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File Code: 1570-1/2200
Date: December 2, 2002

Martin Taylor
Center For Biological Diversity
P.O. Box 710
Tucson, AZ 85702-0710

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
NUMBER: 7000 2870 0000 1135 2956

Re: Appeal #03-03-00-0004-A215, Beehive and Sheep Springs Allotments Decision, Springerville Ranger District, Apache-Sitgreaves National Forest

Dear Mr. Taylor:

This is my review decision concerning the appeal you filed regarding the Decision Notice and Finding Of No Significant Impact, which authorize grazing and implement the grazing management strategy on the above named allotments.

BACKGROUND

District Ranger MacIvor issued a decision on August 23, 2002, for the Beehive and Sheep Springs Allotments. The decision resulted in the selection of the following alternative and authorization:

Beehive/Sheep Springs Allotments, Alternative 2, which authorizes 2000 head of sheep (Band 1) to graze June 1 through August 18 annually; 2000 head of sheep (Band 2) to graze from June 2 through August 19 annually; 400 head of sheep (truck herd) to graze June 1 through September 25 annually; and 333 head of cattle (cow/calf) to graze July 1 through October 31 annually.

The District Ranger is identified as the Responsible Official, whose decision is subject to administrative review under 36 CFR 215 appeal regulations. Pursuant to 36 CFR 215.16, an attempt was made to seek informal resolution of your appeal. The record indicates that informal resolution was not reached.

My review of this appeal has been conducted in accordance with 36 CFR 215.17. I have reviewed the appeal record and the recommendation of the Appeal Reviewing Officer. My review decision incorporates the appeal record.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer concluded that: (a) decision logic and rationale were generally clearly disclosed; (b) the benefits of the proposal were identified; (c) the proposal and decision

are consistent with agency policy, direction and supporting information; (d) public participation and response to comments were adequate.

APPEAL DECISION

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision concerning the above-named allotments, which authorizes grazing and implementation of management actions.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Abel M. Camarena
ABEL M. CAMARENA
Appeal Deciding Officer, Deputy Regional Forester

cc: David M Stewart, Christina Gonzalez, John Macivor, John C Bedell

REVIEW AND FINDINGS

of the

Center For Biological Diversity Appeal

#03-03-00-0004-A215, Beehive and Sheep Springs Allotments Decision

ISSUE 1 : The Decision Notice is not tiered to a valid Forest Plan.

Contention: The appellant contends that 15 years have passed without the mandatory revision of the forest plan required under the NFMA, therefore, the forest plan is outdated with respect to grazing and no longer in compliance with NFMA.

Response: There are no statutes or regulations that describe an expiration date for Land and Resource Management Plans. The Apache-Sitgreaves Land and Resource Management Plan will remain in effect until it is revised, consistent with the requirements of the National Forest Management Act and implementing regulations.

Finding: The current plan is in effect until the revision process is completed. There are no requirements to suspend activities until the process is completed.

ISSUE 2: The Decision Notice fails to quantify population trends for management indicator species (MIS).

Contention: The appellant contends population trends for MIS have not be quantified in accordance with recent case law and that the analysis fails to show that continued grazing at planned levels will halt observed declines of MIS known to be affected by cattle.

Response: Population trends and numbers are discussed in the Environmental Assessment (PR #165) for the Beehive/Sheep Springs Allotments. In addition, a Forest-wide analysis for MIS population trends is available at the Apache-Sitgreaves National Forests Supervisor's Office.

Finding: The EA discusses population trends for MIS, and further discussion in the Decision Notice is not required. All requirements have been met.

ISSUE 3: Chiricahua Leopard Frog.

Contention: The appellant contends there is no evidence of consultation over impacts to the Chiricahua leopard frog even though it was listed as threatened in June 2002.

Response: A biological assessment was prepared and transmitted to the United States Fish and Wildlife Service (USF&WS) (PR #177) with a determination of "May Affect – Not Likely to Adversely Affect". This determination was concurred with by the USF&WS on October 2, 2002 (PR #184).

Finding: Compliance with all legal requirements, under ESA, for the Chiricahua leopard frog has occurred**.**

ISSUE 4: Analysis of costs and benefits is flawed.

Contention: The appellant contends the analysis only considers direct costs of range administration and not the many indirect costs. The appellant asserts the analysis violates 40 CFR 1502.23 by not considering un-quantified environmental impacts, values, and amenities.

Response: Projects such as the Beehive and Sheep Springs Grazing Allotments are developed to be consistent with the direction described in the Forest Plan. Project level requirements for social and economic analyses are described in Forest Service Manual (FSM 1970) and Forest Service Economic and Social Analysis Handbook (FSH 1909.17). The responsible line officer determines the scope, appropriate level, and complexity of economic and social analysis needed (1970.6).

As stated on page 73 of the EA, conservation values such as improved habitat are qualitative and there are no local studies that quantify them economically. Overviews of the economic conditions are documented in two reports in the record, "Economic Impacts of A-S NF's Public Land Ranching" (1998), and "Public Land Use in Apache, Greenlee and Navajo Counties" (1998). The project analyses on present net values, jobs affected, and costs such as grazing developments are displayed on EA pages 73 to 79 for all of the alternatives. Details of the analysis process are found in Quicksilver report and printouts (Documents #14, 144 and 166) in the administrative record. Also see Appendix O, EA Response to Comments, for a discussion on the economic analysis for range improvements under question #18, and a response to the cost of monitoring under question #26. The Beehive and Sheep Springs Allotments' EA discloses all required economic impacts.

Finding: The economic analysis is consistent with regulation and manual and handbook direction for project-level analysis and is not in violation of applicable laws, regulation, or policy.