



United States
Department of
Agriculture

Forest
Service

Coronado National Forest
Supervisor's Office

300 W. Congress
Tucson, Arizona 85701
Phone (520) 388-8300
FAX (520) 388-8305
TTY (520) 388-8304

File Code: 1570-1

Date: April 14, 2005

Bill Stern
Forest Guardians
312 Montezuma Avenue
Suite A
Santa Fe, NM 87501

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER: 70033110000285810557**

RE: Appeal #05-03-05-0002-A215, Duquesne, Lochiel, and Hayfield Allotments, Sierra Vista Ranger District, Coronado National Forest

Dear Mr. Stern:

This is my review decision on the appeal filed regarding the Decision Notice, Environmental Analysis, and Finding of No Significant Impact for the Duquesne, Lochiel, and Hayfield Allotments. The decision provides for year-round grazing on the Duquesne and Hayfield Allotments and 9 months of grazing (October to June) on the Lochiel Allotment. The decision authorizes a range of 2,176 to 2,932 animal unit months on the Duquesne Allotment, 594 to 728 animal unit months on the Lochiel Allotment, and up to 3,238 animal unit months on the Hayfield Allotment. The combined total acreage for the three allotments is approximately 21,700 acres.

BACKGROUND

Sierra Vista District Ranger Stephen Gunzel signed the Decision Notice for the Duquesne, Lochiel, and Hayfield Allotments on January 12, 2005, and published it on January 15, 2005. The District Ranger is identified as the responsible official, whose decision is subject to administrative review under the regulations at 36 CFR 215.

Pursuant to 36 CFR 215.17, 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 was conducted in accordance with 36 CFR 215.18. I have reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer. My review decision incorporates the appeal record.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer found that: (a) the decision logic and rationale were clearly described; (b) the selected alternative should accomplish the purpose and need, (c) the decision is consistent with agency policy, direction, and supporting evidence; and (d) there was ample opportunity for public participation during the analysis and decision making processes.



APPEAL DECISION

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision on the Duquesne, Lochiel, and Hayfield Allotments Project.

This decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

JEANINE A. DERBY
Forest Supervisor

Attachments (2):

1. Findings
2. Appeal Reviewing Officer Letter (Steve Best)

cc: Constance J Smith, Stephen Best, David M Stewart, Berwyn Brown, Teresa Ann Ciapusci, Richard A Gerhart, Stephen L Gunzel, Mailroom R3 Coronado

REVIEW AND FINDINGS**Appeal #05-03-05-0002-A215****Forest Guardians****Duquesne, Lochiel and Hayfield Allotments
Sierra Vista Ranger District, Coronado National Forest****ISSUE 1: The Decision violates the National Forest Management Act and Coronado Forest Plan**

Contention A: The Forest Service violated the National Forest Management Act by continuing to allow cattle grazing on the allotment without first evaluating the allotment's suitability for grazing. The Forest Service must determine in a forest planning process the suitability and potential capability of National Forest System lands (36 CFR 219.3). Absent a suitability analysis, the appellant contends that the Forest Service failed to discharge its obligation under the National Forest Management Act to take a hard look at each alternative; and; therefore, the choice of any alternative is premature.

Response: The National Forest Management Act does not require that a suitability analysis be conducted at the project level. On August 24, 1999, the United States Court of Appeals for the Ninth Circuit, in *Wilderness Society v. Thomas*, 188 F.3d 1130 (9th Cir. 1999), concluded the Forest Service complied with the National Forest Management Act in adopting the Land and Resource Management Plan for the Prescott National Forest, including its allocation of acreage suitable for grazing. Similarly, the Land and Resource Management Plan for the Coronado National Forest complies with the requirements outlined in 36 CFR 219.20 through the analysis process applied in its preparation.

The Affected Environment section of the Final Environmental Impact Statement for the Land and Resource Management Plan for the Coronado National Forest (Project Record #2), page 75, describes acres considered suitable for rangeland. Suitable acres are again discussed in Environmental Consequences section, page 104.

Finding: There is no requirement to conduct a suitability analysis when conducting a National Environmental Policy Act review and analysis at the project level concerning the management and permitting of livestock grazing. All requirements for suitability under the provisions of 36 CFR 219.20 were met upon adoption of the Land and Resource Management Plan for the Coronado National Forest.

Contention B: The Forest Service violated the National Forest Management Act's mandate to identify the alternative that maximizes public benefit. Livestock grazing, from strictly an economic efficiency standpoint, does not serve the broader public interest as shown in literature such as Loomis 1991, Souder 1997, and Forest Service publication GTR-INT-224. By failing to conduct a cost/benefit analysis for all uses of the land rather than just for elk hunting and watching, the Forest Service failed to consider whether permitting grazing on this allotment makes economic sense despite the requirement of 36 CFR 219.3.

Response: Duquesne, Lochiel, and Hayfield grazing allotments are developed to be consistent with the direction described in the Land and Resource Management Plan for the Coronado

National Forest. Project level requirements for social and economic analyses are described in Forest Service Manual 1970 and Forest Service Economic and Social Analysis Handbook 1909.17. The responsible line officer determines the scope, appropriate level, and complexity of economic and social analysis needed (FSM 1970.6).

The Environmental Assessment (Project Record #48), on pages 33 to 36, describes the social and economic analyses for this project. The economic considerations of all alternatives were compared in terms of cost of implementation, the costs and benefits to the permittees, and the return to Federal and local governments. Ranch analysis was based on data developed by Gao (1996) and reported in Ruyle et al. 2000 (Project Record # 27). The project purpose and need statement is to authorize livestock grazing and provide long-term management direction through allotment management plans (Project Record # 48, Environmental Assessment, p. 4).

Finding: The alternatives meet the purpose and need statement for economic analysis and are consistent with the objectives stated in the Land and Resource Management Plan for the Coronado National Forest.

ISSUE 2: The decision violates the National Forest Management Act requirement to maintain viable numbers of all species.

Contention A: The appellant contends the Forest Service must manage sensitive species to sustain viability and prevent the need for listing. In addition, the Forest Service must manage fish and wildlife habitat to maintain viable populations of native species.

Response: Effects to wildlife species, including U.S. Forest Service Region 3 Sensitive Species, are discussed in the Environmental Assessment (Project Record #48). Mitigation measures for listed species and other wildlife species are discussed on pages 14 to 16. Specific effects to sensitive species are disclosed on pages 26 to 27 and in Appendix I (pp. 45 to 47). The Environmental Assessment also addresses management indicator species (pp. 19 to 23) and migratory birds (pp. 27 to 28). Other wildlife species of concern are addressed in the Wildlife Specialist Report (Project Record #25, pp. 12 to 14 and 17 to 20). Further discussion of the effects to sensitive species are found in the Biological Evaluation (Project Record #20), prepared in accordance with Forest Service Manual 2670.

Effects to other wildlife species are found in the Management Indicator Species Report (Project Record #23) and the Wildlife Specialist Report (Project Record #25). A Biological Assessment (Project Record #21) was prepared to disclose effects to listed species, and a Final Biological Opinion (Project Record #47) was obtained from the U.S. Fish and Wildlife Service. These documents determined that: (a) there would be no trend towards future listing for sensitive species affected by the project, (b) no effect to Forestwide population trend for management indicator species affected by the project, and (c) the Biological Opinion determined that the action would not jeopardize listed species affected by the action.

Finding: The effects analyses for sensitive species and other wildlife were conducted according to Forest Service procedures and policies, and are consistent with the Land and Resource Management Plan for the Coronado National Forest, including Land and Resource Management Plan guidance for high density Mearns's quail habitat. The decision does not violate the National

Forest Management Act requirement to maintain viable numbers of native and desired non-native species.

Contention B: Population survey data of management indicator species are needed to ensure the maintenance of minimum viable populations of wildlife. Adequate population monitoring has not been done for any management indicator species or other species that may be affected by continued grazing on these allotments.

Response: Effects to management indicator species were disclosed in the Environmental Assessment (Project Record #48, pp. 19 to 23) and in the project Management Indicator Species Report (Project Record #23, 2003). The project Management Indicator Species Report incorporated the Forest Management Indicator Species Status Report (Project Record #43, 2002), which included quantitative population data on management indicator species. The Project Record also includes an updated Forest Management Indicator Species Status Report (Project Record #51, 2005). The Environmental Assessment (Project Record #48) and Management Indicator Species Report (Project Record #23) concluded that Forestwide population trend of management indicator species would not be affected by the action.

Finding: Quantitative population data on management indicator species were available and were used to analyze the effects of the action.

ISSUE 3: The term permit issuance must be suspended until the Forest revises its Land and Resource Management Plan, the Forest Service develops a Renewable Resources Program, and publishes a new Final Environmental Impact Statement for revision.

Contention: The appellant contends there is no legally adequate Resource Planning Act Program or land and resource management plan to which the term grazing permit issuance project can be tiered. The term permit must be suspended until the Forest publishes a new final environmental impact statement supporting a revised Land and Resource Management Plan.

Response: No statutes or regulations define an expiration date for the Forest Service Renewable Resource Program or land and resource management plans. A 2002 court decision in Wyoming upheld the use of the current land and resource management plan until revised (*Biodiversity Assoc. v. USFS*, decision September 30, 2002).

Also, language in the 2005 Appropriations Bill for the Forest Service (section 320, General Provisions) allows that:

“Prior to October 1, 2005, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, that if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void

with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.”

The Coronado Land and Resource Management Plan will remain in effect until it is revised, consistent with the requirements of the National Forest Management Act and implementing regulations.

Finding: The current Land and Resource Management Plan for the Coronado National Forest is in effect until the revision process is completed. There are no requirements to suspend activities until the process is completed.

ISSUE 4: The project does not meet the requirements of the National Environmental Policy Act.

Contention A: The appellant contends that a range of reasonable alternatives, as required by the National Environmental Policy Act and its implementing regulations, was not analyzed. The Environmental Assessment fails to take a hard look at potential effects of the proposed action and the no grazing alternative. By examining only one action alternative and refusing to analyze others that result in lower stocking rates, the Forest Service has violated the National Environmental Policy Act requirements to address a range of reasonable alternatives that not only emphasize different factors but also lead to differing results.

Response: “[A]n agency must look at every reasonable alternative, within the range dictated by the ‘nature and scope of the proposed action’ and ‘sufficient to permit a reasoned choice.’” *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1520 (9th Cir. 1992). For an alternative to be reasonable, it must meet the stated purpose and need and address one or more issues. The formulation of alternatives is driven by significant issues identified in scoping (40 CFR 1501.2(c)).

The Environmental Assessment discusses four alternatives that were considered for detailed study. The Environmental Assessment includes a “no grazing” alternative, and three action alternatives, which were studied in detail. Development of the proposed action, the no grazing alternative, and other alternatives follows the direction in Forest Service Handbook 2209.13, section 92.31. The proposed action in an adaptive management strategy shall set defined limits of what is allowed such as timing, intensity, frequency, and duration of livestock grazing that can be checked through monitoring (FSH 2209.13, 92, 23b – Adaptive Management).

The Environmental Assessment includes brief discussions of alternatives, as required by section 102(2)(E) of the National Environmental Policy Act, which states, “Study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” The Environmental Assessment indicates that there were four issues identified (Project Record # 48, Environmental Assessment, p. 10) as being significant to the proposed action (40 CFR 1501.7(a)(3)). The alternatives studied in detail meet the purpose and need for action and address the identified issues.

The purpose and need of the proposed action is to authorize grazing on the Duquesne, Lochiel, and Hayfield Allotments in a manner consistent with Forest Service policy and the Land and

Resource Management Plan for the Coronado National Forest, and to provide long-term management direction on grazing through allotment management plans (Project Record # 48, Environmental Assessment, p. 4). Issues identified include: (1) grazing effects on wildlife (Alternative 3 responds to this issue); (2) soil and watershed condition by alternative; (3) upland vegetation condition by alternative; and (4) economics by alternative.

Under Alternative 1 (No Action), no grazing would be authorized. Under Alternative 2 (Current Management), grazing would continue as currently permitted. Under Alternative 3 (Light to Moderate), allowable use would be reduced to 25 to 35 percent. Under Alternative 4 (Proposed Action), grazing would be authorized within specific defined limits in relation to the duration, intensity, frequency, and timing (Project Record #48, pp. 11 to 12).

Finding: The Responsible Official appropriately defined the scope of the analysis and analyzed a range of reasonable alternatives within that scope.

Contention B: The Forest Service violated the National Environmental Policy Act because the Environmental Assessment fails to consider and disclose adequately the location and protocol for monitoring key forage utilization areas within the allotments. The appellant contends the Environmental Assessment must disclose the names, locations, forage utilization limits, and monitoring protocol for each and every key area within the allotments.

Response: Proper forage utilization standards are employed to sustain such things as plant health and vigor; long-term soil productivity; and protection for threatened, endangered, and sensitive species and their habitats. Forage utilization levels are determined based on guidelines set out in the R-3 Allotment Analysis Guidelines. These guidelines specifically describe appropriate forage utilization levels recommended for the purpose of improving rangeland condition.

Forage utilization is measured by key area on key forage species within various pastures encompassing a grazing allotment. Key areas are locations readily accessible to water and forage and are located on level to intermediate slopes. Key species are herbaceous and woody vegetation that domestic livestock prefer at any given time of the year. By monitoring key areas, the Forest Service can ensure that an allotment or pastures within an allotment are not overgrazed (Project Record #48, Environmental Assessment, pp. 13 to 14).

The record demonstrates that utilization standards for herbaceous forage for all allotments will be 45 percent maximum, with a desirable level of 35 to 40 percent (percent by weight) of annual available forage in the selected alternative (Alternative 4). The objective of these use levels will be the maintenance of an average minimum standard of six (6) inches of herbaceous stubble height as quail cover (Project Record #48, Environmental Assessment, pp. 14, 23, and 32). When utilization standards have been met, livestock will be moved from individual pastures or from the allotment, as appropriate.

Finding: Utilization standards for the Duquesne, Lochiel, and Hayfield Allotments were developed in accordance with Forest Service policy. There is nothing in Federal statutes, regulations, or Forest Service policy that requires the responsible official to disclose the names and locations of each and every key area within an allotment in an Environmental Assessment. As the selected alternative is implemented, all monitoring information will be available to the public.

Contention C: The Forest Service violated the National Environmental Policy Act by failing to consider and disclose the cumulative impacts of the proposed action. The appellant contends that the cumulative effects of the alternatives were not adequately addressed, considering past, present, and reasonably foreseeable activities, as required by the National Environmental Policy Act. Appellant states, “The Environmental Assessment contains virtually no analysis of cumulative effects.” The Environmental Assessment does not even attempt to catalog other activities occurring within the allotment’s boundaries.

Response: Cumulative effects result from the incremental impacts of the action when added to past, present, and reasonably foreseeable future actions (40 CFR 1508.7). Resource specialists considered the cumulative effects of a variety of past, present, and reasonably foreseeable future actions on their respective resources. The Environmental Assessment (Project Record #48, p. 28) presents a historic account of grazing over the past century, information on historic and current fire suppression activities, and subsequent changes in species composition (forest succession).

The cumulative affects of cattle grazing on adjacent allotments, traditional uses (including hunting and firewood gathering), possible future thinning projects related to wildland urban interface treatments, grazing use by other ungulates (elk and deer), and recreation use of trails within the allotment were also considered (Project Record #48, Environmental Assessment, pp. 28 to 29, 32 to 33, 36, and 41 to 42). Supplementary information contained in the project record (Project Record #20, Biological Evaluation, p.16; Project Record #21 Biological Assessment, p. 21; Project Record #23, Management Indicator Species Report, p. 11; Project Record #26, Coronado Mexican Spotted Owl Biological Assessment, p. 108; and Project Record #33, Soil, Water, and Air Report, p. 23) supports the cumulative effects analysis present in the Environmental Assessment.

Finding: The record includes consideration of past, present, and reasonably foreseeable actions and their cumulative effects on the components of the human environment. The cumulative effects analysis is adequate for an informed decision.

Contention D: The Forest Service violated the National Environmental Policy Act because the Environmental Assessment fails to consider the full economic implications of this action. The Environmental Assessment fails to give the costs of expected improvements and other actions planned to increase grass cover. There is absolutely no information about the economic benefits of other uses of these allotments such as recreation.

Response: Projects within allotments such as the Duquesne, Lochiel, and Hayfield grazing allotments are developed to be consistent with the direction described in the Land and Resource Management Plan for the Coronado National Forest. Project level requirements for social and economic analysis are described in Forest Service Manual 1970 and Forest Service Social and Economic Analysis Handbook 1909.17. The proposed action is the implementation of previously approved practices that are included in the current Land and Resource Management Plan for the Coronado National Forest. The responsible line officer determines the scope, appropriate level, and complexity of economic and social analysis needed (FSM 1970.6).

The economic effects of the project were identified as an issue in two letters received during scoping (Project Record #18) and identified as a significant issue for the analysis (Project Record #48, Environmental Assessment, pp. 33 to 36).

With respect to costs and benefits of recreation, the appropriate level for determining resource output tradeoffs is at the forest planning level. The economic effects of wildlife use where there is a trade-off with other multiple uses must be made at the forest plan level.

Finding: The economic analysis is consistent with regulation and Manual and Handbook direction for project-level decision making and is not in violation of applicable laws, regulation, or policy.

ISSUE 5: The decision violates the Multiple Use Sustained Yield Act.

Contention: The appellant alleges that the decision violates the Multiple Use Sustained Yield Act by failing to manage for the highest public benefit. The appellant further alleges that the decision will continue to impair land productivity.

Response: Management of National Forest System lands for the highest net public benefits was analyzed and decided upon as part of the development and adoption of the Land and Resource Management Plan for the Coronado National Forest. The Land and Resource Management Plan provides direction for management emphasis within the project area. Net public benefits were analyzed appropriately in conjunction with the preparation of the Land and Resource Management Plan and are outside the scope of project-level analysis.

In reference to the contention that the decision will continue to impair land productivity, the Environmental Assessment (Project Record #48, pp. 19 to 43) analyzes the effects of the selected alternative on the various resources. The effects of Alternative 4 are described as improving, having slight or gradual improvement, or no change on the various land and water resources. The effects analysis clearly demonstrates improvement in land productivity.

The Decision Notice (Project Record #49, p. 3), states that “Monitoring will determine whether management is being properly implemented and whether the actions are effective at achieving or moving toward desired conditions.”

Finding: This decision will improve land productivity and is; therefore, consistent with the Multiple Use Sustained Yield Act.

ISSUE 6: The environmental impact statement violates the Administrative Procedures Act.

Contention A: Given the current degraded condition of the land due to historical and ongoing livestock grazing, the decision to continue to graze the land is inexplicable. Based on data in the Environmental Assessment, little is known about the effects this alternative would have on the ecosystem.

Response: The Environmental Assessment, Decision Notice, and associated documents in the record disclose the analysis undertaken to evaluate resource conditions on the allotments and the effects of alternatives considered.

Finding: In the Decision Notice for the Duquesne, Lochiel, and Hayfield Allotments, the responsible official properly assessed the issues, public input, and impacts to resources in his decision rationale. The responsible official made a reasoned and informed decision based on the analysis and has not violated the Administrative Procedures Act.

ISSUE 7: The Decision violates the Endangered Species Act.

Contention A: Continued grazing on these allotments will result in the decline of the endangered species, Sonora tiger salamander.

Response: A Biological Assessment (Project Record #21) detailing the effects of the action on the Sonora tiger salamander was prepared by the Coronado National Forest and submitted to the U.S. Fish and Wildlife Service for consultation under the Endangered Species Act of 1973, as amended. A Final Biological Opinion was obtained from the Fish and Wildlife Service (Project Record #47). The U.S. Fish and Wildlife Service determined that the action would “not jeopardize” the Sonora tiger salamander because the species has “...coexisted with livestock grazing in the San Rafael Valley for over a century and a half...” and “...degraded [range and soil conditions] likely minimally affect salamander populations as a whole...” (Project Record #3, 2002 Biological Opinion, pp. 48 to 49). Part of the determination was based on an existing Stockpond Management and Maintenance Plan for the San Rafael Valley (Project Record #22) which is still in effect. The 2002 Biological Opinion listed terms and conditions to minimize take and these terms and conditions were incorporated by reference into the 2004 Biological Opinion for the allotments (Project Record #47).

Finding: The Decision complied with the requirements of the Endangered Species Act of 1973, as amended, with respect to the Sonora tiger salamander.

Contention B: Neither the Environmental Assessment or the 2002 Biological Opinion addresses the management criteria nor types of habitat that will be needed to allow the salamander to expand its existing territory.

Response: A Final Biological Opinion was obtained from the U.S. Fish and Wildlife Service (Project Record #47). The U.S. Fish and Wildlife Service determined that the action would “not jeopardize” the Sonora tiger salamander because the species has “...coexisted with livestock grazing in the San Rafael Valley for over a century and a half...” and “...degraded [range and soil conditions] likely minimally affect salamander populations as a whole...” (Project Record #3, 2002 Biological Opinion, pp. 48 to 49). Part of the determination was based on an existing Stockpond Management and Maintenance Plan for the San Rafael Valley (Project Record #22) which is still in effect. The Environmental Assessment discusses the range of the Sonora tiger salamander on the allotments, and that the effects of the No Grazing Alternative will not necessarily be beneficial for this species (Project Record #48, p. 25; “Since salamanders occur exclusively in stock tanks in the project area, some habitats may be lost over time as a result of breached dams or sedimentation of existing pond habitats.” Also, “...no natural cienega habitats are known from the analysis area and the creation of sufficient natural habitat in the near term is considered unlikely.”)

Finding: The decision complies with the Terms and Conditions issued in the 2002 Biological Opinion and re-issued under the 2004 Biological Opinion. The Decision is consistent with the Endangered Species Act of 1973, as amended.

Contention B: The appellant is concerned that the Forest Service will not comply with the numerous requirements of the Biological Opinion for the Sonora tiger salamander. The Environmental Assessment does not actually make clear how often inventory will occur. The focus of the Forest Service inventory does not include an evaluation of the extent of take and does not cover all of the 17 site-specific measures required. There is no close monitoring or evaluation of the five different types of incidental take that are expected to occur.

Response: The Environmental Assessment (Project Record #48, p. 25) clearly states that "...selected stock tanks will be surveyed annually." The 2004 Annual Monitoring Report (Project Record #36) shows the Coronado National Forest has complied with the Terms and Conditions of the 2002 Biological Opinion (Project Record #3), and the re-issued 2004 Biological Opinion (Project Record #47).

Finding: The decision complies with the Terms and Conditions issued in the 2002 Biological Opinion and re-issued with the 2004 Biological Opinion. The Decision Notice is consistent with the Endangered Species Act of 1973, as amended.



File Code: 1570-1

Date: March 28, 2005

Route To:

Subject: ARO, Appeal #05-03-05-0002-A215, Duquesne, Lochiel and Hayfield Allotments, Sierra Vista RD, Coronado NF

To: Appeal Deciding Officer, Coronado National Forest Supervisor

This is my review decision on the appeal filed regarding the Decision Notice (DN), Environmental Assessment (EA), and Finding of No Significant Impact (FONSI) concerning the above referenced project which provides for permitted grazing year-round on the Duquesne and Hayfield allotments and grazing 9 months (October-June) on the Lochiel allotment. Duquesne allotment would authorize grazing for a range of 2,176-2,932 AUM, equivalent to 137-185 cow-calf pairs. Lochiel allotment would authorize grazing for a range of 594-728 AUM, equivalent to 50-61 cow-calf pairs. Hayfield allotment would authorize grazing up to 3,238 AUM, equivalent to 204 cow-calf pairs.

District Ranger Stephen L. Gunzel signed the decision on January 12, 2005 and the legal notice was published on January 15, 2005. The District Ranger is herein termed as the Responsible Official, whose decision is subject to administrative review under the 36 CFR 215 appeal regulations.

Informal Disposition

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of this appeal. The record reflects that informal resolution was not reached.

Review and Findings

My review was conducted in accordance with 36 CFR 215.19 to ensure that the analysis and decision are in compliance with applicable laws, regulations, policies, and orders. The appeal records, including the appellant's issues and requests for relief have been thoroughly reviewed. Having reviewed the EA, decision, and the project record file, as required by 36 CFR 215.19(b), I conclude the following:

- 1) The decision clearly describes the actions to be taken in sufficient detail that the reader can easily understand what will occur as a result of the decision.
- 2) The selected alternative should accomplish the purpose and need established. The purpose and need stated in the EA reflect consistency with direction in the Forest Plan for the Coronado National Forest as amended.



- 3) The decision is consistent with policy, direction, and supporting evidence. The record contains documentation regarding resource conditions and the Responsible Official's decision documents are based on the record and reflect a reasonable conclusion.
- 4) The record reflects that the Responsible Official provided ample opportunity for public participation during the analysis and decision making process. The Responsible Official's efforts enabled interested publics the opportunity to comment and be involved in the site-specific proposal.

After considering the claims made by the appellant and reviewing the record, I found that the Responsible Official conducted a proper and public NEPA process that resulted in a decision that is consistent with the Coronado National Forest Plan. I found no violations of law, regulations, or Forest Service policy.

Recommendation

I recommend that the Responsible Official's decision relating to this appeal be affirmed with respect to all of the appellant's contentions.

Sincerely,

/s/ M. Stephen Best
M. STEPHEN BEST
District Ranger

cc: Constance J Smith

Hard copy of this letter to be attached to ADO letter sent to appellants.