United States Department of Agriculture | **Forest Service** | **Kaibab National Forest** | **800 South Sixth Street Williams, AZ 86046-2899 (928) 635-8200**

File Code: 1570-1/2200
Date: February 11, 2005

BILL STERN
FOREST GUARDIANS
312 MONTEZUMA AVE SUITE A
SANTA FE, NM 87501

e-Certified Mail – Return Receipt Requested
91 7108 2133 3930 4157 7895

RE: Appeal #05-03-07-0005-A215, Anita, Cameron, and Moqui Allotments

Dear Mr. Stern:

This is my review decision on the appeal filed regarding the Decision Notice (DN), Environmental Analysis (EA), and Finding of No Significant Impact (FONSI) on the above-referenced project, which provides for combining of Anita and Cameron allotments into one grazing unit, a reduction in animal unit months authorized, and the reconstruction of 21.5 miles of boundary fences. On Moqui Allotment, the decision calls for a range of livestock numbers from 280 to 560 yearlings.

BACKGROUND

District Ranger Rick Stahn made the decision on October 8, 2004, and published on November 13, 2004, for the Kaibab National Forest on the Anita, Cameron and Moqui allotments. 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 § 215.17, 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 has been 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 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 on the Anita, Cameron, and Moqui Allotments Project with the following instruction to add to the record the following reference:

- Preliminary Survey for *Chrysothamnus molestus* on Tusayan and Chalender Ranger Districts, December 1988, by Renee Galeano-Popp.

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

Sincerely,

/s/ Stuart M. Lovejoy (for)
MICHAEL R. WILLIAMS
Forest Supervisor

Enclosures 2

cc: Keith L Graves, David M Stewart, Berwyn Brown, Constance J Smith, Richard Stahn, Mailroom R3 Kaibab

REVIEW AND FINDINGS

of

Forest Guardians Billy Stern's

Appeal #05-03-07-0005-A215

Anita, Cameron, and Moqui Allotments, Kaibab NF

ISSUE 1: The Decision violates the NFMA and Carson Forest Plan

Contention A: The Forest Service violated NFMA by continuing to allow cattle grazing on the allotment without first evaluating the allotment's suitability for grazing. The Forest Service must determine in Forest planning the suitability and potential capability of the 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 NFMA to take a hard look at each alternative; and, therefore, the choice of any alternative is premature.

Response: NFMA 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 NFMA in adopting the Prescott Land and Resource Management Plan (LRMP), including the Plan's allocation of acreage suitable for grazing. The Forest Plan complies with the requirements outlined in 36 CFR 219.20 through the analysis process applied in preparation of the Forest Plan.

The Affected Environment section in the EIS for the Kaibab LRMP, (copy not in record, pp. 128 – 130) describes acres considered suitable for rangeland. Suitable acres are again discussed in Chapter 4 Environmental Consequences (pp. 195 – 197), where both suitable and unsuitable lands are described. The Management Areas pertinent to this project are described in the Project Initiation Letter (PR #28), and grazing use is an appropriate activity.

Finding: There is no requirement to conduct a suitability analysis when conducting a NEPA 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 completion of the Kaibab LRMP. The 36 CFR 219 regulations are not applicable in this case; therefore, the decision is not premature.

Contention B: The Forest Service violated NFMA'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 the FS 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 FS failed to consider whether permitting grazing on this allotment makes economic sense despite the requirement of 36 CFR 219.3.

Response: A determination of agency policy of grazing on National Forest System lands is outside the scope of this decision. The decision to authorize livestock grazing on these

allotments is consistent with the intent of the Kaibab National Forest long-term goals and objectives listed in the LRMP on pages 17-20 (and referenced in DN PR# 74 p. 7).

One of the Anita, Cameron and Moqui Allotments purpose and need statements is to make forage available to qualified livestock operators on lands suitable for grazing consistent with the Forest Plan (item #2 EA PR #75 p. 9).

Finding: The alternatives meet the purpose and need statement is consistent with Forest Plan objectives. There is no requirement to do a suitability analysis at a project level.

Contention C: The appellant asserts that the decision fails to manage riparian areas to achieve recovery, and to make the health of riparian areas a priority, and in so doing violates both the Forest Plan and Regional Guide. Impacts to riparian areas were either not examined or were not examined in sufficient detail.

Response: The Regional Guide for the Southwestern Region (1983) was removed as guidance and either incorporated into Forest Plans or dropped as guidance (see *Federal Register* Notice, 66 FR 65463, December 19, 2001).

The Anita, Cameron and Moqui Allotments EA (PR #75 p.23) describe the lack of perennial streams, wetlands, and riparian areas.

Finding: Appellant's assertion has no basis and there is no violation of the Kaibab National Forest Plan.

ISSUE 2: The decision violates the NFMA 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. The appellant believes the Forest Service has failed dramatically in its efforts to protect riparian obligate species and their riparian habitats as a result of continued livestock grazing.

Response: The Forest Guardians comments were addressed to a different EA (Homestead/Davenport EA) and different allotments. As noted above there are no riparian habitats and obligate species on Anita, Cameron and Moqui allotments.

Finding: Appellant's assertion has no basis and there is no violation of the Kaibab National Forest Plan.

Contention B: Population survey data of Management Indicator Species are needed to ensure the maintenance of minimum viable populations of wildlife. The appellant asserts that since the Forest Service lacks quantitative monitoring data on many, if not all, MIS in the planning area and the Forest as a whole, and the scant data that it does have indicates some species are declining, the agency's decision is arbitrary and capricious.

Response: The MIS species identified for this project include northern goshawk, pronghorn antelope, Rocky Mountain elk and turkey. The EA does not make specific statements on population viability for all species. However there is documentation in the project record to show viable populations are met. There is sufficient long term monitoring data by the Arizona Game and Fish Department for big game species (EA PR#75 p. 40 and MIS PR# 26A p. 42) to

show populations are well above minimum viability levels. The Management Indicator Species Report (MIS) on the KNF (PR #26A p. 15) indicates minimum viable population levels are met or exceeded for northern goshawk. The habitat characteristic for turkey is late-seral ponderosa pine for roosting habitat and would not be affected by the action. Nevertheless, the MIS on the KNF (PR #26A p. 34) indicates that turkey populations are at or above minimum viable populations.

Finding: The record shows that the requirement for minimum viable populations is being met.

ISSUE 3: The term permit issuance must be suspended until the Forest revises its Land and Resource Management Plan and until the Forest Service develops a renewable resources program.

Contention: The appellant contends there is no legally adequate RPA program or land and resource management plan to which the term grazing permit issuance project can be tiered. Term permit must be suspended until the Forest publishes a new FEIS supporting a revised LMP.

Response: There are no statutes or regulations that describe an expiration date for the Forest Service Renewable Resource Program or Land and Resource Management Plans. A recent court decision in Wyoming upheld the use of the current Plan until revised *(Biodiversity Assoc. v. USFS*, decision September 30, 2002).

Also, language in the 2005 appropriations bill for the Forest Service allows that (section 320, General Provisions). "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 Kaibab 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 plan 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 NEPA.

Contention A: The NEPA analysis is based on false premises that existing conditions are the result of current livestock numbers authorized. Conditions are based on only seven percent of authorized use over the last ten years on Anita and Cameron allotments. The EA predicts improvements which are unjustified, arbitrary and capricious based on an increase in livestock grazing from the low utilization over the last twenty years.

Response: The EA discusses soil erosion and resource conditions for the allotments which describes the dominance of large woody plants over the native grasses and forbs due to past high utilization levels and loss of wildfire (PR #75 pp. 26-30). The proposed action will lower the

utilization further on these allotments, especially Cameron, with rest periods and deferment reducing the soil erosion (pp. 32-34).

The existing range condition is based on a series of range analyses, allotment inspections and recent transect data (PR #1-15, 18, 19, 32, and 38). The data is summarized in PR #72 with anticipated range improvements discussed and predicted. The range conditions and predicted improvements are based on data collected for nearly 50 years.

Finding: Past trends and resource data were considered in planning for the Anita and Cameron allotments. The proposed action and effects analysis are based on extensive data collected in the area.

Contention B: The appellant contends that a range of reasonable alternatives, as required by NEPA implementing regulations, was not analyzed. The EA 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 FS has violated NEPA 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)).

Anita and Cameron Allotments: The project initiation letter defined the scope of the analysis and focused the interdisciplinary team (IDT) on three alternatives to assess; no grazing, proposed action and current grazing (PR# 28). Members of the ID Team met with the Arizona Game and Fish on May 21, 2004 (PR# 44) and discussed an additional alternative that would consider the use of the allotments under a temporary permitting system when conditions are optimum. After further discussions with the District Ranger the ID Team Leader developed an issue statement and alternative (PR# 55) that looked at a temporary permitting system. This alternative was reviewed and approved by the District Ranger on July 2, 2004 (PR# 57). This action, Alternative 4, was fully disclosed in the EA (PR# 75 pages 15 and 16).

Two other alternatives were considered, but dropped from detailed study. This included Alternative 5, which would authorize current permitted number for a yearlong season of use, and Alternative-6, converting to summer use with sheep (PR# 75). Both of these alternatives were considered but not studied in detail for valid reasons. Alternative-5 exceeded the estimated livestock capacity by at least 50 percent (PR #12, #13, #72 Exhibit-5, and #75 pages 63 to 65) and would not meet the stated purpose and need for improved forage conditions. The conversion from cattle to sheep (Alternative 6 in EA) was dropped due to concerns regarding disease transmission from domestic sheep to Desert Big Horn Sheep at the Grand Canyon National Park (PR# 48, #49, PR #75 p. 16).

Moqui Allotment: Following the presentation of the proposed action to the public and the responses from the public notification, one other alternative was considered for the Moqui

allotment. The single alternative considered after public notification was discussed and dismissed (PR #56)

Documentation of discussions over several weeks (PR#57) indicates the District Ranger discussed the range of alternatives with the ID team leader and approved the alternatives for the 3 allotments (PR #56).

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

Contention C: The FS has violated NEPA because the EA fails to consider and disclose adequately the location and protocol for monitoring key forage utilization areas within the allotment. The appellant contends the EA must disclose the names, locations, forage utilization limits, and monitoring protocol for each and every key area within the allotments.

Appellant adds that utilization standards on these allotments are unacceptable since they contain Mexican spotted owl habitat and the standard in riparian areas should never be more than 20 percent.

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.

The record demonstrates that utilization standards for herbaceous forage will be 35 percent in key areas and 20 percent in full capacity lands in uplands for all three allotments (EA PR #75 p. 10). There are no riparian areas in the allotments. When utilization standards have been met, livestock will be moved from individual pastures or from the allotments, as appropriate.

No potential habitat, no protected, restricted or proposed critical habitat for Mexican spotted owl exists within or near the allotments (PR #73 BA/E p. 8).

Finding: Utilization standards for these 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 EA. As the selected alternative is implemented, forage utilization monitoring is part of the Best Management Practices for the allotments (PR #75 p. 19).

Contention D: The Forest Service violated NEPA 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 NEPA. Appellant states that the EA contains virtually no analysis of cumulative effects.

Response: The EA (PR# 75) contains discussions of cumulative effects. Pages 34-35 contain a discussion concerning watershed conditions, pages 54-56 contain a discussion concerning wildlife impact, pages 73-74 contain a discussion concerning rangelands, pages 80-81 contain a discussion concerning social and economic considerations, and page 84 is a discussion concerning heritage resources. In addition, Project Record #40 contains a brief description of past, present, and anticipated projects that may contribute to cumulative effects.

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 E: The FS has violated NEPA because the EA fails to consider the full economic implications of this action. The EA failed to weight the economic costs and benefits of the project. Recreation use has an impact on the local economy that should have been considered in the EA.

Response: Projects such as the Anita, Cameron and Moqui grazing allotments are developed to be consistent with the direction described in the Forest Plan. The proposed action is the implementation of previously approved practices that are included in the current Kaibab LRMP. With respect to costs and benefits of recreation, the appropriate level for determining resource output tradeoffs is at the Forest level. The economic effects of recreation where there is a trade-off with other multiple uses must be made at the Forest Plan level.

The economic analysis (EA PR# 75, Exhibit #19 in PR# 72) assists the decision maker, District Ranger, or Forest Supervisor, in making the decision. It is not an exhaustive economic determination but rather an estimate of economic efficiency. The economics report is not designed to be the only tool used by the decision maker, only one of the many items to be considered. Project level requirements for social and economic analysis are described in Forest Service Manual (FSM 1970) and Forest Service Social and Economic Analysis Handbook (FSH 1909.17).

Not all consequences of Forest Service actions may be expressed in monetary form, and therefore cannot be included within an economic present-net value analysis. NEPA regulations (40 CFR 1502.23) make clear that not all impacts, values, and amenities must be included in a formal economic analysis, and consideration of them in related discussion is appropriate. 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 by numerous responses during, project initiation (PR# 28), scoping (PR# 41, 42, 43, 45) and identified as a significant issue for the analysis (PR# 56).

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, regulations or policy.

<u>ISSUE 5</u>: The FS failed to provide an EA for comment in violation of existing law in NEPA, Appeals Reform Act and Administrative Procedures Act.

Contention: The 9th Circuit has ruled in two cases (*Anderson v. Evans* and *Citizens for Better Forestry v. USDA*) that the agencies must provide a full EA for comment. The document provided for public comment gave little detailed information on the expected effects of the proposed action. The public did not have the information available to provide the substantive comments being demanded by the new regulations. The appellant believes this was an additional scoping notice.

Response: In the *Citizens for Better Forestry v. USDA* case (August 2003), the court said that the 2000 Planning Rule EA/FONSI was issued 5 months after the comment period in the Federal Register had closed. In the *Anderson v. Evans* (Makah tribe whaling case, November 2003), NOAA had done an EA that went out for comment, then the proposed management plan was incorporated into the final EA and DN, but no public comment opportunity was given on the changed proposal. There is no language in either court decision saying that a full EA must be sent out for public comment.

In the Anita, Cameron and Moqui allotments project, a 30-day notice and comment period was used and the proposed action sent out for public comment included an introduction for the area, proposed actions, purpose and need, decision scope and framework, alternatives, alternatives considered and dropped from detailed study, and a map locating the allotments (PR# 58). The title page of the document forwarded was entitled Notice and Comment period Anita/Cameron/Moqui Allotment Management Plan Revisions Environmental Assessment. These parts included enough information for the public to respond with substantive comments specific to the proposed action, comments relating to the proposed action, and reasons for the Responsible Official to consider in making the decision (36 CFR§215.2).

Finding: The proposed action sent out under the 30-day notice and comment period met the new appeal regulations at 36 CFR 215.3. Enough information was given in the proposed action package to generate substantive comments from the public.

<u>ISSUE 7</u>: The decision violates the Multiple Use and Sustained Yield Act.

Contention: The appellant alleges that the decision violates the Multiple Use and 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 Lands for the highest net public benefits was analyzed and decided upon in the preparation of the Kaibab LRMP. The Forest Plan provides direction for management emphasis within the project area. Net public benefits were analyzed appropriately during the forest plan's preparation and are outside the scope of project-level analysis.

In reference to the contention that the decision will continue to impair land productivity, the EA (PR# 75, pp 24-73) analyzes the effects of the selected alternative on the various resources. The effects of Alternative 1 are described as improving or having slight or gradual improvements or no change on the various land resources. The effects analysis clearly demonstrates improvement in land productivity.

The DN (PR# 74), states that Alternative 1 best moves toward all of the desired future conditions described in the EA, and goes on to specifically describe either/or improving, balancing, and maintaining the various land, plant and animal resources.

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

ISSUE 8: The EIS 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 EA, there is little known about the effects this alternative would have on the ecosystem.

Response: The EA/DN and documents in the record disclose the analysis done to evaluate resource conditions on the allotment and the effects of alternatives considered are disclosed for soils, range condition, wildlife, and social-economics (EA PR #75 pp. 31-81).

Finding: In the DN (PR #74) for the Anita, Cameron and Moqui 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.

Contention B: The EA also fail to connect the allowable use annual use level presented, with measurements of available forage, while the EA admits that higher forage levels are connected with years of above average precipitation. Thus the actual annual use allowed is an arbitrary decision.

Response: See earlier response to Issue 4 Contention A.

Finding: The EA properly assesses the issues, public input, and impacts to resources in his decision rationale. The Responsible Official made a reasoned and informed decision in the Decision Notice based on the analysis and has not violated the Administrative Procedures Act.

United States Department of Agriculture | **Forest Service** | **Coronado National Forest Nogales Ranger District** | **303 Old Tucson Road Nogales, Arizona 85621 Phone (520) 281-2296 FAX (520) 281-2396**

File Code: 1570-1/2200 **Date:** February 8, 2005
Route To:

Subject: Appeal #05-03-07-0006-A215, Anita, Cameron and Moqui Allotments, Kaibab National Forest.

To: Michael R. Williams, Appeal Deciding Officer

This is my recommendation on the disposition of the two appeals filed in protest of the Decision Notice and Finding of No Significant Impact concerning the Anita, Cameron, and Moqui Allotments, Tusayan District, Kaibab National Forest.

District Ranger Richard Stahn signed the decision on October 8, 2004. The District Ranger is herein termed as the Responsible Official. Appeals were filed by Billy Stern, Forest Guardians[1], and Greta Anderson, Center for Biological Diversity[2], 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[3].

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, polices, and orders. The appeal records, including the appellants' issues and requests for relief have been thoroughly reviewed. Having reviewed the Environmental Assessment (EA), decision, and the project record file, as required by 36 CFR 215.19(b), I conclude the following:

1. The EA misidentifies the plant (Chrysothamnus molestus[4]), identifying it as a "Species of Concern"[5] rather than a Region Sensitive Species[6], therefore there is no clear Effects Determination statement within the EA[7] or the BE[8] as required by FSM 2672.42(5). The KNF LRMP stress "Identify and protect areas that contain threatened, endangered, and

[1] Record Item #77
[2] Record Item # 78
[3] Record Item # 80 & 81
[4] Common names: Arizona, Tusayan, & Disturbed Rabbitbrush.
[5] Record Item #75 page 36
[6] 2670: Sensitive Species List Revision, July 21, 1999
[7] Record Item #75
[8] Record Item #73

sensitive species of plants and animals[9] and one Forest Plan standard for EMA 10 is to analyze the effects on sensitive species within a BE (LRMP pp. 38-39). Although a specific sensitive species evaluation per FSM was not completed for *C. molestus*, the EA predicts improved browse production and frequency of desirable species such as fourwing saltbush and winterfat which are found in the same vegetative community as *C.molestus*. The shift to summer grazing from winter grazing along with increased rest and deferment is expected to improve overall browse habitat which will benefit fourwing saltbush, winterfat and *C.molestus*. Therefore the proposed action complies with the Forest-wide plan direction by improving browse habitat which includes *C. molestus*.

2. The clearance from State Historical Preservation Office for reconstruction of 21.5 miles of fence and maintenance of existing tanks must be obtained prior to implementation as referenced in the EA (p.83).

3. The monitoring discussions in the Allotment Management Plan and Annual Operating Instructions modifying on/off dates and season of use of livestock grazing as outlined in the EA (pp.15, 70, 72), should follow an Adaptive Management strategy (FSH 2209.13 Chpt. 92.23b).

Recommendation

I recommend that the Responsible Official's decisions relating to this appeal be affirmed with these instructions.

Signed, Appeals Reviewing Officer

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

/s/ Keith L. Graves
KEITH L. GRAVES
District Ranger

cc: Constance J Smith, Stu Lovejoy

[9] Kaibab Amended National Forest Land Management Plan 1996