DECISION NOTICE

and

FINDING OF NO SIGNIFICANT IMPACT

AUTHORIZATION OF GRAZING HOMESTEAD/DAVENPORT ALLOTMENTS

USDA Forest Service
Williams Ranger District
Kaibab National Forest
Coconino County, Arizona

Background

This decision applies to the Homestead and Davenport Allotments, which were analyzed as part of the Homestead/Davenport Grazing Project EA. The Homestead and Davenport Allotments are located on lands administered by the Williams Ranger District of the Kaibab National Forest, in Ecosystem Management Area 2. They are managed under one grazing permit. The Homestead and Davenport Allotments encompass 6,879 and 7,498 acres, respectively.

The purpose of the Proposed Action is to authorize continued livestock grazing on the Homestead and Davenport Allotments through the issuance of a 10-year term permit. This action is needed to respond to 36 CFR 222 Subpart A, 222.2 (c) that requires the Forest Service to make forage available for livestock under direction contained in the Land Management Plan of the Kaibab National Forest. In addition, Section 504 (a) of the Rescission Act of 1995 (Public Law 104-19) requires the agency to establish and adhere to a schedule for completion of National Environmental Policy Act (NEPA) analysis and decision on all allotments.

The EA documents the analysis of three alternatives, including the no-action alternative. The EA is available online at *http://www.fs.fed.us/r3/kai*. Printed copies are available upon request from the Williams Ranger District, 742 South Clover Road, Williams, Arizona 86046, (928-635-5600).

Decision

Based upon my review of the alternatives, I have decided to implement Alternative 2, the Proposed Action. Under this alternative, the Davenport Allotment would be managed under a five-pasture deferred rotation grazing system, with 145 cattle permitted. This is a reduction of 25 cattle (15%) from current management. Average allowable use in key areas will remain at 30%, and the season of use will continue to be May 16 to October 31.

For the past ten years, the Davenport Allotment has been managed under a four-pasture deferred rotation system. Alternative 2 includes changes from current management that were made to reduce cattle impacts in the Davenport Lake area. A fifth pasture is to be created by constructing a 1/3 mile of fence to split the Depot pasture. The fence will have a smooth bottom wire 18 to 20 inches above the ground and be built to meet Arizona Game and Fish Department (AGFD) fence standards for pronghorn management.

Additionally, this decision authorizes the construction of a new holding pasture. This holding pasture would be created by building approximately 1.5 miles of fence along the east side of Forest Service Road 72. The fence

would be constructed to meet AGFD pronghorn fence standards. A maximum of 145 head of cattle would be kept in this pasture for approximately two weeks. Typically, this would only occur once a year, at the end of the grazing season.

The Homestead Allotment will be managed as it is currently using a four-pasture rest-rotation grazing system, with each pasture rested once every four years. There are 125 cattle permitted, and the season of use is May 1 to October 31. Allowable use in key areas will remain at 40%.

The following mitigation and monitoring measures are included as part of my decision to implement the Proposed Action, Alternative 2:

Mitigations

- Mineral supplements will not be placed in Mexican spotted owl restricted habitat.
- Regardless of the normal scheduled season of use, the Davenport Lake (ephemeral lake) area would not be stocked with cattle during periods when the lake is still wet. Cattle would rotate through other pastures during these periods.
- Applicable Soil and Water Best Management Practices (FSH 2509.22) will be incorporated into management practices under this proposal (EA, Appendix 7).
- Noxious weed prevention and control measures identified in the *Coconino, Kaibab, & Prescott National Forests Noxious and Invasive Weed Strategic Plan Working Guidelines Update: Integrated Weed Management Practices* will be followed during implementation of this proposal (EA, Appendix 8).
- In the event that 30% utilization is reached in the Dry Lake ephemeral wetland prior to scheduled rotation out of the pasture, a temporary electric fence will be installed to exclude cattle and prevent overuse.

Monitoring

- General ocular monitoring of utilization cages in key areas will be done periodically throughout the grazing season. If allowable utilization of a pasture is met prior to the scheduled rotation date, cattle will be immediately rotated out of that pasture. In addition to the "normal" monitoring, on-going drought-related monitoring of the vegetation condition has also been occurring over the last few years and will continue until the drought is over. As a result of this monitoring, stocking on the Davenport Allotment was reduced from permitted numbers by 40-50% in 2003, and by 12% in 2004; on the Homestead Allotment, stocking was reduced from permitted numbers by 20-40% in 2003, and by 12% in 2004.)
- Upland utilization monitoring focused in Mexican spotted owl (MSO) habitat will be conducted adjacent to key grazing areas. General ocular monitoring of utilization cages and fence line contrasts will be used to assess forage utilization in the monitoring areas prior to livestock entry into a pasture, during livestock use, when livestock leave, and when possible at the end of the growing season. If forage utilization levels reach the maximum allowable levels in MSO monitoring areas (average 20%), livestock will be moved into the next pasture of the grazing sequence as outlined in the Annual Operating Instructions. If utilization limits have been met in all pastures of the rotation sequence, livestock will be removed from the allotment.
- To determine grazing pressure from cattle apart from wild ungulates, two ¼ -acre monitoring exclosures will be constructed on the seasonally moist soils in Davenport Lake, one to exclude all ungulates, and the other to exclude only cattle. The cattle exclosure will be built to meet AGFD fence recommendations to allow pronghorn access. The ungulate exclosure will be a multiple-strand barbed wire fence, about 8 feet high. This construction will prevent entry by wild ungulates, and will minimize negative affects to the scenic qualities of Davenport Lake.

Reasons for the Decision

I decided to implement Alternative 2 because it provides for range improvement in the Davenport Allotment, maintains or improves watershed condition, protects ephemeral wetlands, and maintains stable wildlife populations.

Alternative 2 meets the requirements of the Federal Land Policy and Management Act, National Forest Management Act, Endangered Species Act, National Environmental Policy Act, Clean Water Act, and National Historic Preservation Act.

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives. A comparison of these alternatives can be found in the EA, Chapter 2. Key features of these alternatives are summarized below with accompanying rationale for non-selection:

Alternative 1- This alternative would maintain current grazing management. I did not select Alternative 1 because under current management range conditions have been declining on the Davenport Lake Allotment. Range condition can affect a number of other resource values including declines to wildlife habitat and watershed condition.

Alternative 3- The "No Action, No Grazing" alternative would discontinue livestock grazing on the allotment. I did not select Alternative 3 because it unnecessarily results in a significant negative economic impact to the permit holder.

Public Involvement and Scoping

This grazing project was initially scoped on February 28, 2001. The initial proposal describing the proposed action was sent to individuals and organizations, including the range permittee. Using comments received, revisions were made. The revised project proposal was sent out for Notice and Comment on June 11, 2004, and again on July 23, 2004 due to an oversight on our mailing list.

During the comment period, seven comments were received. Comments generally focused on 1) on utilization, rangeland condition, and stocking rates, 2) pronghorn populations and movement, and 3) protection of ephemeral wetland areas.

These comments were used to revise the proposed action by adding a mitigation measure to exclude cattle from Dry Lake once the 30% utilization is met, and eliminating the 5-day reduction in Whitehouse pasture. Effects were analyzed and an Environmental Analysis was prepared.

Finding of No Significant Impact

After considering the environmental effects described in the EA and the context and intensity of impacts (40 CFR 1508.27), I have determined that this action will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared. I based my finding on the following:

A. Context: The setting of this proposed action is local as it pertains to short and long-term effects on both human and natural resources. The effects of this project are limited to a small portion of Coconino County.

B. Intensity:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. Both beneficial and adverse effects were considered in the environmental analysis.

2. There will be no significant effects on public health and safety under Alternative 2. Water quality in Scholz and Kaibab Lake will not be compromised (EA Chapter 3).

3. There will be no significant effects on unique characteristics of the area, because the Homestead and Davenport Allotments do not contain unique characteristics or ecologically critical areas such as unique park lands, prime farmlands, fisheries, or wild and scenic rivers. The historic and cultural resources and ephemeral wetlands on the Allotments have been analyzed and no significant effects will occur (EA Chapter 3).

4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (EA Chapter 3).

5. The District has considerable experience implementing the types of activities covered by this decision. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risks (EA Chapter 3).

6. The action is not likely to establish a precedent for future actions with significant effects, because the analysis of effects for Alternative 2 indicate there would be no significant effects (EA Chapter 3). Additionally, future projects within the area or in surrounding areas will be analyzed on their own merits and implemented or not, independent of the actions currently selected.

7. The cumulative impacts are not significant (EA Chapter 3).

8. The action complies with the National Historic Preservation Act. Implementation will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because the large size of the project area relative to the limited number of permitted livestock will ensure that grazing is dispersed (EA Chapter 3). The action will also not cause loss or destruction of significant cultural, or historical resources [SHPO concurrence dated January 3, 2003 for the Homestead and December 12, 2003 for the Davenport Allotment (Project Record #43 and #48).]

9. The action complies with the Endangered Species Act, and specifically with Section 7 of this Act, in that potential effects of this decision on listed species have been analyzed and documented. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because livestock use levels are within conservative capacity estimates for the Homestead and Davenport Allotments; cover for Mexican spotted owl prey species will be maintained or improved (EA Chapter 3). Reference USFWS concurrence letter dated February 26, 2003 (Project Record #41).

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action complies with the National Forest Management Act and the National Environmental Policy Act. It is consistent with the Kaibab National Forest Land and Resource Management Plan. Public involvement has occurred during project planning, and potential environmental effects were considered and documented in the EA (EA Chapter 3).

Findings Required by other Laws and Regulations

This decision to authorize livestock grazing on the Homestead and Davenport Allotments under Alternative 2 (Proposed Action) is consistent with the intent of the Kaibab National Forest Plan's long term goals and objectives listed on pages 17-20. The project conforms to the land and resource management plan standards and incorporates appropriate land and resource management plan guidelines identified for producing forage for wildlife and livestock on a sustained yield basis (Kaibab Land and Resource Management Plan, pages 22 to 42).

In addition to consistency with those laws already addressed above, this decision also complies with the following additional laws,

Clean Water Act of 1977 (as amended). This Act was created to restore and maintain the integrity of waters. The Forest Service complies with this Act by incorporating Best Management Practices (BMP's) into project implementation. These BMP's are designed to improve or protect the soil and water resources (see EA Appendix 7).

Federal Land Policy and Management Act - The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted for occupancy, use, or crossing of National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. The Federal Land Policy and Management Act of 1976 (FLPMA), as amended by the Public Rangelands Improvement Act of 1978, requires consultation and coordination with the permittee in the development of the allotment management plan. This has occurred during project planning (see EA pages 3, 5, and 8).

Implementation Dates

If no appeal is filed, implementation will begin 5 business days after the close of the appeal filing period (see next section). If an appeal is filed, the project will be implemented no sooner than 15 business days following disposition of the appeal.

Administrative Review or Appeal Opportunities

This decision is subject to appeal for administrative review by written notice pursuant to 36 CFR 215. Holders of livestock grazing permits may appeal this decision under 36 CFR 215 or 251, but not both. A written notice of appeal must be filed within 45 days after publication of the legal notice of this decision. The appeal period begins the first day after the date of publication of the legal notice in the *Arizona Daily Sun* (Flagstaff, AZ). The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. Written appeals must be submitted to:

Appeal Deciding Officer
800 South Sixth Street
Williams, Arizona 86046

Appeals may be faxed to the Appeal Deciding Officer at 928.635.8208. The office business hours for those submitting hand-delivered appeals are 8:00 AM to 4:30 PM, Monday through Friday, excluding holidays. Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to *appeals-southwestern-kaibab@fs.fed.us*.. 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. Please put the project name in the "subject" line.

In accordance with 36 CFR 215.14, the appeal must include:

1. Appellant's name and address, with a telephone number, if available;
2. Signature or other verification of authorship upon request;
3. When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
4. The name of the project for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed;
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
9. How the appellant believes the decision specifically violates law, regulation, or policy.

Contact

For further information concerning this decision or the Forest Service appeal process, contact:

John Brink
Williams Ranger District
742 S. Clover Road
Williams, AZ 86046
telephone: 928-635-5642
email: jbrink@fs.fed.us

/s/ M. Stephen Best
M. STEPHEN BEST
District Ranger
Williams Ranger District
Kaibab National Forest

September 28, 2004
DATE

Notice of Decision
Homestead/Davenport Allotment Grazing Authorization
Kaibab National Forest
Williams Ranger District
Coconino County

As the Responsible Official, District Ranger Stephen Best, Williams Ranger District, Kaibab National Forest signed a Decision Notice and Finding of No Significant Impact (FONSI) on September 30, 2004 approving the Homestead/Davenport Allotment Grazing Authorization. Under the selected alternative, the Davenport Allotment would be managed under a five-pasture deferred rotation grazing system, with 145 cattle permitted. This is a reduction of 25 cattle (15%) from current management. This alternative also includes changes that were made to reduce cattle impacts in the Davenport and Dry Lake ephemeral wetlands. Average allowable use in key areas will remain at 30%, and the season of use will continue to be May 16 to October 31. The Homestead Allotment will be managed as it is currently using a four-pasture rest-rotation grazing system, with each pasture rested once every four years. There are 125 cattle permitted, and the season of use is May 1 to October 31. Allowable use in key areas will remain at 40%.

The Environmental Assessment (EA) is available online at *http://www.fs.fed.us/r3/kai*. Printed copies of the EA and Decision Notice/FONSI are available at the Williams Ranger District Office, 742 S. Clover Road, Williams, Arizona (Telephone: 928-635-5600).

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Permittees may appeal this decision under 36 CFR 215 or 251, but not both. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. Written comments must be submitted to: Appeal Deciding Officer, Michael R. Williams, Forest Supervisor, 800 S. Sixth Street

(fax: 928.635.8208). The office business hours for those submitting hand-delivered appeals are 8:00 AM to 4:30 PM, Monday through Friday, excluding holidays. Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to *appeals-southwestern-kaibab@fs.fed.us* . 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. Please put the project name in the "subject" line.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the *Arizona Daily Sun,* the newspaper of record. The day after the publication is the first day of the appeal-filing period. The publication date in the *Arizona Daily Sun* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. Individuals or organizations who submitted substantive comments during the comment period specified in 36 CFR 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements in 36 CFR 215.14.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business 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.