



United States
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Forest
Service

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File Code: 1570-1/2200

Date: August 1, 2002

Jeff Burgess
1922 E. Orion Street
Tempe, AZ 85283

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED**

Re: Appeal #02-03-00-0019-A215, Montana Allotment Decision, Nogales Ranger District,
Coronado National Forest

Dear Mr. Burgess:

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 allotment.

BACKGROUND

District Ranger Medlock issued a decision on April 23, 2002, for the Montana Allotment. The decision resulted in the selection of the following alternative and authorization:

Montana Allotment, Alternative C, which authorizes 400-500 head of cattle (cow/calf) to graze yearlong.

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 allotment, 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
Appeals Deciding Officer
Deputy Regional Forester

Enclosure

cc:
Forest Supervisor, Coronado NF
District Ranger, Nogales RD
Director Rangeland Management, R3
Appeals and Litigation, R3

REVIEW AND FINDINGS

of the

Jeff Burgess Appeal

#02-03-00-0019-A215, Montana Allotment Decision

ISSUE 1: The "...decision fails to comply with the Mearns' quail habitat management guidelines incorporated into the Coronado National Forest Land and Management Plan (LRMP) by Forest Service Manual Supplement #2600-94-1."

Contention: The appellant contends that there is abundant research showing that the Montana Allotment lies within the quail's natural range. The appellant states that livestock forage utilization levels in key quail habitat areas should provide for an average minimum standard of six inches stubble height.

Response: The appellant's contention is based on the Mearns' quail habitat management guidelines that provide direction for livestock grazing standards and utilization in "high density" Mearns' quail habitat. The key here is that this direction applies to identified "high density" habitat. "High density" habitat is defined in the Forest Service Manual Supplement as: "those areas identified and mapped as such in the LRMP data base." Although the habitat in the Montana Allotment is within the historic and current range of the Mearns' quail, and some of it is considered high quality, none has been mapped as "high density" (PR 63, 76, 106, 107). Thus, the habitat management guidelines in the Manual Supplement are not required.

A review of the project record concerning the appellant's contention that suitable Mearns' quail habitat would be reduced by the selected alternative, revealed that the assessment did in-fact identify this reduction would take place (Doc. 63). However, the selected alternative would reduce utilization rates and allowable stocking rates over the entire allotment from the current management depicted in Alternative A. The selected alternative would also include a riparian pasture that would further reduce utilization rates within this pasture. The answer to this discrepancy is found in Table 1 (Doc. 63). Here, the Forest incorrectly identified utilization rates for Alternative A at 35 percent for the growing season and 45 percent for the dormant season. Based on the current allotment management plan, these figures should have been 45 and 55 percent, respectively. Based on the definitions of suitable, marginally suitable, and unsuitable habitat in Table 2, these lower utilization rates were used to obtain the 63 percent identified as suitable quail habitat in Alternative A. Thus, using the 35 and 45 percent utilization rates in their analysis to determine suitable Mearns' quail habitat would account for the determination that current management was better for Mearns' quail than the selected alternative. The District Biologist, in his final report on MIS completed in April 2002, further confirmed this conclusion. In his report, he identified that the selected alternative would actually increase suitable Mearns' quail habitat, rather than reduce it, as erroneously identified in the EA (Doc. 106).

Finding: The decision does comply with the Mearns' quail habitat management guidelines found in Forest Service Manual Supplement #2600-94-1.