



United States  
Department of  
Agriculture

Forest  
Service

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File Code: 1570-1/2200

Date: November 8, 2001

David R. Lukens  
Western Gamebird Alliance  
P.O. Box 14152  
Tucson, AZ 85732

**CERTIFIED MAIL -  
RETURN RECEIPT REQUESTED  
7000 2870 0000 1135 8774**

Re: Appeal #01-03-00-0062-A215, Temporal Allotment Decision, Nogales Ranger District,  
Coronado National Forest

Dear Mr. Lukens:

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 Graves issued a decision on July 26, 2001, for the Temporal Allotment. The decision resulted in the selection of the following alternative and authorization:

- Temporal Allotment, Alternative 3, which authorizes 150-30 head of cattle, (cow/calf) to graze yearlong. (*Currently 325-375 head of cattle are authorized 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 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.



**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. However, given the ambiguity in the Decision Notice relating to utilization standards in high-quality quail habitat, I am instructing the Responsible Official to ensure a six-inch stubble height standard is adhered to yearlong in high-quality quail habitat.

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

Sincerely,

/s/ Bob Leaverton  
JAMES T. GLADEN  
Appeal Deciding Officer,  
Deputy Regional Forester,  
Resources

Enclosure

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

## **REVIEW AND FINDINGS**

**of the**

### **Western Game Bird Alliance Appeal**

**#01-03-00-0062-A215**

**ISSUE 1:** The decision for the Temporal Allotment is not consistent with standards for Mearns' quail habitat found in the Forest Service Manual (Coronado Manual supplement 2631.07, Number 4).

**Contention:** The appellant contends the decision to allow 45% utilization of key species between the dates of October 1 and June 30 is inconsistent with direction in the manual that restricts grazing in high-quality Mearns' quail habitat to 35% year-round or six inches of stubble.

**Response:** In reference to overall utilization standards, the Responsible Official's decision states, "Maximum forage utilization is forty-five percent (45%), with utilization of key species in key areas equal to, or less than, thirty-five percent (35%) for use between July 1 and September 30, and equal to, or less than, forty-five (45%) during the remainder of the year..." However, the Responsible Official's decision also indicates that the minimum six-inch stubble height requirement specified in Coronado Forest Service Manual Supplement No. 2600-94-1 (Coronado FSM) will be the utilization standard for all high-quality quail habitat. The Coronado supplement [2631.07(4)] states, "Stubble height will be used as the primary indicator for meeting Mearns quail herbaceous cover needs. Provide for an average minimum standard of six inches within key habitat areas of high-quality Mearns quail habitat..." Management direction in the supplement also states, "...the guidelines are to be met within the usual cycle of dry and wet years." (Doc. 85) High-quality habitat has been identified within the Lower Big Casa Blanca, Smith/Stevens, and Little Casa Blanca Pastures (Doc. 91). The Responsible Official's decision states, "These areas will address minimum stubble height criteria of herbaceous species...as identified within Forest Service Manual...2631.... Allowable use levels of 35-40% are thus desirable in the key habitat areas for Mearns' quail along with associated stubble height goals..."

**Finding:** Although the Responsible Official's decision indicates that the minimum six-inch stubble height requirement specified in Coronado Forest Service Manual Supplement No. 2600-94-1 will be adhered to in high-quality quail habitat yearlong, there is ambiguity in the way the decision is written. Therefore, it is recommended the Responsible Official be instructed to ensure the six-inch stubble height standard is met yearlong in all areas of high-quality quail habitat.