



United States
Department of
Agriculture

Forest
Service

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File Code: 1570-1/2200

Date: November 8, 2001

Jeff Burgess
1922 E. Orion Street
Tempe, AZ 85283

**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED
7000 2870 0000 1135 8798**

Re: Appeal #01-03-00-0057-A215, Temporal Allotment Decision, Nogales Ranger District,
Coronado National Forest

Dear Mr. Burgess:

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 150-350 head of cattle, (cow/calf) to graze yearlong. (*Currently authorized use is 325-375 head of cattle 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. In addition, as determined by my review of the Western Gamebird Alliance appeal (#01-03-00-0062-A215) 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 (for)
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

Jeff Burgess Appeal

#01-03-00-0057-A215, Temporal Allotment Decision

ISSUE 1: Actual use of the Temporal Allotment during the last decade was significantly less than the permitted numbers, and also less than the number that would be implemented by this decision.

Contention: The appellant contends that since forage use rates under the selected alternative are identical to current management, all the forage will be used up before the end of the year with no provisions to remove cattle from the allotment.

Response: The appellant is correct that forage utilization standards under current management and the selected alternative are similar. However, under both alternatives, stocking is adjusted annually to reflect anticipated forage production. Furthermore, livestock are moved from pastures before utilization standards have been exceeded (Docs. 52; 91). The Responsible Official recognized the variability in forage production from year to year when he selected Alternative 3. The new term grazing permit will reflect the variability in forage production by authorizing a range of numbers (150-350 head of cattle). This more accurately reflects actual conditions on the ground rather than continuing to authorize 325-375 head of cattle in the term grazing permit. The monitoring requirements in the Responsible Official's decision will ensure adequate plant material is left to protect soil and water resources and meet the needs of wildlife (Doc. 91).

Findings: There are and will continue to be provisions to remove cattle from pastures before utilization standards have been exceeded.

ISSUE 2: The selected alternative does not provide for adequate stubble height in areas of high-quality Mearn's quail habitat.

Contention: The appellant contends a 35% forage use rate will not meet the Coronado Forest Plan standard of six-inch stubble height in areas of high density Mearn's quail habitat.

Response: 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. Management direction in the supplement states, "...the guidelines are to be met within the usual cycle of dry and wet years." High-quality habitat has been identified in the Lower Big Casa Blanca, Smith/Stevens, and Little Casa Blanca Pastures (Doc. 91). Studies conducted by various scientists show a strong correlation between percent utilization of forage by weight and residual stubble heights (Doc. 89). However, irrespective of this correlation, the governing standard in this decision is to maintain a six-inch stubble height in high-quality quail habitat.

Finding: The Responsible Official's decision is consistent with the Forest Plan and associated direction in the Forest Service Manual.