

File Code: 1570-1

Date: March 24, 2000

Adam Polley
Catron County Manager
Catron County
Reserve, NM 87830

Certified Mail-Return Receipt Requested
P 556 954 743

Re: Appeals #00-03-00-0024-A215 East and West Demetrio, #00-03-00-0025-A215 Gallo Mountain, #00-03-00-0026-A215 Luna, #00-03-0027-A215 Sanchez, and #00-03-00-0028-A215 Spur Lake Allotment Decisions, Quemado Ranger District, Gila National Forest

Dear Mr. Polley:

This is my review decision concerning the appeals you filed regarding the Decision Notices and Findings Of No Significant Impact which authorize grazing and implement the grazing management strategies on the above named allotments . Due to the commonality between the appeals, I have chosen to consolidate my response into one decision document.

In your filing you also appealed an additional nine decisions on the Reserve and Glenwood Districts. My review decision concerning these appeals will be made at a later date because the decision dates differ. Therefore, the review period for formal disposition differs.

BACKGROUND

District Ranger Hibbets issued decisions on December 13, 1999, for the above named allotments. The decisions resulted in the selection of the following alternatives and authorizations:

Gallo Mountain Allotment, Alternative D, which authorizes 433 - 662 head of cattle (yearlings) to graze from 5/15-10/15 annually on the National Forest and 17 - 28 head of cattle (yearlings) to graze from 5/15-10/15 annually under a term private land grazing permit.

East and West Demetrio Allotments, Alternative D, which authorizes 80 - 116 head of cattle (cow/calf) to graze yearlong on the East Demetrio Allotment and 70 - 94 head of cattle (cow/calf) to graze yearlong on the West Demetrio Allotment.

Sanchez Allotment, Alternative G, which authorizes 34 - 42 head of cattle (cow/calf) to graze yearlong.

Spur Lake Allotment, Alternative E, which authorizes 315 - 438 head of cattle (cow/calf) to graze from 11/1-5/31 annually on the National Forest, 85 head of cattle (cow/calf) to graze from

11/1-5/31 annually under a term private land grazing permit, and 478 - 601 head of cattle (cow/calf) to graze from 6/1-10/31 annually on the National Forest.

Luna Allotment, Alternative I, which authorizes 226 - 249 head of cattle (cow/calf) to graze from 4/15-10/31 annually.

The above decisions are written for variable stocking rates, but the permits will be written for the lower stocking rates identified in the decisions. At some time in the future, the permits may be modified to allow a higher stocking rate. The higher stocking rate would be based on an increase in forage capacity consistent with either a decrease in elk numbers or corresponding improvement in management resulting in greater forage capacity. However, greater capacity would have to be demonstrated through monitoring and would not automatically follow either a decrease in elk numbers or improvement in management.

The District Ranger is identified as the Responsible Official, whose decisions are 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 appeals. The record indicates that informal resolution was not reached.

My review of these appeals has been conducted in accordance with 36 CFR 215.17. I have thoroughly reviewed the appeal records and the recommendations of the Appeal Reviewing Officer. My review decision incorporates the appeal records.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer recommended that the Responsible Official's decisions 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 decisions were 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 decisions 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, Gila NF
District Ranger, Quemado RD
Director of Rangeland Management, R3
Appeals and Litigation Staff, R3

REVIEW AND FINDINGS**of the****Catron County Appeals****#00-03-00-0024-A215, East and West Demetrio Allotment Decision****#00-03-0025-A215, Gallo Mountain Allotment Decision****#00-03-00-0026-A215, Luna Allotment Decision****#00-03-00-0027-A215, Sanchez Allotment Decision****#00-03-00-0028-A215, Spur Lake Allotment Decision**

In framing the issues the appellant made broad generalized statements without going into detail as to why the Responsible Official's decisions should be remanded or reversed. These statements have been grouped into three issues for response.

ISSUE 1: National Environmental Policy Act (NEPA) related.

Contention:

- 1) No mitigation to the impact on the Human Dimension.
- 2) Objections to the selection of the Preferred Alternative as the Action Alternative.
- 3) No Environmental Impact Statement was done to assess significant impacts.
- 4) No cumulative impacts were analyzed.
- 5) No Analysis for the term of the permit for the Human Dimension.

Response: The NEPA sets forth a progressive and logical process to insure proper analysis and disclosure of effects. The process is initiated with a proposed action that includes a clear description of the purpose and need for that action. Issues related to the action are then identified, and organized through the scoping process. Significant issues may be used for alternative formulation, tracking effects, and/or developing mitigation measures or monitoring plans. After alternatives are developed, environmental effects are measured, described, and interpreted. The public is then given the opportunity to comment on the proposed action before the Responsible Official makes a decision.

A review of the records discloses that the purpose and need and alternative development are described in detail in Chapters 1 and 2 of the environmental assessments. Factors related to the human dimension, i.e. local custom and culture and employment opportunity, were identified as significant issues during the development of alternatives. The Responsible Official concluded that all of the decisions provided for continuation of local custom and culture while recognizing environmental needs. Effects on individual social, economic, and resource components of the environment and cumulative effects are discussed in detail in Chapter 3, Environmental Impacts.

After considering the context and intensity of the proposed actions, the Responsible Official concluded there were no significant environmental effects and preparation of environmental impact statements would not be necessary. The Responsible Official's rationale for choosing the preferred alternatives are clearly described in his decisions. (East and West Demetrio (Docs. 89, 90); Gallo Mountain (Docs. 97, 98); Luna (Docs. 95, 96); Sanchez (Docs. 104, 105); Spur Lake (Docs. 110, 111).

The project records contain an extensive list of agencies and persons consulted, including the Catron County Commission, and responses to public comments.

Finding: The Responsible Official complied with the requirements of NEPA.

ISSUE 2: The appellant asserts that no civil rights impact analysis was completed.

Response: Civil rights impact analysis (CRIA) and civil rights impact statements (CRIS) are required when "major" policy actions are undertaken by the Forest Service. However, a site-specific NEPA planning process and decision for an allotment is not a "major" policy action.

The District Ranger conducted an assessment of the social and economic effects to local communities and the permittees as part of the analysis. Based on the EAs and FONSI's, the Responsible Official concluded there were no "major" federal actions requiring a CRIA or CRIS.

Finding: The social and economic effects to local communities and permittee were properly assessed and disclosed, and satisfy the needs for civil rights assessments.

ISSUE 3: Stocking levels.

Contention:

- 1) Incomplete and unsubstantiated information on grazing utilization and forage production was used in the selection of the preferred alternative.
- 2) No current or up to date information was used in the grazing assessment for AUM.
- 3) Incorrect mathematical computations were used.

Response: The records disclose that professional judgement was used to integrate actual use data, range condition trend information, production utilization studies, existing resource data located in the Forest's Geographical Information System (GIS), and computer modeling capability into estimated forage capacity. More weight was given to actual use data and permanent range transect data than to hand calculations using GIS data or computer modeling (East and West Demetrio (Doc. 50); Gallo Mountain (Doc.41); Luna (Doc. 40); Sanchez (Doc. 49); Spur Lake (Doc. 55).

Finding: The Region 3 Allotment Analysis Handbook (FSH 2209.21, R-3), provides broad guidelines for the collection and analysis of resource information to be used within the NEPA process. The best available information was used to conduct the analyses and make the decisions. Methodologies used by the interdisciplinary team as a basis for the Responsible Official's decisions are within the scope of the direction contained within the Allotment Analysis Handbook.

