



United States
Department of
Agriculture

Forest
Service

Southwestern
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File Code: 1570-1

Date: August 22, 2000

Tim Lengerich
4250 E. 29, #118
Tucson, AZ 85711

Certified Mail-Return Receipt Requested
7099 3220 0000 8709 9139

Re: Appeal #00-03-00-0085-A215, O Bar O Canyon, Red Tail and Ten Allotment Decision, Safford Ranger District, Coronado National Forest

Dear Mr. Lengerich:

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 Asmus issued a decision on May 31, 2000, for the above named allotments. The decision resulted in the selection of the following alternative and authorizations:

The selected alternative for the three allotments is Alternative 2, Continue Current Management Alternative/Proposed Action. The selected alternative authorizes the following numbers and season of use: 1) O Bar O Canyon, 275 head of cattle (cow/calf) to graze November 1 through February 28 annually; 2) Red Tail, 85 head of cattle (cow/calf) to graze November 1 through March 31 annually; 3) Ten, 112 head of cattle (cow/calf) to graze November 1 through April 30 annually. The decision also authorizes a replacement tank at the end of the Walnut Springs Pipeline on the O Bar O Canyon Allotment, and approximately 4 miles of allotment boundary fence reconstruction on the Ten Allotment.

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 recommendations of the Appeal Reviewing Officer. My review decision incorporates the appeal record.



APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer recommended that the Responsible Official's decision be affirmed and that your request for relief be denied. The evaluation concluded: (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; and (e) all of the major issues raised by the appellant were adequately addressed in the project records.

APPEAL DECISION

After a detailed review of the records and the Appeal Reviewing Officer's recommendations, 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/ James T. Gladen
JAMES T. GLADEN
Appeal Deciding Officer
Deputy Regional Forester, Resources

Enclosure

cc:

Forest Supervisor, Coronado NF
District Ranger, Safford RD
Director of Rangeland Management, R3
Appeals and Litigation Staff, R3

REVIEW AND FINDINGS**of the****Tim Lingerich Appeal****#00-03-00-0085-A215, O Bar O Canyon, Red Tail, Ten Allotment Decision****ISSUE 1:** The decision fails to protect riparian areas.**Contention:** The Appellant contends that riparian corridors are unprotected.

Response: A review of the record discloses that there are no riparian areas present on any of the allotments. However, deciduous riparian vegetation does exist, to a limited extent, in drainage bottoms in O Bar O, Wood, Reservoir, Sycamore, and Gillman Canyons (Doc. 38). Under the selected alternative those areas will be grazed only during the dormant grazing season. Dormant season use in these areas is limited to forty percent on key grass species (Docs. 38; 47; 70). During years of average precipitation, utilization levels are expected to be less than thirty percent (Doc. 70). In 1999, monitoring results showed that utilization levels had not exceeded twenty five percent on the O Bar O Canyon Allotment, 26 percent on the Red Tail Allotment, and five percent on the Ten Allotment (Doc. 47). Additionally, range condition trend is upward on all three allotments (Doc. 47). The interdisciplinary team concluded that a forty percent forage utilization level will reduce the likelihood that riparian plants will be grazed, ensure carryover vegetation for soil protection, increase the shrub and forb components, and increase bank stability (Doc. 38).

Finding: The interdisciplinary team integrated utilization guidelines and monitoring protocol to protect deciduous riparian vegetation in O Bar O, Wood, Reservoir, Sycamore, and Gillman Canyons. Monitoring of key areas will ensure adherence to the established utilization rates and progression toward overall healthy watershed conditions.

ISSUE 2: The decision fails to reduce animal unit months of grazing.

Contention: The Appellant contends that the decision allows grazing at a level in excess of capacity. The appellant further contends the allotments are not in an upward trend.

Response: Production utilization surveys conducted during 1998 and 1999, indicate the three allotments are properly stocked (Docs. 5; 9; 10). Additionally in 1999, the numbers on the Ten Allotment were reduced by forty two head to reflect actual use for the past ten years (Docs. 22; 25; 26). As mentioned under Issue 1, range condition trend is upward on all three allotments (Doc. 47).

Finding: The record reflects that the allotments are properly stocked and that the inherent productivity of the land will be maintained and improved.