Decision Notice

&

Finding of No Significant Impact

Grazing Authorization and Allotment Management Plans

Cox Canyon, Deadman, O Bar O and Y Canyon Allotments

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

Background

In 2012, the Gila National Forest completed a National Environmental Policy Act (NEPA) review to authorize livestock grazing, implement selected management practices and construct range improvements on the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments. These four continuous allotments are located on the Reserve Ranger District in Catron County, New Mexico. The allotments include lands designated as Management Area (MA) 6B in the Gila National Forest Plan, (GNFP pages 178-189 respectively).

The purpose and need is to authorize livestock grazing consistent with Forest Service policy that maintains or improves project area resource conditions, promotes ecological resiliency across the landscape, achieves the objectives and desired conditions described in the Gila National Forest Plan. In additions and provides long-term management direction for domestic livestock grazing through an Allotment Management Plan (AMP). The purpose and need for this project will be limited to what can be accomplished through grazing management. The analysis and authorization are needed here and now because:

1. On April 15, 2011, the U.S. Forest Service entered into a Settlement Agreement that stated that the Gila National Forest (Reserve Ranger District) would prepare and complete a new NEPA analysis for the Y Canyon, Cox Canyon and Deadman Allotments by April 30, 2013, and a new NEPA analysis for the O Bar O Allotment by April 30, 2014. Since these four allotments are contiguous and have similar characteristics, a single analysis was conducted for all four allotments simultaneously.

2. There is a need to formally incorporate additional flexibility into the management of the allotments. This is to provide the Forest Service and individual grazing permittees the ability to adapt management currently and into the future in response to changing resource conditions and achieve management objectives such as minimizing wildlife and livestock conflicts, i.e., Mexican Gray Wolf, and to comply with Forest Service Policy (FSH 2209.13).

The proposed authorization of grazing and the proposed management practices on the allotments were described in the Cox Canyon, Deadman, O Bar O and Y Canyon Allotment Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA). The Environmental Assessment analyzes and discloses the anticipated effects of Alternative One (No Action Alternative), Alternative Two, (Proposed Action Alternative), Alternative Three (Action Alternative), Alternative Four (Action Alternative) and Alternative Five (No Action Alternative). The Cox Canyon, Deadman, O Bar O and Y Canyon Allotment Environmental Assessment is available for review at http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=37274 and at the Reserve Ranger District Office and the Gila National Forest Supervisor's Office. Throughout this Decision Notice references to the analysis in the EA are referenced by Project Record number, Document (Doc.) number, page number.

Decision

Based upon my review and consideration of the five alternatives and the impacts disclosed in the EA, I have decided to approve the livestock grazing management strategy described under Alternative Two (Proposed Action) of the EA. The selected alternative will authorize managed livestock grazing on the Cox Canyon, Deadman, O Bar O and Y Canyon allotments and management actions necessary to implement the authorization.

The action consists of four components: authorization, improvements, management practices (prescriptions), and monitoring. The action will be implemented using Best Management Practices (BMPs) and Adaptive Management strategies. The components for the selected alternative are described below.

Authorization and Improvements

The Reserve Ranger District, Gila National Forest, proposed to authorize grazing on each allotment under the following terms and conditions that includes the proposed number of livestock[4] , proposed range improvement infrastructure, period of use and monitoring.

The proposed range improvements identified for each allotment would play a key role in moving current conditions toward desired conditions and achieve the management objectives set forth in this analysis. It is not necessary for all proposed range improvements to be completed in a specific order or even in the same year. State of New Mexico water rights would be assigned to the proposed range (water) improvements as needed, based on availability and funding. At present, funding has not been secured for the implementation of the proposed range improvement infrastructure. Examples of potential funding sources include individual allotment permittee funding, permittee labor matches, a variety of potential grants and Range Betterment Funds. Implementation of the proposed range improvement infrastructure will be based on available funding and management objectives, (Project Record, Doc. 28, pages 11-12 & Doc. 171, EA - page 25).

[4] Grazing allotment capacity estimates were established in 2012 for the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments. Capacity estimates are based on average herbaceous forage production from 2000 - 2011, considering forage consumption of ungulates, per AUM, including wildlife estimates of GNF Management Area 6B. Capacity adjustments were made for conservative forage utilization guidelines (31-40%) distance from water and percent slope (Holechek et al. 2004). Capacity estimates were validated based on existing and desired conditions, trend and past forage utilization monitoring relative to number of livestock annually authorized. Capacity estimates support the proposed action on each allotment.

Cox Canyon Allotment

- **Numbers and Period of Use:** Authorize grazing for up to 1,227 AUMs annually. As an example, this would be equivalent to 95 cattle, cow/calf (or equivalent use by other kind or class of livestock) and four horses for up to 12 months annually. Period of use could be shortened to less than 12 months with additional livestock not to exceed 1,227 AUMs, (Project Record, Doc. 28, page 12 & Doc. 171, EA - pages 25-26).
- **Proposed Range Improvement Infrastructure:**
  The proposed range improvement infrastructure for the Cox Canyon Allotment identified below will play a key role in moving current conditions toward desired conditions and will help achieve the management objectives set forth in this analysis; (Project Record, Doc. 28, pg. 12 & Doc. 171, EA - page 26).

  1. Extend Antelope Well pipeline in Cox Canyon Pasture. Project will consist of approximately three and a half miles of pipeline, five troughs, solar system and one storage tank. The estimated cost for this proposed improvement is $28,000.

  2. Extend Collins Park Well pipeline into Cox Canyon. Project will consist of approximately seven miles of pipeline, four troughs and one storage tank. The estimated cost for this proposed improvement is $40,000.

  3. Construct a livestock trap in the western portion of the allotment. Project will consist of one half mile of fence construction. The estimated cost for this proposed improvement is $5,000.

  4. Divide Cox Canyon Allotment into two pastures; North and South Pastures. Project would consist of approximately seven miles of fence construction and one cattle guard. The estimated cost for this proposed improvement is $74,000.

Deadman Allotment

- **Numbers and Period of Use:** Authorize grazing for up to 1,388 AUMs annually. As an example, this would be equivalent to 112 cattle, cow/calf (or equivalent use by other kind or class of livestock) and two horses for up to 12 months annually. Period of use could be shortened to less than 12 months with additional livestock not to exceed 1,388 AUMs, (Project Record, Doc. 28, page 12 & Doc. 171, EA - page 26).
- **Proposed Range Improvement Infrastructure:**
  The proposed range improvement infrastructure for the Deadman Allotment identified below will play a key role in moving current conditions toward desired conditions and will help achieve the management objectives set forth in this analysis; (Project Record, Doc. 28, page 12 & Doc. 171, EA - pages 26-27).

  1. Install a new well in Telephone Pasture. Project will consist of approximately four miles of pipeline, five troughs, one storage tank, a solar system or generator and necessary pumps. The estimated cost for this proposed improvement is $50,500.

  2. Install approximately one half mile of pipeline and trough in Collins Park Trap. The estimated cost for this proposed improvement is $3,000.

  3. Install seven new stock tanks in the Collins Park, Barrel, Telephone and Eagle Peak pastures. The estimated cost for this proposed improvement is $42,000.

  4. Install waterlots around Telephone Tank (Telephone Pasture) and two new stock tanks along the boundary of Collins Park/Barrel Pasture and Telephone/Eagle Peak Pastures. The estimated cost for this proposed improvement is $4,500.

5. Relocate Top Tank and waterlot in Telephone Pasture in current township, range and section. The estimated cost for this proposed improvement is $7,500.

6. Reroute Telephone Pasture south boundary fence to a more manageable location. Project will consist of approximately two miles of fence construction. The estimated cost for this proposed improvement is $20,000.

7. No new roads or improvements are proposed within the 4,269 acres of Inventoried Roadless Area. Maintenance of all existing range infrastructure is expected to continue within the Inventoried Roadless Area.

O Bar O Allotment

- **Numbers and Period of Use:** Authorize grazing for up to 5,520 AUMs annually. As an example, this would be equivalent for up to 460 cattle, cow/calf (or equivalent use by other kind or class of livestock) for up to 12 months annually. Period of use could be shortened to less than 12 months with additional livestock not to exceed 5,520 AUMs, (Project Record, Doc. 28, page 13 & Doc. 171, EA - page 27).

- **Proposed Range Improvement Infrastructure:**
  The proposed range improvement infrastructure for the O Bar O Allotment identified below will play a key role in moving current conditions toward desired conditions and will help achieve the management objectives set forth in this analysis; (Project Record, Doc. 28, pages 13-14 & Doc. 171, EA - pages 27-28).

  1. Install a new well in O Bar O Mountain Pasture. Project will consist of approximately three miles of pipeline, four troughs, one storage, a solar system or generator and necessary pumps. The estimated cost for this proposed improvement is $45,000.

  2. Install a new well in Hay Canyon Pasture. Project will consist of approximately two miles of pipeline, three troughs, one storage, a solar system or generator and necessary pumps. The estimated cost for this proposed improvement is $39,500.

  3. Install a new well in Scrub Oak Pasture. Project will consist of approximately six miles of pipeline, five troughs, two storage tanks, a solar system or generator and necessary pumps. The estimated cost for this proposed improvement is $63,500.

  4. Install a new well in Horse Camp Pasture. Project will consist of approximately five miles of pipeline, seven troughs, one storage tank, a solar system or generator and necessary pumps. The estimated cost for this proposed improvement is $56,500.

  5. Extend water system off private land into Horse Camp and Scrub Oak Pastures. Project will consist of approximately three and a half miles of pipeline and three troughs. The estimated cost for this proposed improvement is $19,000.

  6. Extend water system off private land into O Bar O Canyon Pasture. Project will consist of approximately two miles of pipeline and two troughs. The estimated cost for this proposed improvement is $11,000.

  7. Extend water system off private land into O Bar O Mountain Pasture. Project will consist of a quarter mile of pipeline and one trough. The estimated cost for this proposed improvement is $1,750.

  8. Extend Turkey Spring water system into Elk Spring Pasture. Project will consist of approximately three miles of pipeline and three troughs. The estimated cost for this proposed improvement is $16,500.

9. Install nine new stock tanks within the O Bar O Mountain, Elk Spring, Hay Canyon, O Bar O Canyon, pastures. The estimated cost for this proposed improvement is $54,000.

10. No new roads or improvements are proposed within the 6,446 acres of Inventoried Roadless Area. Maintenance of all existing range infrastructure is expected to continue within the Inventoried Roadless Area.

Y Canyon Allotment

- **Numbers and Period of Use:** Authorize grazing for up to 4,428 AUMs annually. As an example, this would be equivalent for up to 369 cattle, cow/calf (or equivalent use by other kind or class of livestock) for up to 12 months annually. Period of use could be shortened to less than 12 months with additional livestock not to exceed 4,428 AUMs, (Project Record, Doc. 28, page 14 & Doc. 171, EA - page 28).

- **Proposed Range Improvement Infrastructure:**
  The proposed range improvement infrastructure for the Y Canyon Allotment identified below will play a key role in moving current conditions toward desired conditions and will help achieve the management objectives set forth in this analysis; (Project Record, Doc. 28, pages 14-15 & Doc. 171, EA - pages 28-29).

  1. Extend Badger Well pipeline in Water Canyon Pasture. Project will consist of approximately three miles of pipeline, one storage tank and two troughs. The estimated cost for this proposed improvement is $19,000.

  2. Install a new well in Water Canyon Pasture along FR4047C that will consist of approximately four miles of pipeline, five troughs, one storage tank, a solar system or generator and necessary pumps. The estimated cost for this proposed improvement is $50,500.

  3. Extend pipeline from private land into Water Canyon Trap. Project will consist of approximately one mile of pipeline and one trough. The estimated cost for this proposed improvement is $5,500.

  4. Install pipeline necessary to connect Y Canyon Well, Collins Park Well and Old Turkey Spring water systems together in Collins Park Pasture. Project will consist of approximately four and a half miles of pipeline, one storage tank and four troughs. The estimated cost for this proposed improvement is $27,500.

  5. Reconstruct and expand the existing Collins Park Corral that will be a central location for Y Canyon Allotment and adjacent grazing permittees to ship and receive livestock from and to conduct such business as artificial insemination (AI) of cattle. Project will include multiple pens, scales, water troughs, and livestock handling facilities. The estimated cost for this proposed improvement is $85,000.

  6. Construct a livestock trap in Collins Park Pasture associated with the Collins Park Corral. Project will consist of approximately two miles of fence construction. The estimated cost for this proposed improvement is $20,000.

  7. Construct a livestock trap in Slater Pasture. Project will consist of approximately two miles of fence construction and one cattleguard. The estimated cost for this proposed improvement is $24,000.

  8. Divide Slater Pasture into two pastures. Project will consist of approximately five miles of fence and two cattleguards. The estimated cost for this proposed improvement is $58,000.

9. Divide Collins Park Pasture into two pastures. Project will consist of approximately four miles of fence and one cattleguard. The estimated cost for this proposed improvement is $44,000.

10. Install five new stock tanks within Collins Park Pasture. The estimated cost for this proposed improvement is $30,000.

11. No new roads or improvements are proposed within the 348 acres of Inventoried Roadless Area. Maintenance of all existing range infrastructure is expected to continue within the Inventoried Roadless Area.

Management Practices

Prescription: The Reserve Ranger District, Gila National Forest, will authorize grazing on the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments under the following terms and conditions that are common to each allotment. This includes intensity, frequency and timing of grazing and livestock management utilizing Best Management Practices and Adaptive Management. Implementation and effectiveness monitoring will be used to determine if grazing management is meeting or moving toward desired conditions, (Project Record, Doc. 28, page 7 & Doc. 171, EA - page 32).

- **Intensity:** Set herbaceous forage utilization at a conservative use level, approximately 31 to 40 percent forage utilization (Holechek et al. 2004[5]), including wildlife use, (Project Record, Doc. 28, page 7 & Doc. 171, EA - page 32).

- **Frequency and Timing:** Management systems will be designed to incorporate growing season rest or deferment in order to provide for grazed plant recovery. Timing of pasture moves will be determined by forage utilization monitoring and management objectives specified in an Allotment Management Plan (AMP) with the following design criteria: (Project Record, Doc. 28, pages 7-8 & Doc. 171, EA - pages 32-33).
  - Livestock will be managed using a rest-rotation management system, with "best pastures[6]" used annually. Scheduling of pasture use varies from year to year utilizing BMPs and Adaptive Management in the Annual Operating Instructions (AOIs).
  - Modifications to the AOIs may be implemented anytime throughout the grazing year. Such changes are in response to resource conditions including; water availability, forage conditions, drought, fire, and management objectives. If resource conditions are not satisfactory during all or portions of the grazing season, total or partial livestock removal from the allotment may be necessary.
  - Of the pastures and traps on each allotment, at least one pasture and trap will be rested annually and all pastures and traps will receive seasonal deferment as specified in the AOIs. Annual rotations will vary allowing for ample cool and warm season rest for the remaining pastures and traps used.
  - Livestock may be authorized annually, through implementation of Adaptive Management and BMPs, to graze in conjunction with other grazing allotments not to exceed the level of Animal Unit Months (AUMs[7]) authorized for a specific allotment. The consolidation of

[5] Holechek, J. L., Rex D. Pieper and Carlton H. Herbal. 2004. *Range Management Principles and Practices.* 5th ed. Pearson Prentice-Hall, Inc. Upper Saddle River, New Jersey 07458, Pg. 250.

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

[7] Animal-Unit-Month (AUM) The amount of oven-dry forage required by one animal unit for astandardized period

herds at any level will have many resource, wildlife and management benefits including but not limited to:

- The reduction of wildlife and livestock conflicts, i.e., Mexican Gray Wolf.
- Greater efficiency and effectiveness of a wolf range rider program that would reduce wolf and livestock conflicts.
- Additional flexibility in the deferment or rest of traps, pastures or allotments for:
  - The maintenance or improvement of occupied habitats for threatened, endangered, sensitive and management indicator species.
  - Extended rest periods needed for the maintenance or improvement of vegetative ground cover.
- Greater flexibility to manage livestock in accordance to resource conditions, drought (i.e. climate change), wildfire or prescribed fire.

- **Livestock Management**: Provide supplement for livestock as follows (to strategically manage livestock distribution and forage use): (Project Record, Doc. 28, pages 8-10 & Doc. 171, EA - pages 33-34).
  - Locate supplement sites 0.25 mile or more from waters except where prior written approval has been obtained from District Ranger.
  - Place supplements where forage is abundant and current grazing use levels are low. Supplements should not be placed at any one location more than once during the grazing season to prevent concentration of livestock.
  - Limit supplement types to salt, protein, and mineral blocks to reduce risk of spreading noxious weeds and to reduce the risk of creating areas of concentrated livestock use.
  - If there is a need to use energy supplements such as grain, noxious weed free hay, surplus milk products, ethanol production by-products or molasses based products; the District Ranger must approve these actions prior to placing these energy type supplements on National Forest lands.
  - Apply the following grazing restriction to Mexican Spotted Owl Protected Activity Centers (PACs): (Project Record, Doc. 28, page 9 & Doc. 171, EA - pages 33-34).
    1. Each allotment includes Mexican Spotted Owl Protected Activity Center's (PAC). In these PAC's the following activities are restricted during the breeding season of the Owl (March 1-August 31): livestock concentrations or trailing, fence construction, and livestock salting. Routine maintenance of range improvements is permitted.
    2. Livestock grazing within PACs will be managed for levels that provide woody and herbaceous vegetation necessary for cover for rodent prey species, the residual biomass that will support fire that would reduce the risk of catastrophic wildfire.
    3. Set a forage utilization guideline of conservative use 31-40% utilization (Holechek et al. 2004) including wildlife use, throughout all areas.
  - The Forest Service is a cooperating agency with The Mexican Wolf Blue Range Reintroduction Project. The Mexican Wolf Blue Range Reintroduction Project manages wolves in accordance with the Final Rule for the "Establishment of a Nonessential Experimental Population of the Mexican Gray Wolf in Arizona and New Mexico" (63 FR

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of 30 animal-unit-days (SRM definition).

1752) and the 1998 Mexican Wolf Interagency Management plan. These documents are further clarified in standard operating procedures, (Project Record, Doc. 28, page 9 & Doc. 163a, pages 153 & Doc. 165, page 21).

- If wolves are observed or wolf and livestock conflicts occur, the Reserve Ranger District will continue to work with the affected livestock permittees and the Mexican Wolf Interagency Field Team (IFT) to mitigate any additional conflicts.
- Examples of management actions that may be considered on the Reserve Ranger District include but are not limited to;
    - Weekly flight and ground tracking updates.
    - Providing the affected permittees with a telemetry tracking device for collared wolves. (Discretion of USFWS)
    - Placing temporary restrictions around a wolf den site.
    - Wolf range-rider program implementation.
    - Coordination with IFT who may haze wolves away from sensitive livestock areas, such as calving pastures, holding pastures, or other areas.
    - Modify AOIs to change pasture or allotment rotations to reduce conflicts.

Alternative Two incorporates management flexibility by providing a range of authorized livestock numbers that reflect variations in resource conditions and are necessary for the achievement of management objectives and desired conditions. Within this range, annually authorized livestock numbers will be specified in the AOIs. Changes in stocking would occur as a result of changes in resource conditions, drought, climate change and infrastructure conditions in consideration of management objectives. Herd movements would be based on water availability, forage conditions, grazing intensity and forage utilization levels and will be specified in AOIs. A new AMP will be developed for each allotment. The AMP will include mitigation measures and BMPs to avoid or minimize effects to wildlife, soil and water quality. Monitoring of forage availability and utilization, range readiness and resource conditions will be used to determine whether management is being properly implemented and whether the actions are effective at achieving or moving toward desired conditions, (Project Record, Doc. 28, page 10 & Doc. 171, EA - page 34).

Monitoring

As part of the administration of any current or future grazing permit(s) issued for use of these allotments, monitoring will be conducted to determine if the terms of the grazing permits, AMPs, and the current AOIs are being followed and to determine if the resource conditions on the allotments are meeting, or moving towards desired conditions and the broader Forest Plan objectives and goals. Should monitoring indicate a need for a change in management, the appropriate adjustments will be initiated anytime throughout the grazing year utilizing Adaptive Management strategies and BMPs, (Project Record, Doc. 28, page 10 & Doc. 171, EA - pages 34-35).

Implementation Monitoring: Will occur on an ongoing basis and may include such things as inspection reports, seasonal and annual forage utilization measurements, livestock counts and facility inspections. Forage utilization measurements are made utilizing the best available science, currently following procedures found in the Interagency Technical Reference (ITA 1999[8]) with consideration additional scientific resources, (Project Record, Doc. 28, page 10 & Doc. 171, EA - page 35).

[8] *Interagency Technical Reference* (ITA), 1999. *Utilization Studies and Residual Measurements*. Cooperative

Utilization will be monitored on key forage species, which are perennial grasses that are palatable to livestock. Utilization on non-grass species (forbs, shrubs and trees) may also be measured if appropriate for the site. Over time, changes in resource conditions or management may result in changes in livestock use patterns. As livestock use patterns change, new key areas may be established and existing key areas may be modified or abandoned in cooperation with the grazing permittees, (Project Record, Doc. 28, page 10 & Doc. 171, EA - page 35).

Permittees will be encouraged to participate in monitoring activities. Records of livestock numbers, movement dates and shipping records will be kept by the permittees and will be provided to the District Range Staff throughout each grazing year, (Project Record, Doc. 28, page 10 & Doc. 171, EA - page 35).

Effectiveness Monitoring: Includes measurements to track the long-term condition and trend of upland and riparian vegetation as well as soil and watersheds. Monitoring will be done following procedures described in the Interagency Technical Reference and the USFS Region 3 Rangeland Analysis and Training Guide (USDA-FS 1997). This data is interpreted to determine if grazing management is meeting or moving toward desired conditions, if changes in resource condition are related to management and to determine if modifications in management are necessary. Examples of effectiveness monitoring indicators include, but are not limited to pace transects, pace quadrat frequency, dry weight rank, ground cover, Parker 3-step and repeat photography. Monitoring will occur at established permanent monitoring points. Watershed and riparian evaluations may include Proper Functioning Condition (PFC) as well as soil and watershed condition assessments, (Project Record, Doc. 28, pages 10-11 & Doc. 171, EA - page 35).

Adaptive Management: Adaptive Management is a tool that uses the documented results of management actions to continually modify management in order to achieve specific objectives. This is designed to provide sufficient flexibility to adapt management to changing circumstances. Monitoring of forage availability, forage utilization, range readiness and resource conditions will be used to determine if management is being properly implemented and if the actions are effective at achieving or moving toward desired conditions. If monitoring indicates that grazing management is not meeting or moving toward desired conditions, an Adaptive Management action will be used to modify management at any time throughout the grazing season in response to unforeseen resources or environmental concerns such as climate change, drought or other management related concerns. Such changes may include administrative decisions such as the specific number of livestock authorized annually, specific dates for grazing, class of animal or modifications to pasture rotations. Such changes will be made within the Adaptive Management framework for each allotment and will not exceed the limits for intensity, frequency, timing and period of use as defined in the decision, AMP, term grazing permit and AOIs. The AOIs will also include mitigation measures and BMPs to avoid or minimize effects to wildlife, soil and water quality, (Project Record, Doc. 28, page 11 & Doc. 171, EA - pages 35-36).

Adaptive Management also includes monitoring to determine whether identified structural improvements are necessary or need to be modified. Additions to existing infrastructure such as fencing or waters to achieve the objective of restoring range conditions will be tiered to this Environmental Analysis. All new structures would have heritage and biological clearances prior to implementation and all Forest Plan Standards and Guidelines would be followed, (Project Record, Doc. 28, page 11 & Doc. 171, EA - page 36).

Extension Service, USDA Forest Service and Natural Resources Conservation Service, and USDI Bureau of Land Management.

Rationale for the Selection

The selected alternative (Alternative Two) best meets the purpose and need of this analysis, implements critical range improvement infrastructure, maintains current conditions, while moving towards desired conditions, (Project Record, Doc. 171, EA, pages 20-29 & 32-40). These are as follows:

1. The alternative is consistent with the management emphasis, direction and standards and guidelines for MA 6B identified in the GNFP, (Project Record, Doc 2).
2. The alternative best achieves Forest Service Policy (FSM 2202) and the mission of the Gila National Forest Plan to manage for multiple use and sustained yield of goods and services in a way that maximizes long-term net public benefits consistent with resource integration, environmental quality, and management considerations, (Project Record, Doc. 2, pages 11-12).
3. As stated in the Purpose and Need, this alternative incorporates additional flexibility into the management of the allotments. Flexibility and adaptability provides the Forest Service and individual grazing permittees the ability to adapt management currently and into the future in response to changing resource conditions and would achieve management objectives such as minimizing wildlife and livestock conflicts, i.e., Mexican Gray Wolf, and to comply with Forest Service Policy (FSH 2209.13), (Project Record, Doc. 171, EA - pages 21-22).

   Alternative 2 provides management flexibility which includes the ability to modify authorized livestock numbers that reflect variations in resource conditions and are necessary for the achievement of management objectives and desired conditions. Changes in stocking would occur as a result of changes in resource conditions, drought, climate change and infrastructure conditions in consideration of management objectives. Frequency and Timing within Alternative Two will provide rotational flexibility to improve forage species diversity, adapt to resource conditions such as drought, wildfire or wildlife and livestock conflicts, i.e., Mexican Gray Wolf, (Project Record, Doc. 171, EA – pages 32-33).
4. Alternative Two includes adaptive management measures and proposed range improvement infrastructure that will help minimize wildlife and livestock conflicts, i.e., Mexican gray wolf. The proposed range improvements on each allotment will provide a level of management flexibility that will be responsive to changing resource conditions and to wolf and livestock interactions in a timely manner through an AOI amendment, (Project Record, Doc. 163a & Doc. 165).

   Estimated cost of these proposed range improvements was considered in this decision. As stated in the EA, at present, funding has not been secured for the implementation of the proposed range improvement infrastructure. Examples of potential funding sources include individual permittee funding, permittee labor matches, a variety of potential grants and Range Betterment Funds. Implementation of the proposed range improvement infrastructure will be based on available funding and management objectives, (Project Record, Doc. 171 page 25).
5. Climate Change was considered and disclosed in the analysis (Project Record, Doc. 171, EA - pages 21, 24, 33-35, 40, 45, 93, 109, 110 & 137-139). Climate Change was also considered in a variety of interdisciplinary team specialist reports, (Project Record, Doc. 161, 163a, 164a, 165, 167a, 168a, 169a & 170a), to the extent possible given the scope of the project, the scope of the effects, and how all the effects were weighed along with the benefits in arriving at a decision. Alternative 2 provides for the best opportunity to adapt to changes resulting from climate change.
6. The alternative specifically identified areas of concern within each allotment, (Project Record, Doc. 171, EA, pages 5-20, 37-40 & 41-140), where adaptive management, proposed infrastructure and monitoring would be focused to move towards achievement of desired conditions.

7. The alternative will provide for growing season rest and conservative utilization, (Project Record, Doc. 171, EA, pages 32-33), that will maintain and promote improvement in upland vegetation and soil condition and provide residual herbaceous vegetation to provide year-round habitat for wildlife species requiring herbaceous cover.

8. Proposed livestock grazing is considered to be within the capacity of the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments, including forage requirements for wildlife ungulates. Livestock grazing will be managed through Adaptive Management. The permitted AUMs identified within this alternative reflect a range of numbers to allow management flexibility for timely adjustments in authorized use to maintain conditions, stable and upward trends for vegetation, soils and watershed conditions, (Project Record, Doc. 171, EA, pages 25-29 & 32-40).

9. The alternative will provide an Adaptive Management framework that will allow the Forest and grazing permittees to adjust management to recognize changing resource conditions to maintain conditions where they are now satisfactory and improve range conditions where conditions are less than satisfactory, (Project Record, Doc. 171, EA, pages 34-36).

Public Involvement

The proposed action was listed in the October 1, 2011 Schedule of Proposed Actions, (Project Record, Doc. 24). Prior to scoping for the proposed action, the Reserve Ranger District provided the opportunity for the following agencies, groups and individuals, with relative information and the opportunity to share data for the development of the proposed action: U.S. Fish and Wildlife Service, Mexican Wolf Interagency Field Team, Mexican Wolf /Livestock Interdiction Stakeholders Council, New Mexico Game and Fish Department, U.S. Forest Service Mexican Wolf Liaison, New Mexico State University (Range Improvement Task Force), Catron County, Cox Canyon, Deadman, O Bar O and Y Canyon Allotment Permittees as well as Managers.

A draft proposed action was developed in coordination with the livestock grazing permittees on May 3, 2012 for the O Bar O Allotment, May 6, 2012 for the Y Canyon Allotment and May 7, 2012 for the Cox Canyon and Deadman Allotments, (Project Record, Doc. 164a pages 29-47). A scoping letter was mailed on May 15, 2012, to approximately 126 State, Federal, Tribal governments, non-government organizations, and individuals detailing the proposed action for the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments, (Project Record Doc. 30).

A variety of individuals, permittees, environmental, professional, multiple-use organizations, and government agencies were represented on the mailing list. On June 14, 2012, WildEarth Guardians provided an alternative per the April 15, 2011 Settlement Agreement between the USFS and WildEarth Guardians, (Project Record, Doc. 25 & Doc. 62). This alternative proposed to remove livestock from the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments for resource protection for ten (10) years. Out of 3,717 comments received in response to the proposed action, approximately 3,678 emails received were in support of no grazing on each allotment for a 10 year period, (Project Record, Doc. 71-82, Doc. 84-92, Doc. 94-100, Doc. 102-105, Doc. 107-136, Doc. 138-140, Doc. 142-158 & Doc. 159).

A Preliminary Environmental Assessment for the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments was completed and distributed for comment on October 18th 2012 to State, Federal and Tribal Government agencies, professional organizations, multiple-use organizations, environmental organizations, non-government organizations, and individuals detailing the purpose and need, existing and desired conditions, a detailed description of the five alternatives, and the environmental consequences, (Project Record, Doc. 171, 172, 174 & 176). The public was also notified of the opportunity to comment through a legal notice published in the Silver City Daily Press on October 18th 2012, (Project Record, Doc. 178). Participants were provided 30 days to review and comment. Thirty-four responses were received, reviewed and considered for the Cox Canyon, Deadman, O Bar O and Y

Canyon Allotments Final Environmental Assessment. A summary of these comments and a U.S. Forest Service response is contained in the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments Project Record, (Project Record, Doc. 220).

Other Alternatives Considered

Alternative One - No Action Alternative

Forest Service Policy (Forest Service Handbook 2209.13) requires the Forest Service to identify no grazing as the no-action alternative. Under this alternative, grazing would not be authorized and use of the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments by domestic livestock would be discontinued. Existing boundary fences would be assigned to adjacent permittees. Interior fences and other infrastructure would be removed to mitigate potential adverse impacts to wildlife and public users. Water developments, important for wildlife, would be maintained where feasible or removed using other program funds or volunteers, (Project Record, Doc. 171, EA, page 25).

While this alternative would meet desired resource condition objectives for the allotments, it would not be fully consistent with Forest Service Policy (FSM 2202.1), Gila National Forest Land Management Plan as amended to manage for multiple use and sustained yield and provide opportunities for economic diversity by promoting stability for communities that depend on range resources for their livelihood, (Project Record, Doc. 171, EA – pages 1 & 130). This Alternative does not fully meet the purpose and need as described in the Environmental Assessment.

Alternative Three –

This alternative was developed based on public scoping comments received regarding the cost of proposed range improvement infrastructure while striving to meet the Purpose and Need of the project. To provide for adaptive management, primary infrastructure was identified to mitigate wildlife and livestock conflicts while moving existing conditions towards desired conditions. This alternative would maintain existing permitted livestock on the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments with proposed range improvement infrastructure detailed in Alternative 2, (Project Record, Doc. 171, EA – pages 29-36).

This alternative is consistent with and meets the purpose and need for this analysis. Although Alternative Three is somewhat similar to the selected alternative, (Alternative Two), this alternative does not provide the best opportunity for management flexibility to meet the purpose and need of the project, (Project Record, Doc. 171, EA – pages 21-22, 29-32 & 37-40).

Alternative Four –

This alternative represents current management, maintaining existing permitted livestock on the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments, (Project Record, Doc. 171, EA, page 36).

This alternative is consistent with the goals and objectives of Gila National Forest Plan (GNFP), Forest Service policy to make forage from lands suitable for grazing available to qualified livestock operators and to continue contributions to the economic and social well-being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood (FSM 2202.1), (Project Record, Doc. 171, EA – pages 1 & 130). This alternative would continue meeting resource objectives, management direction, standard and guidelines, however would not meet the purpose and need as it relates to providing for adaptive management and provide flexibility to mitigate wildlife (ie. wolf) livestock conflicts, (Project Record, Doc. 171, EA – pages 21-22 & 36-40).

Alternative Five –

This alternative was provided on June 14, 2012 by WildEarth Guardians per the April 15, 2011 Settlement Agreement between the USFS and WildEarth Guardians, (Project Record, Doc. 25 & Doc. 62). This alternative removes livestock from the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments for resource protection for ten (10) years. Allotment boundary fences would not be removed and fence maintenance responsibilities would be reassigned to adjacent permittees. The permits would be waived back to the U.S. Forest Service. The permits could be considered for reissuance at the end of the ten year permit period, (Project Record, Doc. 171, EA, page 37).

Similar to Alternative 1, this alternative would meet desired resource condition objectives for the allotments, it would not be fully consistent with Forest Service Policy (FSM 2202.1), Gila National Forest Land Management Plan as amended to manage for multiple use and sustained yield and provide opportunities for economic diversity by promoting stability for communities that depend on range resources for their livelihood, (Project Record, Doc. 171, EA – pages 1 & 130). This Alternative does not fully meet the purpose and need as described in the EA.

Finding of No Significant Impact

After considering the context and intensity of the environmental effects described in the Environmental Assessment (EA), I have determined that these actions will not have a significant effect on the quality of the human environment as defined in the Council on Environmental Quality implementing regulations at 40 CFR 1508.27. Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Context: The action is a site-specific action that by itself does not have international, national, region wide or statewide importance. Effects are limited to the locale of the project area.

Intensity: The following discussion is organized around the ten significance criteria described in the National Environmental Policy Act (NEPA) regulations at 40 CFR 1508.27.

1. Both *beneficial and adverse impacts* were considered in the analysis, (Project Record, Doc. 171, EA - pages 41-140). Grazing as proposed will result in removal of herbaceous vegetation, but will be limited to conservative levels in order to allow for the retention of litter and plant stubble to provide soil cover and wildlife habitat. The proposed range improvement infrastructure identified will play a key role in meeting the purpose and need of this environmental assessment (Project Record, Doc. 171, EA - pages 21-22). The proposed range improvements will help move current conditions toward desired conditions and will help achieve the management objectives set forth in this analysis. A rest-rotation management system will be used to maintain and improve range and watershed conditions throughout the four allotments, (Project Record, Doc. 171, EA - pages 32-33). Management systems will be designed to incorporate growing season rest or deferment in order to provide for grazed plant recovery. Timing of pasture moves will be dictated based on a range assessment that will determine water availability, amount of forage, current climatic conditions, and management objectives specified in the Allotment Management Plan.

2. No significant *effects on public health and safety* were identified. The scope of the grazing authorization is limited to the implementation of managed livestock grazing. This action is not expected to present significant hazards to workers or the public.

3. There are no known *unique characteristics* associated with the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments. Therefore, the project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources.

   The Deadman, O Bar O and Y Canyon Allotments include the following Inventoried Roadless Areas within each allotment; 4,269 acres within the Deadman Allotment, 6,446 acres within the O Bar O Allotment and 348 acres within the Y Canyon Allotment. The Cox Canyon Allotment does not include any Inventoried Roadless Area. Inventoried roadless Areas (IRAs) are managed under the Roadless Areas Conservation Final Rule, 36 CFR Part 294. Under this final rule, management actions that do not require the construction of new roads is allowed, including activities such as timber harvesting for clearly defined, limited purposes, development of valid claims of locatable minerals, grazing of livestock, and off-highway vehicle use where specifically permitted, (Project Record, Doc. 5 pg. 3250). There is no new road construction proposed within this analysis, (Project Record, Doc. 171, EA – pages 1-2 &136).

4. The effects on the quality of the human environment are not likely to be *highly controversial*. The environmental analysis process has documented expected environmental effects from my decision. These effects have been disclosed in Chapter Three of the Environmental Assessment, (Project Record, Doc. 171, EA - pages 41-140) and the selected action has been designed and mitigated to address the various issues raised. The analysis represents the judgments and expertise of resource management professionals who have applied their knowledge to similar projects and resources in the past. The management practices proposed are commonly used

resource management practices described in agency directives, prescribed in the Forest Plan and used by other land management agencies. While some members of the public are opposed to public lands livestock grazing, this action is not highly controversial within the context of the National Environmental Policy Act.

5. The effects analysis, (Project Record, Doc. 171, EA - pages 41-140), indicates the effects are not uncertain, and do not involve *unique or unknown risk*. The Forest Service has considerable experience with the types of activities to be implemented. The effects described in the EA are based on the judgment of experienced resource management professionals using the best available information and best available science.

6. The decision to reissue a grazing permit for the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments does not establish a *precedent for future actions* with significant effects. Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects and project feasibility.

7. The *cumulative impacts* of the action on soils, vegetation and terrestrial and aquatic wildlife resources were considered and disclosed in (Project Record, Doc. 171, EA - pages 41-140) and in a variety of interdisciplinary team specialist reports, (Project Record, Doc. 161, 163a, 164a, 165, 167a, 168a, 169a & 170a). The direct and indirect effects of the proposal are limited to continuing livestock management with proposed range improvements with greater emphasis on adaptive management and are expected to be minor in the short term and beneficial or neutral over the long term. None of the effects are considered significant for reasons described herein. No past or future actions have been identified that will combine with the effects this decision to cause cumulatively significant effects.

8. The action will have no significant *adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places*. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, (Project Record, Doc. 171, EA - page 140). Mitigation included as part of the selected alternative is designed to preclude effects to these resources. Gila National Forest Heritage Report #2012-06-021 / NMCRIS 124,344 was prepared and submitted to the State Historic Preservation Office (SHPO) with project concurrence received (HPD log #95,174), (Project Record, Doc. 219).

9. A Biological Evaluation, (Project Record, Doc. 49-52) and Biological Assessment (Project Record, Doc. 165) have been completed for Cox Canyon, Deadman, O Bar O and Y Canyon Allotments. The Reserve Ranger District consulted on the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments with US Fish and Wildlife Service on May 30, 2012. A concurrence letter from the US Fish and Wildlife Service received on July 17, 2012, (Cons. #22420-2012-I-0085), indicates that ongoing grazing management on all four grazing allotments will have "no effect" on Spikedace or Southwestern Willow Fly Catcher and their critical habitats or the Jaguar. Ongoing grazing management on all four grazing allotments "May affect not likely to adversely affect" the Mexican spotted owl and its critical habitat. Ongoing grazing management on the Cox Canyon, O Bar O and Y Canyon Allotments will have "No effect" to the Loach Minnow or Chiricahua leopard frog and their critical habitats. Ongoing grazing management on the Deadman Allotment "May affect not likely to adversely affect" Loach Minnow and Chiricahua leopard frog or their critical habitats. Ongoing grazing management on the Cox Canyon, Deadman, O Bar O and Y Canyon Allotments is "Not likely to jeopardize" the experimental nonessential Mexican gray wolf, (Project Record, Doc. 83 & Doc. 92).

10. This selected alternative is in full compliance with all federal, state and local law requirements imposed for environmental protection. Best Management Practices to protect water quality are included in the selected alternative, (Project Record, Doc. 171, EA - pages 45-47, 50, 57, 64, 73, 93 & 139).

Findings Required by Other Laws and Regulations

National Forest Management Act. The Gila National Forest Management Plan (GNFMP) was adopted in 1986 and has been amended several times. The Cox Canyon, Deadman and Y Canyon Allotments are in Management Areas (MA) 6B (100%), (Project Record, Doc. 171, EA - page 22). The Forest Plan identifies Management Area 6B as suitable for grazing, (Project Record, Doc 2, pages 178-185 respectively). The Term Grazing Permits for the Cox Canyon, Deadman and Y Canyon Allotments are fully consistent with the long-term goals and objectives listed on pages 11-12 of the GFNP, as well as the standards and guidelines for management area 6B. Light to moderate utilization and rest-rotation management system, growing season rest, in combination with prescribed mitigation features and Adaptive Management will meet the Forest Plan goals for range, wildlife, soil, water and riparian resources. There are no identified effects to management indicator species or sensitive species that would affect their Forest-wide populations or long-term viability, (Project Record, Doc. 171, EA – pages 98-119). Other NFMA consistency findings relate to the management of suitable timberlands. No timber is scheduled to be harvested: therefore, the other NFMA consistency requirements do not apply.

My conclusions regarding the effects of Alternative Two are based on a review of the record that demonstrates a thorough review of the relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty and risk. Proposed grazing management was developed using data obtained and interpreted according to accepted monitoring practices for identifying rangeland condition and capacity, (Project Record, Doc. 163). The proposal incorporates Adaptive Management actions necessary to adjust stocking to remain within capacity, (Project Record, Doc. 171, EA - pages 25-29 & 32-36). Grazing intensity levels are based on comprehensive reviews of existing scientific literature regarding proper utilization levels, (Project Record, Doc. 163a and Doc. 171, EA - pages 32-33). The effects analysis for listed, sensitive and management indicator species is based on the most recent survey and distribution information, (Project Record Doc. 49-52 and 165). Opposing viewpoints regarding permitted use were received and considered in my decision, (Project Record, Doc. 159-160 & 220). Effects determination for listed species were reviewed and concurred with by U.S. Fish and Wildlife Service on July 17, 2012, (Project Record, Doc. 83 & 93). Soil and riparian monitoring and effects analyses were conducted in accordance with accepted Forest Service monitoring techniques, (Project Record, Doc. 167-170), and are based on site-specific data collected within the project area. Based on the documentation in the record, I conclude the best available science was considered in developing and analyzing the proposal.

Multiple Use Sustained Yield Act. The selected alternative will not impair land productivity, (Project Record, Doc. 171, EA - pages 41-85), and is therefore consistent with this law.

Endangered Species Act. A concurrence letter from the US Fish and Wildlife Service received on July 17, 2012, (Cons. #22420-2012-I-0085), indicates that ongoing grazing management on all four grazing allotments will have "no effect" on Spikedace or Southwestern Willow Fly Catcher and their critical habitats or the Jaguar. Ongoing grazing management on all four grazing allotments "May affect not likely to adversely affect" the Mexican spotted owl and its critical habitat. Ongoing grazing management on the Cox Canyon, O Bar O and Y Canyon Allotments will have "No effect" to the Loach Minnow or Chiricahua leopard frog and their critical habitats. Ongoing grazing management on the Deadman Allotment "May affect not likely to adversely affect" Loach Minnow and Chiricahua leopard frog or their critical habitats. Ongoing grazing management on the Cox Canyon, Deadman, O Bar O and Y Canyon

Allotments is “Not likely to jeopardize” the experimental nonessential Mexican gray wolf, (Project Record, Doc. 83 & Doc. 92).

National Historic Preservation Act. A Heritage Resource Investigation was completed with a finding of no adverse effect on cultural resources and submitted and concurred by SHPO (Project Record, Doc 219).

Executive Order 13186 (Migratory Birds). There are no identified effects on migratory birds, Birds of Conservation Concern and Important Bird Areas, (Project Record, Doc 165 & Doc. 171, EA - pages 119).

Executive Order 12898 (Environmental Justice). This decision does not impose disproportionately high adverse human health or environmental effects on minority or low-income populations, (Project Record, Doc. 171, EA - pages 132-134).

Implementation Date

This project will be implemented no sooner than five business days following the close of the appeal filing period established in the notice of decision published in the Silver City Daily Press. If an appeal is filed, implementation will not occur sooner than 15 calendar days following a final decision on the appeal. Implementation means actually issuing the new permit. Field preparation work needed to implement this decision may proceed immediately.

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with regulations at 36 CFR 215. Individuals or organizations that provided comments or otherwise expressed interest in this analysis during the comment period may appeal. Interest expressed or comments provided on this project prior to or after the close of the comment period do not have standing for appeal purposes.

Appeals must be filed (regular mail, email, fax, hand-delivery, or express delivery) with the Appeals Deciding Officer and should be submitted to: Appeals Deciding Officer, Kelly Russell, Forest Supervisor, Gila National Forest, 3005 E. Camino del Bosque, Silver City, New Mexico, 88061, fax: (575) 388-8222, Electronic appeals may be submitted to: appeals-southwestern-gila@fs.fed.us (.docx, .rtf or .txt formats only). If hand-delivered, the appeal must be received at the above address during business hours (Monday-Friday 8:00 am to 4:30 pm), excluding holidays. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

Appeals, including attachments, must be filed in writing, consistent with 36 CFR 215.14, and filed (postmarked) within 45 days of the date of legal notice of this decision in the *Silver City Daily Press*. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely on dates or timeframes provided by any other source.

Relative to issuance of the Term Grazing Permits, permittees or eligible applicants may choose to appeal under the regulations listed at 36 CFR 251. The permittee must select which administrative review regulation (36 CFR 215 or 251) he/she will opt to use, because he/she cannot use both for the same appealed decision. A Notice of Appeal must be consistent with 36 CFR 251.90 and filed simultaneously with the Appeal Reviewing Officer, Gila National Forest Supervisor Kelly Russell (address above) and Deciding Officer Reserve District Ranger, John Pierson, P.O. Box 170, Reserve, New Mexico, 87830 within 45 days of the date of publication of legal notice in the Silver City Daily Press.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

In compliance with the Freedom of Information Act (FOIA), please be advised that written appeals received, including names and addresses, will be considered part of the public record and will be available for public inspection.

Contact Information

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

John D. Pierson — 12/14/2012

JOHN D. PIERSON — Date:
District Ranger
Reserve Ranger District