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Forest
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File Code: 1570-1/2200

Date: January 12, 2004

Dean Young
President
Lazy HY Ranch, Inc.
Rt.1, Box 444-1
Duncan, AZ 85534

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED**

RE: Appeal #04-03-00-0008-A215, Diamond Butte Allotment Decision, Pleasant Valley
Ranger District, Tonto National Forest

Dear Mr. Young:

This is my review decision concerning the appeal filed regarding the Decision Notice and Finding of No Significant Impact, which authorize grazing and implement the grazing management strategy on the above-referenced allotment.

BACKGROUND

District Ranger Sensibaugh issued a decision on October 15, 2003, for the Diamond Butte Allotment. The decision resulted in the selection of the following alternative and authorization:

Diamond Butte Allotment, Proposed Action, which authorizes 120 head of cattle (cow/calf) to graze yearlong and 30 head of yearlings to graze 5 months annually.

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 the 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; and 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 Diamond Butte 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
Appeal Deciding Officer, Deputy Regional Forester

cc: David M Stewart, Christina Gonzalez, Mailroom R3 Tonto, Mark Sensibaugh

REVIEW AND FINDINGS

of

Dean Young's

Appeal #04-03-00-0008-A215

ISSUE 1: The proposed action calls for a reduction in permitted numbers.

Contention: The appellant contends the proposed action to lower the allotment to 120 head with a 30-head carryover is excessive.

Response: Three alternatives were analyzed in the environmental assessment: No Grazing, No Action, and the Proposed Action. Under the No Grazing Alternative, the term grazing permit would have been canceled. Under the No Action Alternative, a new term grazing permit would be issued for current permitted numbers of 300 cattle yearlong and 105 head of yearlings for 9.5 months. Under the Proposed Action, stocking would be reduced to 120 head of cattle yearlong and 30 head of yearlings for 5 months (Doc. 24).

The Responsible Official did not select the No Grazing Alternative because of the adverse socioeconomic effects to the permittee and because resource conditions and management goals did not dictate complete removal of livestock (Doc. 5).

The Responsible Official did not select the No Action Alternative because monitoring has shown stocking rates and carrying capacity were out of balance, and overall resource objectives of the Tonto Land and Resource Management Plan (Tonto FLMP) were not being met (Doc. 5).

The Responsible Official selected the Proposed Action because the analysis indicates this alternative best meets the goal of balancing stocking rates with carrying capacity, while ensuring movement toward desired resource objectives for soils, riparian areas, and watersheds in accordance with the Tonto FLMP (Doc. 5).

Monitoring records from 1999, 2000, and 2001 show utilization standards were consistently exceeded on key areas, even though the allotment was only stocked at 52-60 percent of permitted numbers. Precipitation during the summer growing season during this period was consistent with long-term averages (Docs. 4, 5, 6, 7, and 8).

Stocking rates were estimated using an analysis process which considers usable forage, forage demand, soil condition, available water, and considerations for slope. Final stocking rates are adjusted based on other site-specific variables, such as intensity of management. Although the record shows light use on areas other than key areas, management options on the Diamond Butte Allotment are limited due to topography, existing improvements, and the lack of water (Docs. 4, 5, 6, 9a, 13, and 24).

Finding: The Responsible Official's decision is consistent with sound principles of rangeland management. Monitoring will provide a basis for adjusting future management and stocking rates. The Responsible Official's decision is not arbitrary or capricious.