riparian areas under different alternatives; the overall conclusions within this document are riparian areas are faring well. Alternative A includes standards but results in the slowest improvement of aquatic systems; the outcome of other alternatives, in contrast, improve

conditions (FEIS, Vol 1, pages 62-65). The expected relationship between riparian and stream conditions are explained in the Desired Conditions of Watersheds (FP, Chapter 2, pages 6-9), Desired Conditions for Riparian Gallery Forests (FP, Chapter 2, pages 27-28), and Desired Conditions for Aquatic Species (FP, Chapter 2, pages 30-31). These Desired Conditions are then linked to Objectives (i.e., Obj-19 and Obj-20, FP, Chapter 3, pages 10-11) which provide the context for guidelines for projects (i.e., Guide-WS-1 through 11, FP, Chapter 4, pages 3-4). Specific management actions that determine how specific guidelines will be applied at the project level will integrate on-the-ground conditions and desired conditions. Additional guidelines that provide protection to riparian areas can be found at Fish/Aquatics Guidelines 1 - 3 (FP, Chapter 4, page 10), Wildland Fire Guideline 7 (FP, Chapter 4, page 12), Recreation Guideline 8 (FP, Chapter 4, page 14) and Transportation Guideline 1 (FP, Chapter 4, page 15).

Appendix E (FEIS, Vol. 2, pages 233-234) provides a crosswalk of direction between the 1987 Plan and the Revised Plan Riparian Areas where the rationale for carrying forward, revising, or dropping specific direction from the 1987 Forest Plan is explained. As provided for in the definition of standards and guidelines, there is little difference between what could be done previously and what can be done under this plan.

It is clear the decision maker considered these concerns because page 11 of the ROD includes the following statement, "After careful review, I believe that the standards and guidelines provide sufficient requirements for management, provide for resource protection, and reflect the intent of the new plan." The appellant suggested the forest should adopt an ecosystem approach to management of aquatic habitats. As described in the Forest's response to this comment (FEIS, Vol. 2, page 63), the approach to management of aquatic habitat is specific to the environmental conditions and habitat conservation needs found within the planning area including expected effects from a changing climate and other stressors. In conclusion, for the reasons outlined above, I find no violation of law, regulation, or policy.

Hard Look

Issue: The appellant contends it is arbitrary and capricious to allege that improvement will occur without investigating the causes of the decline of resources as described in the EIS and background documents and making a connection to how the new standards will improve them, which the appellant believes are weaker than what was in the old Plan.

The appellant further contends it is a violation of NEPA and NFMA to not know the extent of riparian forest and to fail to report that lack of knowledge to the USFWS. (#0004)

Response: CFR 36 Section 219.27 of the 1982 Planning Rule provides minimum specific management requirements to be met in accomplishing goals and objectives for the National Forest System. They are to "guide the development, analysis, approval, implementation, monitoring and evaluation of forest plans." Specific to this issue, section 219.27(e) provides management requirements for riparian areas, directing that, "Special attention shall be given to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water. This area shall correspond to at least the recognizable area dominated by the riparian vegetation." The section goes on to provide specific requirements of management within the riparian area as follows: "No management practices causing detrimental changes in

water temperature or chemical composition, blockages of water courses, or deposits of sediment shall be permitted within these areas which seriously and adversely affect water conditions or fish habitat. Topography, vegetation type, soil, climatic conditions, management objectives, and other factors shall be considered in determining what management practices may be performed within these areas or the constraints to be placed upon their performance."

The importance of riparian habitat on the Prescott NF was recognized early in the planning process for the Revised Forest Plan. In considering which issues drove the need for change in the plan revision, two of the five identified by the Forest were related to aquatics; "2. Retain or improve watershed integrity to provide desired water quality, quantity, and timing of delivery" and "4. Provide desired habitat for native fish species."(FEIS Vol. 1, page 6).

How riparian areas are protected is described in Forestwide Desired Conditions including DC-Watershed-1, DC-Watershed-2, DC-Watershed-16, and DC-Veg-4, (FP, Chapter 2, pages 22, 23, and 25). All of these conditions are consistent with the needed protections listed within 36 CFR 219.27 of the 1982 Planning Rule.

In an effort to broadly describe where riparian zones are located, it is stated, "Mid-scale vegetation mapping compiled in 2007 estimated about 12,400 acres of Riparian Gallery Forest PNVT **(Potential Natural Vegetation Type)**. The accuracy of this estimate is uncertain due to the inclusion of non-riparian, upland soils and vegetation in the terrestrial ecosystem survey map units. Additional information on the occurrence of riparian vegetation is needed to accurately estimate the spatial extent of the Riparian Gallery Forest PNVT on the Prescott NF." (FP, page 21). Riparian Gallery vegetation makes up approximately 1% of the landscape (PF, Doc. 297, Ecological Sustainability Report, Table 2, page 7). Map A of the Appendix delineates where some of the riparian areas are concentrated but not all riparian areas. The lack of specificity in mapping these areas is a result of the linear aspect of rivers and points (when related to springs) making it difficult to delineate with remote sensing at a forest scale.

The exact extent of riparian areas near streams will be determined at the project scale to meet Guide-WS-3; "Riparian-dependent resources should be managed to maintain and improve productivity and diversity of riparian-dependent species. Riparian communities should provide for the sustainability of aquatic and riparian species", Guide-WS-4, "Adverse impacts to stream channel features (e.g., streambanks, obligate riparian vegetation) should be minimized by modifying management actions. Examples of modification could include, but are not limited to: adjusting timing and season of grazing, limiting use and location of heavy machinery, or avoiding placing trails or other recreation structures where recreation use could negatively affect stream channel features", and Guide-WS-5 states, "Ground cover sufficient to filter runoff and prevent erosion should be retained in riparian corridors, seeps, and springs." (FP, Chapter 4, page 73). These guidelines include riparian dependent species along riparian corridors, seeps and springs.

In summary, specific guidance provided in the Forest Plan, FEIS and ROD insure projects can properly delineate riparian areas. Sufficient guidance has been given so that riparian areas are protected in compliance with the 1982 Forest Planning Rule direction for these areas. There is no requirement to report the extent of riparian forest to the USFWS, and in fact, the final

Biological Assessment represented the Riparian Gallery Forest as approximately 12,400 acres which represents less than 1 percent of the total forest acreage (PF, Doc. 1323, Final BA, pages 11-12). I find no violation of law, regulation, or policy within this document or decision.

Purpose and Need

Issue: The appellant states "the FEIS fails to... establish a purpose and need consistent with the selected alternative for recommended wilderness," citing Council on Environmental Quality regulations: "the statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 C.F.R. 1502.13). (#0001)

Response: The appellant correctly cites CEQ regulations at 40 CFR 1502.13. Forest Service planning regulations at 36 CFR 219.12(b) further direct that "[t]he interdisciplinary team shall identify and evaluate public issues, management concerns, and resource use and development opportunities, including those identified throughout the planning process during public participation activities and coordination with other Federal agencies, State and local governments, and Indian tribes. The Forest Supervisor shall determine the major public issues, management concerns, and resource use and development opportunities to be addressed in the planning process." Further, 36 CFR 219.17 of the 1982 planning regulations requires that "roadless areas within the National Forest System shall be evaluated and considered for recommendation as potential wilderness areas during the forest planning process."

The third need for change identified in Chapter 1 of the FEIS was to "[p]rovide sustainable and diverse recreation opportunities that consider population demographic characteristics, reflect desires of local communities, avoid overcrowding and user conflicts, and minimize resource damage" (FEIS Vol. 1, page 5). In fact, "the need to provide sustainable recreation opportunities was the number one concern at public meetings" (ibid.). The Responsible Official identified two wilderness related concerns to be addressed under this need for change:

- "Potential resource impacts due to dispersed recreation activities need to be mitigated or restoration methods applied, and,
- Boundary markings for designated wilderness boundaries need to be improved where there is evidence of motorized incursion. Additional areas that provide wilderness character should be identified" (ibid.).

Three of the five alternatives considered recommended wilderness expansion. Alternatives A and C recommended no wilderness expansion, Alternative B recommended 43,440 acres, Alternative D recommended 116,260 acres, and Alternative E recommended 23,137 acres. The selection of Alternative E is consistent with the need described above. Alternative E contains eight Potential Wilderness Areas for recommendation as designated wilderness. "This set of PWAs was selected to respond to the public's desire to expand existing wilderness opportunities while addressing concerns over the loss of access for livestock grazing permittees and the mountain bike community" (PF, Doc. 1340, Wilderness Recommendations by Forest Plan Alternative, page 5). The Responsible Official notes in the Record of Decision that "there is relatively abundant wilderness that currently exists in and around the Prescott NF. As a result, I am choosing to include the fewest but highest quality potential wilderness areas" (ROD, page 15).

The ROD, also at page 15, discloses, "(m)y decision recommends areas that are adjacent to existing wilderness areas and offer high quality wilderness character for congressional designation as wilderness. My decision considered the needs for the active management for range, watershed, and wildlife resources…".

The ROD discloses the decisions made for future management of the Prescott National Forest on pages 11-13. This direction establishes the forestwide desired conditions, objectives, standards, and guidelines guiding management of the forest. This direction guides future management of areas recommended for wilderness.

The Responsible Official identified "additional areas that provide wilderness character" as a concern to be addressed with the third need for change, based on public input in compliance with NEPA and NFMA. Selection of Alternative E is consistent with addressing this need. It is within the Responsible Official's authority to evaluate and recommend wilderness in the Prescott National Forest Land Resource Management Plan and to establish management direction for those areas. In conclusion, I find no violation of law, regulation, or policy within this document or decision.

Response to Comments

Issue: The appellant contends a violation of NEPA because the Forest failed to consider and respond to the Arizona Game and Fish Departments (AZGFD) special expertise, information, requests and comments. The appellant argues the FEIS failed to analyze impacts to the Department's ability to manage trust wildlife resources; and, the FEIS does not identify the potential economic impacts or conflicts with existing state plans to carry out their wildlife management goals and objectives. (#0001)

Response: CEQ NEPA regulations at 40 CFR 1502.16 state the environmental consequences section of an EIS "shall include discussions of… [p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned." Forest Service planning regulations at 36 CFR 219.7(c)(1982) also state, "[t]he responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes…The results of this review shall be displayed in the environmental impact statement for the plan…The review shall include (1) Consideration of the objectives of other Federal, State and local governments, and Indians [sic] tribes, as expressed in their plans and policies." The regulations further direct that "[b]iologists from State fish and wildlife agencies and other Federal agencies shall be consulted in order to coordinate planning for fish and wildlife" (36 CFR 219.19(3)).

The project record includes numerous instances where the Forest coordinated with AZGFD, used information authored by AZGFD, and responded to AZGFD comments. Several citations in the project record indicate "[t]he new plan was developed collaboratively and was coordinated with federal, state, and local agencies including the U.S. Fish and Wildlife Service, Arizona Game and Fish Department (AZGFD), and local government and community leaders" (ROD, page 18). AZGFD is listed among the participants in meetings and workshops (ROD, page 3; FEIS Vol. 1, page 227). Specifically, "[m]eetings were also held with the Arizona Game and

Fish Department, U.S. Fish and Wildlife Service, and the Arizona Wilderness Coalition to discuss comments" (ROD, page 4). Throughout the analysis (FEIS Vol. 1, pages 140-154 and 177), the FEIS cites abstracts, reports, technical guidance, and other resources authored by the AZGFD. These are listed in the references section (FEIS Vol. 1, pages 235-237).

Among the information considered by the Forest was the AZGFD Wildlife 20/20 Strategic Action Plan. A table showing how the Forest responded to the goals and objectives of the strategic plan is located at FEIS Vol. 2, pages 147-152, clearly complying with 36 CFR 219.7(c). In addition to documenting meetings with AZGFD and using their data in the analysis, lands under AZGFD jurisdiction were considered in the cumulative effects analysis for management indicator species: On lands under the jurisdiction of the Arizona Game and Fish Department, management consideration is given to species of greatest conservation need. Two of the species analyzed fall into this category; yellow-billed cuckoo, due to its Tier 1A classification, and common black-hawk, which is classified as a Tier 1C species (FEIS Vol. 2, page 177). The Department provided comments on the DEIS (FEIS Vol. 2, page 6). Their comments were responded to directly or alongside similar comments in Appendix A (FEIS Vol. 2, pages 9, 13, 16, 22, 28, 38, 41, 44, 45, 52, 58, 62, 64). A set of draft responses to comments AZGFD provided on the Ecological Sustainability Report (Doc 294) is included in the project record (Doc 299).

In response to a question regarding management of recommended wilderness areas, the FEIS, Vol. 2, page 60 discloses, "(a)reas recommended for future wilderness designation under the revised plan will be managed to retain their wilderness character (DC-Wild-1) until Congress takes action, if ever, to formally designate them. However, recommended wilderness areas are not subject to the same management restrictions as formally designated wilderness. The Forest Supervisor may exercise discretion in determining that proposed site-specific actions within a given recommended wilderness area are consistent with retaining the area's wilderness character."

Relative to the allegation the Forest failed to identify potential economic impacts or conflicts with existing state plans, the socio-economic report identified visitors participating in "viewing wildlife" among the highest of all forest activities (PF, Doc. 1028, page 6). The Forest developed Alternative E in part to address other agency and public concerns about wildlife habitat: "Alternative E addresses concerns about access for visitor and administrative uses (e.g. mountain biking, watershed and wildlife habitat improvements, range management) and responds to questions about future funding levels for recreation management" (FEIS Vol. 1, page 12). The development of the alternative "necessitated a revision of the social and economic impact analysis for all program areas, including recreation, grazing and wildlife. The full revised analysis, including methodology and economic models, can be found in the "Socio-Economic Resource Report" (PF, Doc. 1307).

Thus, the Forest complied with Forest Service planning regulations at CFR 219.12(g)(3) regarding economic analysis. The Forest documented their consideration of AZGFD's comments and suggestions, consistent with CEQ NEPA regulations and Forest Service planning regulations. The project record reflects numerous instances of coordination between the two

agencies. In conclusion, I find no violation of law, regulation, or policy within this document or decision.

Environmental Consequences

- Effects on Riparian Areas

Issue: The appellant contends the Prescott Forest Plan does not contain management guidance or monitoring questions specific to riparian areas that meet the minimum requirements of the NFMA, nor do the plan components reflect regional guidance regarding climate change. In addition, they argue an improper scale of 1000 acres or greater was used in the analysis. The appellant states the planning record does not provide a rationale for eliminating the standards and guidelines for riparian areas contained in the 1987 Forest Plan. Therefore, the appellant contends the Plan is arbitrary and capricious and in violation of NEPA, NFMA and APA. (#0003 and #0004)

Response: 36 CFR 219.5(a)(7) of the 1982 Planning Rule provides minimum specific management direction to "establishing the standards and requirements by which planning and management activities will be monitored and evaluated."

The Forest Plan provides numerous elements of riparian areas that will be monitored. In DC-Veg 23 (FP, Chapter 2, page 42) monitoring would try to minimize departure from the following conditions:

- Natural ecological processes (e.g., periodic flooding and scouring) promote a diverse plant structure necessary for the recruitment of riparian-dependent species.
- Compared to surrounding uplands, riparian corridors have characteristics (e.g., surface water, saturated soils) that reduce the frequency and severity of fire. Infrequent fires of high severity and occasionally mixed severity, occurring approximately every 600 years, are characteristic of this PNVT.
- Vegetation consists of native species that support a range of invertebrate and vertebrate species and are free of invasive plant and animal species.
- Herbaceous vegetation and other ground covers are present to filter sediments, stabilize streambanks, mitigate effects of flooding, and contribute to infiltration and groundwater recharge.
- Woody riparian species such as cottonwood, willow, ash, and alder are reproducing with all age classes present. A diverse vegetation structure, including mature trees, snags, logs, and coarse woody debris, is present to provide habitat for riparian-dependent species.

Forest Plan monitoring (FP, Chapter 6) would be conducted to determine, "What are the current condition and trend of key characteristics for vegetation identified in the desired conditions for the plan area?" and "How effective are management actions at maintaining or making progress toward desired conditions for the key characteristics of vegetation within the plan area?" (FP, page 122. One of the key vegetation types identified is Riparian Gallery Forest (FEIS. Vol. 1, page 43). To address riparian areas more specifically, the following question will be evaluated,

"Are management actions being implemented to improve conditions of at-risk riparian areas, seeps, and springs?" (FP, page 124).

In assessing whether the guidelines are working, the Forest Plan Monitoring Plan asks; "2. Did it work how we said it would? The answers to this question should tell us whether the application of standards and guidelines is achieving objectives, and whether objectives are achieving or moving toward desired conditions; 3. Is our understanding and science correct? The answers to this question should tell us whether the assumptions and predicted effects used to formulate the desired conditions and objectives are valid." (FP, page 118).

The monitoring steps described in Chapter 6 are brought forward into the decision where it is stated, "Establishment of monitoring and evaluation requirements (1982 Rule, Section 219.11 (d)). Monitoring and evaluation requirements are found in Chapter 6 of the plan. Specific monitoring questions are identified regarding achievement of desired conditions and objectives or meeting regulatory requirements. The monitoring plan strives to be realistic in terms of budget and capacity, provides for robust study designs and statistically valid conclusions, and will facilitate adapting management in response to results and new information. Application of this monitoring plan will inform achievement of the desired conditions and objectives, and serve as the basis for adjusting management actions." (ROD, page 13).

Specific outcomes are intended to be realized in this plan compared to the 1987 Plan. On page 63, FEIS Vol. 1, is the statement comparing Alternatives B, C, D with the current plan. The conclusion is:

"Between 10 percent and 40 percent of the impaired or at risk riparian areas would be improved within 1 to 5 years (Objective 19), in contrast to 10 acres over 10 years under the 1987 Plan direction. This could result in restored conditions within the Riparian Gallery Forest PNVT in up to 26 sub-watersheds, depending on the final location and intensity of the restoration activities." In addition, "Alternative E, similar to the other action alternatives, would accelerate restoration activities for riparian areas, springs, and seeps by providing specific, time-bound objectives for their recovery. It provides guidance to implement projects to counter 1 to 3 critical threats to riparian system functionality, within 2 to 3 years of detection (Objective 19). This proactive approach focuses on identifying issues that cause impairments to riparian systems and restoring conditions within the Riparian Gallery Forest PNVT." These are specific outcomes that can be monitored to determine if the Forest is living up to commitments made within the plan.

In conclusion, the document states monitoring changes in conditions of streams and riparian areas will be collected and evaluated. From these data it will be possible to determine the trend of habitats important to aquatic and riparian dependent biota.

Regional guidance regarding climate change includes a 1/13/09 white paper entitled "Climate Change Considerations in Land Management Plan Revisions". The Regional Guidance Paper advises Forests to discuss the role of climate change in plan documents, including integrating climate change information in appropriate plan sections and utilizing best available scientific information. Climate change effects to resources are addressed in all of the action alternatives

throughout the EIS. Plan direction also facilitates in building ecosystem resilience through desired conditions, objectives, and monitoring as suggested in the regional climate change guidance information. Ecosystem resilience and adaptive capacity is expected to be achieved through the restoration of vegetation structure, vegetation composition, and appropriate fire regimes to ecosystems on the Prescott NF" (FEIS Vol. 1, page 33). Furthermore, "[a]ll the action alternatives are designed to address climate change as all include maintaining and restoring the health and resilience of ecosystems so that they may withstand climate change and other stressors. This allows the Responsible Official to select any alternative or a combination of alternatives and still have it be responsive to climate change" (FEIS Vol. 2, page 10). Here it is clear climate change considerations were integrated into plan components as required by regional direction.

The appellant correctly points out an inconsistency in scale issue relating to riparian. In a May 2014 revision to the final Plan, mid-scale for vegetation was changed from "1,000 acres or greater" to "100 to 1,000 acres". (PF, Doc. 1336) This change was meant to encompass all vegetation types, however the Riparian Gallery Forests PNVT was overlooked in the editing process. **This error will be corrected with an administrative change. Thank you for bringing this to our attention.**

In conclusion, I find no violation of law, regulation, or policy within this document or decision.

National Forest Management Act (NFMA)

Management Direction & Population Viability

- Effect to Population Viability of Northern Goshawk, Mexican Spotted Owl, and other species; Lack of Binding Management Standards in the Revised Forest Plan

Issue: The appellant contends the Prescott Forest Plan contains only desired conditions and guidelines (replacing standards with guidelines) that are not enforceable, and will therefore, not maintain the viability of Mexican spotted owls and northern goshawk in violation of NFMA. Further, the appellant argues reliance on non-binding aspirational statements of desired conditions and guidelines to inform project-level decisions and site-specific management is unlawful and amounts to a major rollback of environmental safeguards affecting management of forest resources and wildlife habitat and populations.

The appellant contends the FEIS contains no explanation why the Forest Plan will accomplish viability better than the former Forest Plan and fails to identify reasons for the change of management approach. The appellant describes that it completely fails to consider effects that may result from reduction of forest habitat for goshawk or prey species that prefer closed-canopy or old forest structure

The appellant argues the FEIS supporting the Prescott Forest Plan does not address any of the prior scientific analysis or management recommendations relevant to viability of northern goshawk or prey species.

The appellant asserts that the FEIS ignores the best available science regarding viability of goshawk and prey species, and concludes that reduced canopy cover will benefit those species.

The appellant also contends that a lack of binding management standards affecting project-level effects to habitat, particularly for threatened Mexican Spotted Owl (MSO) and sensitive goshawk, violates NFMA and APA. (#0003)

Response: The Land and Resource Management Plan for the Prescott National Forest was revised pursuant to the 1982 planning regulations, as allowed by the transition wording of the current regulations, 36 Code of Federal Regulations (CFR) 219.17(b)(3).

Section 219.3 of the 1982 rule defines management direction, goals, and objectives as:

Management direction: A statement of multiple-use and other goals and objectives, the associated management prescriptions, and standards and guidelines for attaining them.

Goal: A concise statement that describes a desired condition to be achieved sometime in the future. It is normally expressed in broad, general terms and is timeless in that it has no specific date by which it is to be completed. Goal statements form the principal basis from which objectives are developed.

The terms "standard" and "guideline" are not defined in NFMA or the 1982 rule. However, these terms maybe further defined in a plan, in which case the definitions stated in the plan applies.

In the introduction of this plan (FP, Chapter 1, pages 7-8) these terms are defined so that "**Standards** are constraints that apply when an action is being taken to make progress toward desired conditions. The direction in a standard must be followed exactly, including the intent of the standard. Deviation from a standard requires a plan amendment," while "**Guidelines** are also constraints that should apply when an action is being taken to make progress toward desired conditions. A guideline must be followed, however, unlike a standard, it may be modified somewhat for a specific project if the intent of the guideline is followed and the deviation is addressed in a decision document with supporting rationale. When deviation from a guideline does not meet the original intent, a plan amendment is required." These definitions differ only to the extent that guidelines allow modification in site specific situations where changes will improve the likelihood of meeting the plans desired conditions and objectives. Therefore, both standards and guidelines are requirements as defined by this plan. However, there are no requirements as to how many standards and guidelines are placed in Forest Plans. Standards built around the best available scientific information provide strategic guidance. The Forest Plan is constructed to meet the management goals set for the resources and to comply with federal laws, rules, regulations, and policy.

The 1982 rule, section 219.19 describes that:

"Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support,

at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.

(a) Each alternative shall establish objectives for the maintenance and improvement of habitat for management indicator species selected under paragraph (g)(1) of this section, to the degree consistent with overall multiple use objectives of the alternative.

Section 219.27 provides the minimum specific management requirements to be met in accomplishing goals and objective for the National Forest System. Included among those minimum management requirements is the requirement to:

> "provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species and provide that habitat for species chosen under Sec 291.19 is maintained and improved to the degree consistent with multiple-use objectives established in the plan." (36 CFR 219.27(a)(6))

Section 219.12(d) describes that the "Supervisor will assure that the interdisciplinary team has access to the best available data [appropriate for planning and managing the resources under his or her administrative jurisdiction]."

The Forest Plan, Final EIS (FEIS), FEIS Appendices, ROD, and several additional documents clarify the role of standards and guidelines and provide extensive rationale to support the decision to integrate the previous management direction into a combination of desired conditions and guidelines based on the best available scientific information to insure population viability as demonstrated below.

The ROD, at page 24, discloses "(a)s required by NFMA and the planning rule, subject to valid existing rights, all projects and activities authorized by the Forest Service after approval of this revised plan must be consistent with the applicable plan components...Consistency with the revised plan will be achieved by developing management activities that are designed specifically to achieve the desired conditions and objectives of the new plan and are guided by relevant standards and guidelines."

Chapter 1 of the Plan explains, on page 7, that some content from the 1987 Plan "have been modified or removed for reasons including: they describe a purely administrative or procedural function; they duplicate direction that can be found in existing law, regulation, or Forest Service policy; they are based on outdated policies, science, or information; or they include out-of-date terminology."

Chapter 1 of the Plan goes on to explain that "some standards and guidelines in the 1987 plan will not be included in the revised plan because they: were unnecessarily prescriptive about how to accomplish a project; did not support attaining desired conditions or accomplishing objectives; or were duplicative."

Chapter 8 of the Plan provides "Additional Plan Direction" that further outlines how projects and activities authorized by the Forest Service must be consistent with decisions in the plan.

The FEIS, Appendix A (page 36), provides responses to comments regarding standards and guidelines, explaining that Chapter 1 addresses standards and guidelines in the Plan, and explaining that updates to the existing plan do not amount to a repeal of all standards and guidelines, nor does it roll back environmental safeguards affecting the management of forest resources.

The FEIS, Vol. 2, Appendix E, provides a crosswalk for key standards and guidelines from the original Plan (as amended) compared to the revised Plan, and rationale for carrying forward, revising, or dropping specific direction from the 1987 Forest Plan is contained in this appendix. On page 193 it states,

> "The intent of this crosswalk is to provide greater transparency on how existing plan direction (e.g., standards and guidelines) was incorporated into the revised plan. The revised plan is strategic in nature, as such; some components of the 1987 Plan as amended are still adequate and timely and have been carried forward into the revised plan. However, other components have been modified or removed, for reasons including:
>
> - They describe a purely administrative or procedural function;
> - They duplicate direction that can be found in existing law, regulation, or Forest Service policy;
> - They are based on outdated policies, science, or information;
> - They include out-of-date terminology
>
> In addition, some standards and guidelines in the 1987 Plan will not be included in the revised Plan because they:
>
> - were unnecessarily prescriptive about how to accomplish a project;
> - did not support attaining desired conditions or accomplishing objectives;
> - were duplicative.

It should be noted that existing laws, regulations, and Forest Service policy must be followed even if it is not duplicated in Forest Plan direction."

There are many places not associated with planning rules in existing law, regulation and policy that clarify the Forest Service's role in providing for habitat to maintain viable populations and using scientific information to support analyses.

The Forest Service Manual (FSM) provides policy to manage threatened, endangered, and sensitive species (FSM 2670.3) and establishes planning objectives for federally listed species and Forest Service sensitive species (FSM2672.3). The objectives of biological documents are 1) to ensure that Forest Service actions do not contribute to loss of viability of any native or desired non-native plan or animal species or contribute to trends toward Federal listing of any species; 2) to comply with the requirements of the Endangered Species Act that actions of Federal agencies not jeopardize or adversely modify critical habitat of Federally listed species; and 3) to provide a process and standard by which to ensure that threatened, endangered, proposed, and sensitive species receive full consideration in the decision-making process (FSM2672.41). FSM 2670.45 also outlines,

"In addition, Departmental Regulation 9500-4 directs the Forest Service to avoid actions "which may cause a species to become threatened or endangered." FS Manual 2670.22 further states objectives for sensitive species include the following:

1. "Develop and implement management practices to ensure that species do not become threatened or endangered because of Forest Service actions.
2. Maintain viable populations of all native and desired nonnative wildlife, fish, and plant species in habitats distributed throughout their geographic range on National Forest System lands.
3. Develop and implement management objectives for populations and/or habitat of sensitive species."

Special procedures exist for maintaining viability in project-level decisions. FSM 2672.24 requires that the Forest Service "Review all Forest Service planned, funded, executed, or permitted programs and activities for possible effects on endangered, threatened, proposed, or sensitive species. The biological evaluation is the means of conducting the review and of documenting the findings." Additionally, the objectives of the biological evaluation include "to ensure that Forest Service actions do not contribute to loss of viability of any native or desired non-native plant or contribute to animal species or trends toward Federal listing of any species." (FSM2672.41)

Pertaining specifically to the northern goshawk, the Southwestern Region Supplement No. 2600-96-1 to the Forest Service Manual establishes Regional policy regarding management of northern goshawk effective July 10, 1996 until superseded or removed. This supplement, FSM 2676.3, describes that direction regarding management of northern goshawk was moved from regional supplementation to forests plans of the Southwest Region. It clearly states, "Forest plan direction still follows the 1992 published Goshawk Scientific Committee Recommendations (General Technical Report, RM-217)." RM-217 was developed by a team of experts and remains the best scientific approach to maintain goshawk viability.

The Terrestrial Viability Report assesses the risk to viability from management actions on the wildlife resources that may result with the adoption of a land management plan. In particular, the risk to northern goshawk was characterized as "*No Risk*" for a number of reasons; see Table 1 (page 1) and Table 17 (page 29, *note two Table 17s occur in the report due to an editing error*) (PF, Doc. 1100) as summarized here:

> "The vegetative conditions required by the goshawk will continue to be available across the landscape. The relative proportions will change as the conditions shift from existing to desired vegetative conditions. Both the Gamble oak and evergreen oak components of the ponderosa pine PNVTs contain desired conditions specific to meeting the goshawk habitat needs (DC-Veg-13,14,17, and 18) including forest stand structure as well as down woody material for prey species habitat needs and complying with current technical guides for the goshawk in the southwest. Sensitive species direction and guidelines would also apply to those places where goshawks are known to occur. Implementing projects designed to meet desired conditions specific for the goshawk and to comply with the guidelines providing for sensitive species habitat needs would ensure that goshawk habitat needs are met and would provide for the goshawk's viability. By moving the

landscape toward more historic conditions, the alternatives would provide for the viability of the goshawk."

The Terrestrial Wildlife Specialist Report (PF, Doc. 1327, Table 18, pages 61-72) provides the effects determinations for the northern goshawk, along with all other relevant sensitive species.

Comparisons of habitat available for northern goshawks for the no-action alternative (Alternative A, continued management direction under the 1987 Forest Plan, as amended) and the action alternatives are provided in the record (FEIS, Vol. 1, pages 80-97 and Table 20, Terrestrial Viability Report (PF, Doc. 1100), and Terrestrial Wildlife Specialist Report (PF, Doc. 1327)). These analyses estimate an increase in nesting habitat from the existing condition of approximately 50,000 acres to approximately 62,000 acres under the selected alternative over a 20-year period. The expected increase is similar across all the alternatives and is primarily due to increases in the abundance and distribution of medium to large trees growing within the ponderosa pine PNVTs.

Larger increases in foraging habitat are expected under all the action alternatives (FEIS, Vol. 1, Table 20, page 93). Proposed vegetation treatments (FP, Chapter 3, page 59, Objective-5) that reduce canopy closure and increase understory vegetation would improve habitat for goshawk prey species across the landscape. Numerous published studies are referenced in the FEIS and specialist reports to support how the Forest Plan's proposed vegetation management should provide beneficial impacts to northern goshawk and its prey (i.e., Salafsky et al. 2005, 2007; Wiens et al. 2006; Reynolds et al. 2013).

In summarizing the implications for population trends, the analysis states: "All alternatives improve acres of nesting habitat for the goshawk. The difference among the alternatives is not substantial. Population trends might be expected to increase as a result of the increase in nesting habitat acres and improvement in nesting habitat conditions. The larger increase in acres and more extensive improvement in habitat quality for prey species under alternatives B, C, D, and E would be expected to result in a more positive population trend for goshawk compared to alternative A."

The analysis supports both an increase in foraging habitat and an increase in nesting habitat, along with post fledgling areas. These components of goshawk habitat require different management approaches, as addressed in the desired conditions (FP, Chapter 2, DC- Veg-1 DC-Veg-4 DC-Veg-13, DC-Veg-14, pages 24-35) and guidelines (FP, Chapter 4, Guide-WL-2, Guide-WL-7, pages 76-78).

Additional information on goshawk viability is provided in the response to concerns: FEIS, Vol. 2, Appendix A, pages 69-72.

The crosswalk developed to describe the relationship between plan direction in the 1987 Plan, as amended, and the Plan (FEIS, Vol. 2, Appendix E) demonstrate how plan direction under the Plan would meet habitat requirements for various species groups, and specifically the northern goshawk, providing for species viability. The vegetation management standards and guidelines for forested communities and the guidelines for wildlife accommodate the key provisions of the 1992 Management Recommendations for Northern Goshawks (RM-217). The Forest-wide standards and guidelines for forested communities and the guidelines for wildlife ensure availability of goshawk nesting areas, post-family fledging areas, and other habitats to meet goshawk life requisites (i.e., FP, Chapter 4, Guide-WL-2, Guide-WL-5, Guide-WL-7, pages 76-

78). The overall management approach provides long- term benefits for wildlife by reducing potential impacts of uncharacteristically severe wildlife through restoration of ecosystem structure and function.

The plan removed the explicit language for some standards and guidelines recommended in RM-217 (also referred to in the record as "Management Recommendations for Northern Goshawks" or MRNG, Forest Service, 1992). One stated reason for this was because they were unnecessarily prescriptive about how to accomplish a project. The Forest is required by CEQ NEPA regulations to include information of "high quality" and "scientific integrity" (40 CFR 1500.1 and 1502.24). In addition, Regional Supplement FSM 2676.3 emphasizes that plans (and projects) follow the 1992 published Goshawk Scientific Committee Recommendations, General Technical Report, RM-217. Therefore, it is assumed and can be expected, that the forest will incorporate these recommendations into project-level decision making when appropriate.

Although prescriptive standards and guidelines have been removed or replaced. Appendix E of the FEIS provides detailed rationale for the change in plan direction from the 1997 Forest Plan, as amended. This appendix shows the Forest intends to "carryover" many aspects of RM-217, as noted in the column titled "Carryover" populated with a "yes" and a crosswalk to the new plan direction, including:

- Survey the management analysis area prior to habitat-modifying activities including one-half mile beyond the boundary (Guide-WL-2).
- Establish and delineate on a map a post-fledgling family area that includes six nesting areas per pair of nesting goshawks.... (Guide-WL-7)
- Manage for uneven-age stand conditions for live trees and retain live reserve trees, snags, downed logs and woody debris levels throughout woodland, ponderosa pine, mixed conifer and spruce fir forest cover types. Manage for old age trees such that as much old forest structure as possible is sustained over time across the landscape. (DC-Veg-13, DC-Veg-14, DC-Veg-17, DC-Veg-18).

While the crosswalk shows the most logical tie to revised plan direction, other direction in the plan, as well as direction associated with other laws (i.e., Migratory Bird Treaty Act) and policy (i.e., FSM 2670) require the Forest to address these elements. For example, regarding surveys for certain wildlife species (i.e., goshawk) the Prescott NF initially identified the northern goshawk as a MIS. In the transition to implementation of the 2012 Planning Rule for monitoring it was designated a focal species. In either case, such designations require species monitoring (i.e., Monitor population trends of MIS in relation to habitat changes annually (FP, Chapter 6, page 121).

For all of the alternatives, the various guidelines for sensitive species would be expected to maintain or improve tree features associated with goshawk habitat needs. Sensitive species guidelines include developing breeding season timing restrictions and other project design features to alleviate impacts from disturbance from timber harvest, prescribed burning, and other resource management.

Science from the RM-217 and other documents shows that goshawk sustainability depends on providing a forest environment for goshawk nesting and post-fledging needs. While Guide-WL-5 and Guide –WL-7, along with DC-Veg-13, DC-Veg-14, DC-Veg-17 and DC-Veg-18 specifically address these components of goshawk habitat; the requirement to use best available

science would continue to inform any changes to how these guidelines are applied at the project scale to fully address habitat needs.

At the scale of the planning area, the Plan provides the framework to ensure viability of the northern goshawk, associated prey species, and other species is maintained through the Plan's desired conditions, and the application of guidelines and monitoring and evaluation requirements. Use of this framework, combined with best available science, when analyzing and implementing project activities, result in the desired outcomes. As the Prescott National Forest designs and implements projects, it must comply with the same laws, regulations, and policies as required in forest planning. This includes requirements for maintaining viability (NFMA, FSM 2670, and Departmental Regulation 9500-4) and for incorporating high quality information (NEPA).

Pertaining to the Mexican spotted owl (MSO), the plan includes direction (FP, Chapter 4, page 76, Guide-WL-1) to apply habitat management objectives and terrestrial species protection measures from approved recovery plans to activities occurring within federally listed species habitat. Designing and implementing projects using both the MSO recovery plan and best available science would be expected to lead to improved habitat conditions for the species. As described in the Environmental Consequences for Federally Listed Species section in Need for Change 1 – FEIS, Chapter 3, page 88:

> *"The most important benefit of the proposed treatments within the ponderosa pine-Gambel oak PNVT is the reduced risk of high severity, landscape scale, stand-replacing wildfires that could eliminate MSO habitat."*

Fires of this nature are one of the biggest threats to the MSO and its habitat. Large snags, areas with relatively large trees and closed canopies (for nesting), and areas with more open tree canopies (for foraging) are some of the important habitat features necessary for quality MSO habitat. Desired conditions and guidelines would ensure the presence of snags across the landscape and an increase in the abundance and distribution of large trees across the ponderosa pine-Gambel oak PNVT. A reduction in canopy closure and the resulting increase in understory vegetation in some of the ponderosa pine-Gambel oak PNVT would improve foraging habitat for MSO in terms of prey species availability. Improving and maintaining these facets of the MSO habitat would be expected to have beneficial impacts to the species on the Prescott NF.

Habitat management objectives and species protection measures would be applied to activities occurring within MSO habitat. These objectives and measures are issued in the form of recovery plans from the U.S. Fish and Wildlife Service and would be followed throughout implementation as stated in the wildlife guidelines section of the plan: Guide-WL-1, 2, 4, 5 & 7 (FP, Chapter 4, pages 76-78).

With respect to the Mexican Spotted Owl, guidelines to address the threats to the species and to restore MSO habitat in ponderosa pine-Gambel oak PNVT toward desired conditions would be expected to improve MSO habitat across the landscape. For example, desired conditions and guidelines for snags would ensure the presence of snags across the landscape. Increasing the abundance and distribution of large trees across the landscape would provide additional nesting

habitat for MSO. Reducing the amount of canopy closure and increasing the amount of understory vegetation would improve habitat for MSO prey species across the landscape. Improving these two facets of the MSO habitat would be expected to have beneficial impacts to the species on the Prescott NF. Although the relative proportion of ponderosa pine-Gambel oak PNVT with medium/large trees and closed canopy slightly decreases in all alternatives, the improved quality of foraging habitat in the medium/large trees with open canopy may have an overall beneficial effect to MSO. The most important benefit of the proposed treatments within the ponderosa pine-Gambel oak PNVT is the reduced risk of high severity, landscape scale, stand-replacing wildfires that could eliminate MSO habitat.

Some commenters claimed the proposed plan lacked sufficient protections for Mexican spotted owl (MSO) and northern goshawk habitat, and other species, particularly related to tree canopy and old growth features. In response, desired conditions language was updated for openings and surrounding tree groups, guidelines were added for the retention of old growth tree features across the landscape, and language was added to better reference recovery plans developed by the U.S. Fish and Wildlife Service. The ROD provides for the protection and conservation of large old trees in two ways. First, it includes a requirement that project design and treatment prescriptions should generally not remove large old trees, and large dead and "green" snags (ROD, page 16). Second, under certain stand structure conditions where large trees are more common, the ROD allows for some older trees to be removed where needed to provide for breaks in the canopy and reduce the risk of stand replacing fire. By doing so, increased protection will be provided to the remaining large trees. This addition best protects and provides for old growth (ROD, page 16).

In conclusion, this decision meets the requirements of applicable federal laws, regulations, and policy.

The review of the planning record found the appropriate application of management direction, including explanations of the transition from the previous Plan and how the plan components (desired conditions, objectives, standards, and guidelines) are to be applied under the Plan. The Forest Plan does not "rollback" environmental safeguards and is designed to ensure species viability. Further, the record provides adequate information regarding assessing species viability and meeting the viability provision of the 1982 planning regulations and associated policy for Northern Goshawks and Mexican Spotted Owls. The combined management direction (desired conditions, vegetation management standards and guidelines for forested communities, and guidelines for wildlife) along with future project-level design and implementation accommodate the key provisions of the 1992 Management Recommendations for Northern Goshawks. The overall management approach provides long-term benefits for wildlife species by reducing potential impacts of uncharacteristically severe wildfire through restoration of ecosystem structure and function.

I recognize the change to less prescriptive direction at the Plan level causes concern that important aspects of species conservation will be missed in project level design and implementation. I find that the Plan's desired conditions and guidance, combined with requirements to follow law, regulation and policy and to use best available science, is sufficient to ensure species viability. I am providing additional emphasis that the scientific committee's recommendations found in RM-217 will continue to be considered and referenced, in combination with any new science.

- Effects to Population Viability for Mexican Spotted Owl

Issue: The appellant contends the FEIS supporting the Prescott Forest Plan contains no explanation why a return to unlimited management discretion (replacing standards with guidelines) that pre-existed the 1996 Forest Plan Amendments will avoid jeopardy to Mexican Spotted Owl or adverse modification of Critical Habitat. Their concern is that the Plan allows for unlimited management discretion in projects and that will not maintain the viability of Mexican Spotted Owl or sensitive species that use similar habitat. Further, the appellant asserts the planning record does not provide a rationale for eliminating the standards and guidelines that benefited wildlife, ensured viability, and avoided jeopardy or adverse modification to critical habitat, as were contained in the amended 1987 Forest Plan that is now repealed. Therefore, the appellant argues the decision to adopt the Prescott Forest Plan is arbitrary and capricious and in violation of NEPA, NFMA, and APA, and the lack of binding management standards affect project-level effects to habitat, particularly for threatened MSO and sensitive goshawk, violating NFMA and APA. (#0003)

Response: Much of this issue was addressed above. With respect to the Mexican Spotted Owl, ESA section 7(a)(2) requires Federal agencies such as the Forest Service to insure their actions do not jeopardize listed species or adversely modify its critical habitat (16 USC 1536).

The FWS Biological Opinion (BO) (PF, Doc. 1342) states ponderosa pine-Gambel oak forest type provides the physical and biological features important to the recovery of the MSO. There are three designated critical habitat units (CHU) on the Prescott: UGM-13 in the Sycamore Canyon Wilderness (None of acres provide physical and biological features (PBF's)) CHU BRW-2 and BRW-3 on the Bradshaw RD include the Boundary and Crown King/Ash Creek Wildland Urban Interface project areas which were excluded from designation.

Both the FS Biological Assessment and FWS BO note timber harvest threats have been replaced with vegetation removal activities associated with fire and fuels management and maintenance along utility corridors. Approximately 1,543 acres of MSO critical habitat occurred within the action area of utility corridors.

The FWS BO (PF, Doc 1342, pages 79-82) describe the effects of the action on the physical and biological features important to MSO recovery. As the Prescott NF proposed to integrate habitat management objectives into actions around all known protected activity centers (PACs) and recovery habitat (unoccupied MSO habitat) and to manage vegetation to reduce the risk of high-severity fire, the FWS opined that implementation of the Prescott NF Revised Plan is not expected to jeopardize MSO or adversely modify designated critical habitat.

The FEIS, Vol. 2, Appendix E (page 193) provides a crosswalk for key standards and guidelines from the original Plan (as amended) compared to the Plan, and rationale for carrying forward, revising, or dropping specific direction from the 1987 Forest Plan is contained in this appendix.

The FEIS, Vol. 2, Appendix E (page 193) illustrates that the 1987 Plan Direction for "Maintain and/or improve habitat for threatened or endangered species and work toward the eventual recovery and delisting of species through recovery plan implementation" was replaced with the following 2015 Plan Direction: DC-Ecosystem Resience-1, DC-Wildlife-2, DC-Aquatic-3, Obj-24, Guide-WL-1, Guide-Fish/Aquatics-1. Guide-WL-1 states, "Habitat management objectives and terrestrial species protection measures from approved recovery plans should be applied to activities and special uses occurring within federally listed species habitat" (FP, Chapter 4, page 76). The Mexican Spotted Owl Recovery plan is found at www.fws.gov/endangered/.

Although specific standards and guidelines for MSO are absent, the record indicates individual actions will be reviewed by the FWS to ensure compliance with section 7 prohibitions of jeopardy and adverse modification. The incidental take statement (ITS) limits harm or harassment of MSO's associated with of one MSO's protected activity center due to long-term or chronic disturbance or habitat degradation or loss over life of the project. The BO states actions that could result in this type of harm or harassment would be very rare due to the protective guidelines and other conservation measures included in the Forest Plan for the MSO.

Actual wildfire risk reduction efforts and wildfire suppression activities could conceivably exceed the impacts limited by the ITS creating a gap between desired goals and objectives. The record states wildfire suppression activities would be addressed through emergency consultation procedures. (PF, Doc 1342, pages 4 and 9)

I find the record supports the decision which is in compliance with law, regulation, and policy. The disclosure of environmental consequences in the FEIS for the Plan is consistent with the 1982 Planning Rule and NEPA procedures, not only for MSO but also for other wildlife species and habitats. As disclosed in the Biological Opinion, forest and forest health activities implemented under this program are planned to reduce the risk of severe, stand-replacing wildland fire across the landscape. These activities would be conducted in PACS and recovery habitat. Even projects with projected long term benefits may reduce habitat quality for MSO's in the short-term. In the short-term, direct and indirect effects to the spotted owl and its habitat may include disturbance and the loss of key habitat components, along with the reduced wildland fire risk. However, the Prescott NF Forest Plan is not expected to jeopardize MSO or adversely modify designated critical habitat.

Recommended Wilderness

- Wilderness Status violates FLPMA

Issue: The appellant perceives the conversion of public lands to a special use status as a breach of the FLPMA mandate, with those lands designated as wilderness forever lost for multiple-use. (#0001)

Response: The laws, regulations, and policy associated with this issue include: 43 U.S.C. 1701-1785 Federal Land Policy and Management Act, 16 U.S.C. 528-531 Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. 1600-1614 National Forest Management Act, 16 U.S.C. 1131-1136

Wilderness Act, 36 C.F.R. 219.17 (1982 Planning Rule), FSM 1923.03, and FSH 1909.12, Ch. 70.

FLPMA is considered to be the "organic act" of the Bureau of Land Management and, although relevant to the Forest Service, is not the "organic act" of the Forest Service as the appellant suggests. 43 U.S.C. 1701-1785. The Multiple-Use Sustained-Yield Act (MUYSA) is "an act to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes." 16 U.S.C. 528-531. MUSYA further reads, "the establishment and maintenance of areas of wilderness are consistent with the purposes of this Act." 16 U.S.C. 529. Wilderness is, therefore, an accepted use under MUSYA. The National Forest Management Act (NFMA) of 1976, which compels the Forest Service to produce forest plans, goes on to say plans shall "provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960, and in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness." 16 U.S.C. 1604(e)(1).

The Forest Service does not "designate" any lands as wilderness, as that authority is only held by Congress under the Wilderness Act. 16 U.S.C. 1131-1136. However, in accordance with NFMA and 36 CFR 219.17 (1982 Planning Rule), forests are required to evaluate areas for wilderness recommendation during the forest planning process. Additionally, "[a]ny inventoried roadless area recommended for wilderness...is not available for any use or activity that may reduce the wilderness potential of an area." (FSM 1923.03). As documented in FEIS Appendix B, the Prescott National Forest evaluated areas for wilderness recommendation consistent with FSH 1909.12, Chapter 70.

As disclosed in the ROD, page 12, "(t)his recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, the Secretary of Agriculture, and the President of the United States. Congress has reserved the authority to make final decisions on wilderness designations."

The ROD, page 15, states, "(m)y decision recommends areas that are adjacent to existing wilderness areas and offer high quality wilderness character for congressional designation as wilderness. My decision considered the needs for the active management for range, watershed, and wildlife resources…".

It is within the Responsible Official's authority under NFMA and 36 CFR 219.17 to evaluate and recommend wilderness in the Prescott National Forest Land and Resource Management Plan and establish management direction for those areas consistent with FSM 1923.03. In conclusion, I find no violation of law, regulation, or policy within this document or decision.

- Cumulative impact of wilderness recommendation

Issue: The appellant contends the FEIS does not provide a full analysis of the cumulative impacts of wilderness on multiple-use and wildlife related opportunities and requests that a full analysis of the cumulative impacts of further loss of public lands that provide for multiple-use

and wildlife related recreational and economic opportunities be conducted before an expansion of wilderness is analyzed, recommended, or approved. (#0001)

Response: When estimating effects of alternatives, Forest Service regulations at 36 CFR 219.12(h)(1982) state, "the interdisciplinary team shall evaluate the significant physical, biological, economic, and social effects of each management alternative that is considered in detail. The evaluation shall include a comparative analysis of the aggregate effects of the management alternatives and shall compare present net value, social and economic impacts, outputs of goods and services, and overall protection and enhancement of environmental resources." Furthermore, "each alternative considered in detail shall be estimated and compared according to NEPA procedures" (36 CFR 219.12(g)(1982)). More specific to wilderness, as part of the potential wilderness evaluation process, effects of recommendation must be discussed for each alternative. This includes "the impact on the area if it were designated as wilderness and the impact on the area if it were managed as nonwilderness. Show the social and economic effects in each case" (FSH 1909.12, 74(5)). CEQ NEPA regulations define cumulative impacts as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 C.F.R. 1508.7). Forest Service regulations at 36 C.F.R. 220.4(f) further clarify that "CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects of past actions. Once the agency has identified those present effects of past actions that warrant consideration, the agency assesses the extent that the effects of the proposal for agency action or its alternatives will add to, modify, or mitigate those effects." In identifying actions that warrant consideration, FSH 1909.15, Section 15 explains "when social or economic impacts are important to a reasoned decision, follow the direction in FSM 1970 and FSH 1909.17."

Throughout the Prescott National Forest Potential Wilderness Area Evaluation Report (PF, Doc. 1134), the effects of wilderness and non-wilderness designation are discussed for each potential wilderness area. In this evaluation report and the FEIS, wildlife recreation opportunities and wilderness visitation are discussed as a subset of recreation opportunities more broadly. In the Affected Environment section for the Need for Change 3, neither wildlife recreation opportunities nor wilderness visitation are identified as primary activities on the forest: "[p]articipation rates for hunting on the Prescott NF are low—only one-half of 1 percent of visitors. However, hunting is considered part of the cultural tradition of the area by some participants and was repeatedly mentioned in the community vision statements" (FEIS Vol. 1, page 121). Similarly, "[o]verall wilderness visitation on the Prescott NF…is considered low use;" (FEIS Vol. 2, page 122) and potential wilderness areas were "selected to respond to the public's desire to expand existing wilderness" (Wilderness Recommendations by Forest Plan Alternative-5). The cumulative effects discussion focuses more broadly on recreation opportunities in general: "[t]o evaluate the cumulative consequences to recreation opportunities, the proposed changes to recreation management on the Prescott NF were examined in the context of the contributions to recreation opportunities provided by other jurisdictions within Yavapai County" (FEIS Vol. 1, page 135). In addition to analyzing effects of wildlife recreation opportunities and wilderness visitation in the recreation opportunities section, impacts are also discussed from the socio-economic perspective: [t]he Forest Service manages five revenue generating goods and services on the Prescott NF: outdoor recreation, minerals extraction,

livestock grazing, forest products, and special uses. These are described in detail below. Of these five, the outdoor recreation program produces the largest indirect influence on the local economy by providing features that draw tourists to the area... Trail and day use are primary activity types and include: off-highway vehicle (OHV) riding, horseback riding, hiking, biking, hunting, fishing, and wildlife viewing... The Prescott NF also contains over 800 miles of both motorized and nonmotorized trails, 8 designated wilderness areas containing over 100,000 acres, and a portion of the Verde Wild and Scenic River (FEIS Vol. 1, pages 184-185). In comparing the social consequences common to all alternatives, "livestock grazing, mineral removal, timber and forest product collection, and payments to local governments remain the same under all alternatives...This leaves recreation and recommended wilderness as the sources of potential social consequences between the proposed alternatives... Alternatives B, C, D and E are expected to increase the quantity and quality of recreation opportunities on the Prescott NF... Although wilderness visits account for a relatively small percentage of total visits (only 3.5 percent), wilderness visitors are likely to spend more time on the forest than the average visitor (Forest Service, 2009d). In addition, wilderness areas provide opportunities for solitude and wildlife watching that may be difficult in more heavily used areas of the forest. In addition to providing unique recreation opportunities, wilderness areas can promote forest health and ecosystem services." (FEIS Vol. 1, pages 194-195). Again, the cumulative effects discussion focuses more broadly on impacts to labor income and job opportunities. "[T]he cumulative effects area around the Prescott NF is primarily the lands managed by municipalities, the State of Arizona, the Bureau of Land Management (BLM), and adjacent national forests...[O]ne of the foreseeable future actions that would have cumulative consequences on recreation job opportunities in Yavapai County is direction within the "Bureau of Land Management Bradshaw-Harquahala Resource Management Plan..." This plan also contains guidance to locate and develop staging and camping areas to service the north section of this nonmotorized trail and to locate a motorized route that generally parallels the Black Canyon Trail" (FEIS Vol. 1, page 198).

In conclusion, I find no violation of law, regulation, or policy. Wildlife recreation opportunities and wilderness visitation are both discussed in the recreation opportunities section and socio-economic section of the FEIS and elsewhere in the project record. The cumulative effects discussions in both sections incorporate impacts of these activities in a broader context. The cumulative effects sections include discussions of foreseeable future actions, both Federal and non-Federal.

- Potential Wilderness Area Evaluation

Issue: The appellants are appealing the evaluation process for Potential Wilderness Areas and the resulting Management Direction and Desired Conditions included in the Final Plan and contend the Forest Service failed to follow FSH 1909.12. The appellants state the criteria found in chapter 72.31 have been misapplied and incorrectly applied; the ratings for PWAs have been applied in an arbitrary and capricious manner; and, NEPA was violated by failing to adequately establish that additional wilderness areas are consistent with the purpose and need within the FEIS. The appellant argues a full and reasonable range of alternatives was not thoroughly analyzed with respect to including additional IRAs in Management Direction and Desired Conditions that would preserve wilderness characteristics. One appellant believes the PWA Report should be redone in accordance with FSH 1909.12, 72.31, applying criteria and factors consistently, avoiding incorrect assumptions that necessary management activities cannot occur

in wilderness, and calculating resultant rankings for factors and criteria accurately. (#0001 and #0002)

Response: The National Forest Management Act of 1976 compels the Forest Service to produce land and resource management plans for each forest (16 U.S.C. 1600-1614). As part of the plan development or revision process, the 1982 Planning rule at 36 C.F.R. 219.17(a) requires that "unless otherwise provided by law, roadless areas within the National Forest System shall be evaluated and considered for recommendation as potential wilderness areas during the forest planning process..." Forest Service Handbook (FSH) 1909.12, Chapter 70 describes the process for identifying and evaluating potential wilderness in the National Forest System. This process is used by the Forest Service to implement the wilderness evaluations requirement of the 1982 Planning Rule and determine whether areas are to be recommended. The Prescott National Forest (PNF) also followed further regional reference material provided in the following four documents: R3 Wilderness Needs Assessment Instructions (2007), R3 Potential Wilderness Inventory Process (2007), R3 Capability Rating Criteria (2007), and R3 Wilderness Needs Assessment Work Products Table (2007).

The Prescott's wilderness evaluations are documented in FEIS, Vol. 1, pages 131-133 and FEIS, Vol. 2, Appendix B, pages 75-82, and more thoroughly described in Prescott National Forest Potential Wilderness Area Evaluation Report (2012) (PF, Doc. 1134) and Prescott National Forest Plan Revision EIS Wilderness Recommendations by Forest Plan Alternative (2014) (PF, Doc. 1340) documents. Twenty-eight potential wilderness areas (PWAs) were identified and evaluated by the Prescott according to the process stipulated in the Forest Service Handbook 1909.12 Chapter 70, with additional assistance provided by the Forest Service Southwestern Regional Office as noted in the PNF Potential Wilderness Area Evaluation report (2012). Although some of the areas identified overlapped with inventoried roadless areas (IRAs) identified in the 2001 Roadless Area Conservation Rule, the PWA boundaries were separate and distinct. Eight of the twenty-eight PWAs were determined to be incapable of supporting wilderness character and were not considered for further evaluation. Of the twenty PWAs that were fully evaluated, eighteen were considered for wilderness recommendation in at least one of the plan alternatives for the EIS (the exceptions being Fritsche A and Pine Mountain A PWAs). Map 5 in Appendix A of the Forest Plan identifies the areas that will be managed as recommended wilderness under this plan through application of plan components for recommended wilderness. (FP, pages 50 (DC-Wild-1) and 85 (Guid-Wild-10).

One of the appellants claims that without the same management direction as recommended wilderness, the PWAs not recommended for wilderness "are vulnerable to degradation from activities that would impair the PWA's wilderness qualities and preclude future consideration for wilderness recommendations." Specifically, the appellant expresses concern about Ash Creek and Muldoon PWAs. While the recommended wilderness plan components will not apply to these areas, the Muldoon and Ash Creek PWAs overlap Inventoried Roadless Areas (IRAs) and are afforded protection in the Forest Plan under DC-IRA-1, which provides the following: "The undeveloped character of inventoried roadless areas identified in the 2001 Roadless Area Conservation Rule is retained by restricting the occurrence of road construction and timber harvest activities within their existing boundaries." (FP, page 50). DC-Wild and Scenic-1 also applies to the portion of the Upper Verde River corridor that flows through the Muldoon PWA

and is identified as eligible for wild and scenic river designation. For this portion of Muldoon PWA, DC-Wild and Scenic-1 provides that outstandingly remarkable values (i.e., archaeological, scenic, fishery, wildlife, recreational, and botanical) and recommended classifications associated with the segment remain intact until further study is conducted or designation by Congress" (FP, page 50).

According to FSH 1909.12, section 72, "An area recommended as suitable for wilderness must meet the tests of capability, availability, and need. In addition to the inherent wilderness quality it possesses, an area must provide opportunities and experiences that are dependent upon or enhanced by a wilderness environment. Also consider the ability of the Forest Service to manage the area as wilderness." Arizona Wilderness Coalition contends the Prescott did not follow these criteria and "as a consequence, areas possessing wilderness qualities were inappropriately excluded from consideration for Management Direction and Desired Conditions that would preserve those wilderness qualities in the Final Plan." More specifically, this appellant claims flaws in the application of capability, availability, and need are found throughout the Prescott National Forest Potential Wilderness Area Evaluation Report (2012), but focus on the examples of two inventoried roadless areas (IRA), the Ash Creek IRA and the Muldoon IRA. First, Arizona Wilderness Coalition states "manageability' was consistently misapplied and that "[FSH 1909.12,] 72.31 includes no such criteria under 'capability." In fact, FSH 1909.12, 72.31 outlines the factors considered when determining "need," not "capability." "Manageability" is one of the characteristics of "capability" under FSH 1909.12, 72.1. "In determining capability, consider the ability to manage an area as wilderness as required by the Wilderness Act. Section 2(c) of the Wilderness Act defines Wilderness as an area that '...(3) has at least 5,000 acres of land or is of sufficient size to make practicable its preservation and use in an unimpaired condition…' Forest Service ability to manage an area as an enduring resource of wilderness, untrammeled by humans, retaining its primeval character, and to protect and manage its natural character are all factors to consider. Consider such factors as size, shape, and juxtaposition to external influences." FSH 1909.12, 72.1(5). Specifically, Arizona Wilderness Coalition claims "manageability" was misapplied for the Muldoon PWA because management as wilderness does not preclude the use of motorized vehicles. The Forest addressed manageability of the Muldoon IRA in the Potential Wilderness Area Evaluation Report (2012). This report states the following: "There is no authorized recreational motorized use in this PWA, but there is illegal use on a number of old roads that have not been decommissioned. There are five cherry-stemmed roads in the PWA, totaling approximately 6 miles. There are three earthen stock tanks and one well that require motorized equipment for maintenance and access. Preventing motorized use in this area would be moderately difficult as most of the boundary runs through open, flat areas adjacent to existing roads. Management activities for pronghorn habitat restoration and river restoration would be difficult to implement due to the need for motorized equipment and their impact on naturalness and visitor solitude." Potential Wilderness Area Evaluation Report (2012) at page 146 (PF, Doc. 1134). While there are provisions in the Wilderness Act of 1964 to allow motorized access "as necessary to meet minimum requirements for the administration of the area," the Prescott is correct in asserting motorized use would have a negative impact on the natural and solitude qualities of wilderness character (16 U.S.C. 1133(c)). Therefore, the Prescott's consideration of this manageability issue is consistent with the direction provided in FSH 1909.12, 72.1(5).

Arizona Wilderness Coalition also claims the wildlife, water, livestock, timber and cultural resource factors under the "availability" criterion have been misapplied and that incorrect assertions in these criteria resulted in consistently lower overall ratings for the PWAs analyzed. The other appellant, Arizona Game and Fish Department (AGFD), similarly claims availability was incorrectly rated for each of the 8 recommended wilderness areas. FSH 1909.12, 72.2 states "the determination of availability is conditioned by the value of and need for the wilderness resource compared to the value of and need for other resources. In evaluating availability, describe the other resource demands and uses that the area under evaluation could satisfy.... Constraints and encumbrances on lands may also govern the availability of lands for wilderness." Consistent with FSH 1909.12, 72.2, the Forest chose to apply this direction to evaluate availability by breaking its analysis into Recreation, Wildlife, Water, Livestock, Timber, Minerals, Cultural Resources, Land Use, and Fire resources. Documented support and justification of each resource's availability ratings for all PWAs is found in the PNF Potential Wilderness Area Evaluation Report (2012) (PF, Doc. 1134). Also under the "availability" criterion, Arizona Wilderness Coalition claims summary ratings for the PWAs appear inconsistent and, at times, mathematically incorrect, using Ash Creek PWA as an example to explain their concerns. Availability by PWA is reported in the Potential Wilderness Availability Matrix (2011) and described in the Potential Wilderness Evaluation Area Report (2012) which discloses "to determine the overall availability rating of a PWA, each resource area was scored—one point for a high rating, zero points for a medium rating, and minus one point for a low rating. If a PWA had a total of five or more points, out of a possible nine points, it received an overall availability of high. Areas with three or four points received a medium, and those that had one or two points received a low." PNF Potential Wilderness Area Evaluation Report (2012) at page 3 (PF, Doc. 1134). Ash Creek PWA had a total score of 1 which put it in the Low score category. This scoring system is consistent throughout the document.

Lastly, Arizona Wilderness Coalition claims one of the factors considered when determining "need" was misapplied. This factor is "the need to provide a refuge for those species that have demonstrated an inability to survive in less than primitive surroundings." FSH 1909.12, 72.31(4). The appellant contends that because the lowland leopard frog and northern goshawk are on the Forest Service Southwest Region Sensitive Species List, this need factor should be rated as high for PWAs with these species. Appendix D of the PNF Potential Wilderness Area Evaluation Report (2012) explains, "Potential Wilderness Areas received a high rating for this factor if they provided refuge or sanctuary for species that require less than primitive surrounding for survival. There are no species that fit this description identified within any of the PWAs on the Prescott NF. PWAs received a medium rating if they contained identified populations of threatened, endangered, or sensitive species. PWAs were rated low if they did not contain any identified populations of threatened, endangered, or sensitive species." Prescott National Forest Potential Wilderness Area Evaluation Report (2012) at page 207. Therefore, PWAs with that included lowland leopard frog or northern goshawk populations were rated as medium for this factor. The Forest consistently applied this definition to each PWA.

In addition, AZGFD claims that the Forest did not determine "need" correctly, asserting that need should have been rated low for all 8 recommended wilderness areas. AZGFD believes "the areas recommended in the FEIS were not included within the original wilderness designations with purposeful intent by Congress. The subsequent expansion of previously designated

wilderness is an overreach of the Prescott and disingenuous to the public; subverting original collaboration, negotiation, and agreements." The Forest Service and the Prescott National Forest is, in fact, compelled to evaluate and consider recommending expansion of the National Wilderness Preservation System. The 1982 planning regulations at 36 C.F.R. § 219.17(a) state "unless otherwise provided by law, roadless areas within the National Forest System shall be evaluated and considered for recommendation as potential wilderness areas during the forest planning process." Forest Service policy at FSM 1923.03(2) further states "unless otherwise provided by law, all roadless, undeveloped areas that satisfy the definition of wilderness found in section 2(c) of the Wilderness Act of 1964 shall be evaluated and considered for recommendation as potential wilderness areas during plan development or revision." To meet these requirements, the Forest followed the wilderness evaluation process as outlined in the FSH 1909.12, Chapter 70. Appendix D of the PNF Potential Wilderness Area Evaluation Report (2012) explains the factors that were considered in assessing "need" and justification for ratings of each PWA is found throughout the report.

The Responsible Official provided an adequate and thorough analysis of a reasonable range of alternatives. Inventoried roadless areas and potential wilderness areas were correctly and consistently analyzed. Based on the process that was followed, the supporting documentation in the record, and the rationale described to decide which areas to include as recommended wilderness in the ROD, it was within the discretion of the responsible official to recommend these areas and to establish and apply appropriate management direction for areas not recommended as wilderness. In conclusion, I find no violation of law, regulation, or policy within this document or decision.

Research Natural Areas

- Upper Verde River

Issue: The appellant contends the cottonwood-willow riparian forest along the Upper Verde River handily meets the criteria for administrative designation of an RNA and supplies an indisputably valuable reference site for ecological restoration of riverine aquatic ecosystems in Arizona. The appellant states the rationale for excluding the Upper Verde River from RNA designation is arbitrary and capricious because it rests upon an unrelated criterion, "protection", rather than representation and research opportunities. The appellant asserts failure to carry forward the proposal for detailed consideration in action alternatives violates NEPA, NFMA, and APA. Moreover, the response to comment invokes factors unrelated to RNA evaluation criteria as reasons for declining to advance recommendation for RNA establishment, in violation of NEPA and APA. (#0003)

Response: Research Natural Areas (RNAs) are part of a national network of ecological areas designated in perpetuity for research and education and/or to maintain biological diversity on National Forest System lands. RNAs are principally for nonmanipulative research, observation, and study. Special area designations are allowed under regulations at 7 CFR 2.60(a) which delegated authority to the Chief, and FSM 4063.04 which redelegated authority to Regional Foresters. The 1982 Planning Rule at 36 CFR 219.25 states, "(f)orest planning shall provide for the establishment of Research Natural Areas (RNA's). Planning shall make provision for the

identification of examples of important forest, shrubland, grassland, alpine, aquatic, and geologic types that have special or unique characteristics of scientific interest and importance and that are needed to complete the national network of RNA's. Biotic, aquatic, and geologic types needed for the network shall be identified using a list provided by the Chief of the Forest Service. Authority to establish RNA's is delegated to the Chief at 7 CFR 2.60(a) and 36 CFR 251.23. Recommendations for establishment of areas shall be made to the Chief through the planning process." FSM 4063.2 establishes the criteria for recommending RNAs. They must be large enough to provide essentially unmodified conditions within their interiors. Areas show no evidence of major disturbances by humans, and are as close to a pristine condition as possible. They are relatively free from exotic plant or animal life. FSM 4063 gives Regional Foresters substantial discretion in selecting RNAs for recommendations. The Regional Forester considers the recommendations and advice of the Forest Supervisor and a Regional Research Natural Area Committee.

Appellants contend the cottonwood-willow riparian forest along the Upper Verde River meets the criteria for an RNA but was arbitrarily excluded on the unrelated criteria of "protection". However, as explained in the FEIS, Vol. 2, Appendix A Response to Comments (page 48) the Upper Verde River was not chosen because segments of the Upper Verde River are already classified as an eligible wild and scenic river, and the plan contains direction in the form of desired conditions and standards and guidelines that protect the outstandingly remarkable value of eligible river segments. In short, the unique characteristics of the area are already being preserved (ROD, page 17). The requirement to provide for the establishment of RNAs in the 1982 Planning Rule at 36 CFR 219.25 is one of many management requirements that are considered and balanced during the forest planning process. The Regional Forester was well within his discretion to not select this area as an RNA and it was also appropriate for him to consider other management classifications and standards and guidelines in balancing and meeting the overall goals for the Forest. In conclusion, I find no violation of law, regulation, or policy within this document or decision.

- Upper Grapevine Creek

Issue: The appellant contends Upper Grapevine Creek met criteria for RNA designation as an underrepresented seeps and springs aquatic ecosystem and that the rationale for excluding Upper Grapevine Creek is arbitrary and capricious because Forest Service policy does not prohibit active management within an RNA. The appellant asserts failure to carry forward the proposal for detailed consideration in action alternatives violates NEPA, NFMA, and APA. Moreover, the appellant claims response to comment invokes factors unrelated to RNA evaluation criteria as reasons for declining to advance recommendation for RNA establishment, in violation of NEPA and APA. (#0003)

Response: The procedures for establishing Research Natural Areas (RNAs) were discussed in the above appeal point.

Here, appellants challenge the rationale for not recommending the Upper Grapevine Creek area as an RNA. The FEIS, Vol 2, Appendix A Response to Comments (page 48) explains that the Upper Grapevine Creek area was identified as an under-represented seep and spring aquatic

ecosystem, but the Forest Supervisor chose not to forward the recommendation to the Regional Forester for approval because of interest in actively managing the area's natural resources in collaboration with the Arizona Game and Fish Department. This is consistent with the criteria for establishing RNAs in FSM 4063. FSM 4063 directs that RNAs are established principally for non-manipulative research, observation, and study. This minimal approach is not consistent with the stated goals to actively manage the area.

The 1982 Planning Rule at 36 CFR 219.7(a) requires coordination of Forest Plans with state management plans. In this case, it is appropriate to consider the State of Arizona's goals for managing the area. In conclusion, I find no violation of law, regulation, or policy within this document or decision.

DISCRETIONARY REVIEW ROUTING
Chief's Appeal Decision – Optional Plan Appeal Procedures

PART A - NRE NOTIFICATION	APPEAL INFORMATION
Appeal Number	# 16-13-00-0001 - 4
Appellant(s)	**Name:** Larry Voyles, **Arizona Game & Fish Department;** Barbara Hawke, **Arizona Wilderness Coalition;** Jay Lininger, **Center for Biological Diversity/Sierra Club Grand Canyon Chapter;** Erik Ryberg, **Western Watersheds Project**
Decision Appealed	**Subject: Revised Prescott NF Land & Resource Management Plan**
Location	**Region: Southwest (3)** **Forest: Prescott**
EMC Review Team Leader Phone #	Peri Suenram 406-370-2144
Delivered to NRE [Date/Initials] 6/6/2016 BCB	**6/6/16 Ben Bibb**
Reviewing Officer	NRE
PART B - NRE ACTIONS	
The Reviewing Officer must decide to • Review the appeal decision; • Not review the appeal decision; or • Request the appeal record to assist in review determination	
1. Due Date for Initial Decision of Whether to Conduct Review [15 days from receipt]	**June 21, 2016**
2. Initial Decision of Whether to Conduct Review	No ☐ (return to FS/EMC after signing at #3) Request Record ☐ (see #4) Yes ☐ (see #10)
3. **Reviewing Officer's Signature and Date**	
4. Appeal Record Requested [call Forest Service 406-370-2144 or 406-683-3967] [enter date]	
5. Appeal Record Due [5 days from #4 above]	
6. Appeal Record Delivered [date/initial]	
7. Due Date for Secondary Decision of Whether to Conduct Review [15 days from #6 above]	
8. Secondary Decision of Whether to Conduct Review	No ☐ (return to FS/EMC after signing at #9) Yes ☐ (see #10)
9. Reviewing Officer's Signature and Date	
10. SIGNED REVIEW DECISION DUE [30 days from #3 or #9 above]	
11. DECISION (sent to FS/EMC to disseminate to all appellants, intervenors, Appeal Record, Region)	_____**Affirmed** _____**Affirmed w/instructions;** _____**Reversed** _____**Partially Reversed;** _____**Dismissed**