United States Department of Agriculture | **Forest Service** | **R3 Regional Office** | **333 Broadway SE**
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File Code: 1570-1/2200
Date: August 15, 2001

Leslie Glustrom
4492 Burr Place
Boulder, CO 80303

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

Re: Appeal #01-03-00-0036-A215, Long Gulch Allotment Decision, Verde Ranger District, Prescott National Forest

Dear Ms. Glustrom:

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 Bonomo issued a decision on May 14, 2001. The decision resulted in the selection of the following alternative and authorization:

Long Gulch Allotment, Alternative 2, which authorizes 200 head of cattle, (cow/calf) to graze yearlong with a variable numbers clause in the term grazing permit to allow movement of cattle between the Long Gulch Allotment and the Box Bar Allotment. The Bureau of Land Management administers the Box Bar 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 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; and (e) all of the major issues raised by the appellant were adequately addressed in the project record.

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 Long Gulch 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/James T. Gladen
JAMES T. GLADEN
Appeal Deciding Officer
Deputy Regional Forester

Enclosure

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

REVIEW AND FINDINGS

of the

Leslie Glustrom Appeal

#01-03-00-0036-A215, Long Gulch Allotment Decision

ISSUE 1: The failure to address all comments is a violation of the 215 appeal regulations.

Contention: The appellant contends that all her comments and questions were not addressed in Appendix 4.

Response: The purpose of the notice and comment provisions found at 36 CFR 215.5 is to provide persons expressing an interest in a proposed federal action the opportunity to submit specific facts along with supporting reasons that the commenter believes the Responsible Official should consider in reaching a decision. A review of the record, documents that the Responsible Official did respond to the appellant's substantive comments. While the record also demonstrates the appellant disagrees with the Responsible Official's responses, this does not constitute a violation of the requirements found at 36 CFR 215.6.

Findings: The Responsible Official adequately responded to the appellant's comments, as provided for at 36 CFR 215.6.

ISSUE 2: The failure to conduct a reasonable determination of range capacity.

Contention: The appellant asserts that without a rational, objective and careful determination of range capacity, the decision to authorize a ten-year permit for 200 cattle becomes an arbitrary and capricious decision. The appellant alleges that the allotment is typically characterized by poor range conditions often accompanied by downward trends.

Response: Rangeland management is an ongoing adaptive process where monitoring provides continued validation of decisions and provides a higher level of information upon which future decisions will be based. Range capacity estimates have never represented hard and fast numbers. They simply provide an initial baseline and can be adjusted over time to respond to various parameters such as seasonal fluctuations in moisture, canopy closure, and the success of management systems implemented on the ground. There is no requirement in Forest Service policy to do a detailed estimate of capacity each and every time a term grazing permit is reissued. It is up to the Responsible Official to determine whether this is necessary, based on available site-specific information.

The record demonstrates a quantitative estimate of range capacity was prepared in 1978, when the Long Gulch and Turret Peak Allotments were combined. The record further demonstrates that monitoring data over the past 23 years does not indicate that an adjustment in stocking rate is necessary (RGE 2). Additionally, the record reflects that actual use has varied from a high of 425 to a low of 280 cattle, for an average of 6 months (equivalent to 140 to 213 cattle yearlong) since the current management system was implemented in 1992 (Environmental Assessment and

Decision Notice). Finally, the record demonstrates; soil conditions are satisfactory, there is a diversity of vegetation, and basal vegetation is near potential. No active gullying, rills, or pedestalling have been observed, and the small areas supporting permanent water have been determined to be in proper functioning condition (Doc. VSW 9).

The effects analysis for the five range sites identified in the EA, project that satisfactory soil and vegetative conditions will be maintained under the selected alternative. Based on ecological inventory data collected on 11 sites across the allotment, range condition appears to be upward on all range sites overall, with isolated areas showing downward or stable trends. Condition plots and field inspections over a four-year period were used to compare potential vegetation and ground cover to current conditions. These comparisons indicate that current vegetative conditions are satisfactory (Doc. RGE 2). Short-term management adjustments will be made based on utilization monitoring and collection of vegetation and soil information during routine field inspections. Long-term management adjustments will be made as necessary through plant frequency sampling measurements of species composition correlated with the Prescott Terrestrial Ecosystem Survey and previously collected plot data (Doc. BM 2).

Finding: The Responsible Official's determined that a quantitative analysis of capacity was not necessary for purposes of conducting the environmental analysis. The decision was based on existing inventories and monitoring data and was not arbitrary and capricious.