



United States
Department of
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Forest
Service

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File Code: 1570-1

Date: December 4, 1997

Mr. Jeff Burgess
1922 E. Orion Street
Tempe, AZ 85283

Certified Mail - Return
Receipt Requested

Dear Mr. Burgess:

This is my review decision on the appeals you filed (#98-03-00-0002-A215; #98-03-00-0003-A215) regarding the Tonto Basin District Ranger's decisions concerning grazing strategies and associated improvements for the Armer Mountain and Dagger Allotments.

On August 28, 1997, Tonto Basin District Ranger, Tina Terrell, issued records of decision (ROD's) concerning the grazing strategies and associated improvements for the aforementioned allotments. The decisions are subject to administrative review under the 36 CFR 215 appeal regulations.

My review of these appeals has been conducted pursuant to, and in accordance with, 36 CFR 215.17. Due to the similarity of your appeals, I have elected to consolidate my decisions into one document, pursuant to 36 CFR 215.18. I have thoroughly reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer (copy enclosed) regarding the disposition of this appeal.

APPEAL SUMMARY

As directed in 36 CFR 215.16, an offer to meet for the purpose of seeking informal disposition of these appeals was made by the District Ranger. The record indicates no resolution was reached.

Appeal issues were organized into major issue subjects for this review and included the following: alleged violation of the National Environmental Policy Act (NEPA), and two alleged violations of the Tonto National Forest Plan.



APPEAL ISSUES AND FINDINGS

Issue 1: National Environmental Policy Act (NEPA)

Contention: Appellant argues that the decisions violate NEPA because the analysis lacks information concerning location and condition of riparian habitat and livestock management in riparian habitat.

Response: The EIS summarizes existing and desired condition of riparian vegetation (EIS pp. 3-5). Detailed riparian location and condition information is located in the project record which the EIS incorporates by reference (Record Docs. AQ-1 thru AQ-4). Alternative descriptions, by allotment, summarize each grazing system. Details concerning numbers and season of use by pasture, are detailed in Appendix F-1 thru F-5 of the EIS.

The EIS and incorporated documents provide the District Ranger with sufficient information to provide clear basis for choice among options (40 CFR 1502.14). The District Ranger is affirmed on this issue.

Issue 2: Forest Plan Consistency - Management Emphasis

Contention: Appellant alleges that the decision violates Tonto Forest Plan direction cited from page 12 of the plan which states, "Management emphasis in riparian areas will feature wildlife needs over recreation and grazing." Appellant also questions the monitoring of riparian habitat response to management and how and when subsequent modifications to livestock management might occur.

Response: The purpose of the Tonto Forest Plan is to provide for multiple use and sustained yield of goods and services from the forest in a way that maximizes long term net public benefits in an environmentally sound manner (36 CFR 219.1(a)). Appellant's citation from page 12 of the plan is a summary statement concerning how the forest plan addresses the riparian issue raised during forest planning. This type of management emphasis does not imply grazing and recreation uses will be totally excluded from riparian areas. Forest-wide standards and guidelines which provide the stated emphasis are found on page 41 and 42 of the plan.

Forest plan direction concerning riparian areas is reflected in the desired condition and project goals and objectives (EIS p. 6-7; Record Doc. G). Comparison of existing and desired riparian conditions are made on EIS pages 4-5. The selected alternative is expected to improve riparian vegetation conditions and move the area toward the desired condition (EIS p. 17; Record Docs. M and Q).

Based upon a review of alternative descriptions (EIS Chapter 2), the effects discussion (EIS Chapter 3), and the ROD, it is apparent that the selected alternatives feature riparian and wildlife needs over livestock grazing.

Monitoring is described on Page 10 and 11 of the EIS. The monitoring discussion includes location and frequency of data gathering and incorporates by reference the Tonto Basin Rangeland Monitoring Plan. The EIS states, "Monitoring of the AMP [Allotment Management Plan] may require future changes to the proposed allotment management scheme, which may also require additional NEPA analysis."

The District Ranger is affirmed on the issues of forest plan management emphasis and monitoring.

Issue 3: Forest Plan Consistency - Utilization Levels and Monitoring Areas

Contention: Appellant contends that the decision appears to violate the June 1996 forest plan amendment (which prescribes maximum forage utilization levels for livestock grazing) because the EIS fails to discuss utilization levels and key ungulate forage monitoring areas.

Response: Alternatives are described in terms of stocking rates, numbers of animals and duration and season of use instead of allowable forage utilization (EIS pp. 11-15, Appendix F1-F5, Appendix J). Allowable use is not disclosed in the EIS for the alternatives considered. However, the first monitoring requirement for all action alternatives is to "Conduct range inspections and production/utilization studies." (EIS p. 10) The District Ranger is hereby reminded to include forage utilization guidance for grazing ungulates (Tonto Forest Plan pages 42 and 42-1) in the Allotment Management Plans for each allotment.

The Tonto Forest Plan, as amended in June 1996, includes direction to, identify key ungulate forage monitoring areas. This direction does not require that these areas be identified in an EIS. Specific key monitoring areas are more appropriately identified in an allotment management plan. Forest Service Manual 2212.2 directs, "Each allotment management plan shall set forth the objectives, management requirements, improvements needed, and monitoring and evaluation standards of a specific livestock allotment or wild horse or burro territory."

The District Ranger is affirmed on this issue, with the understanding that forage utilization guidance and key monitoring areas are identified in the allotment management plans for each allotment.

APPEAL REVIEWING OFFICER RECOMMENDATION

The appeal reviewing officer (ARO) has recommended the District Ranger's decisions concerning the Armer and Dagger Allotments be affirmed. 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.

DECISION

After a detailed review of the records and the ARO recommendation, I find the District Ranger conducted a proper and public NEPA process that resulted in a decision that is consistent with the Tonto National Forest Plan.

The District Ranger is affirmed with respect to all appellant contentions related to the Armer and Dagger Allotments. My decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c)).

Sincerely,

/s/ Gilbert Vigil
GILBERT VIGIL
Appeal Deciding Officer
Acting Deputy Regional Forester

Enclosure

cc:
Tonto Basin Ranger District
D.Stewart
D.Sire