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**File Code:** 1570  
**Date:** December 12, 2019

Rich and Vicki Dillenburg  
Neighbors of the Mogollon Rim  
2173 East Warner Road, Suite 101  
Tempe, AZ 85284

Dear Rich and Vicki Dillenburg:

Thank you for your participation in the Bar X Allotment Project. I received a total of 10 objections that met the requirements of Forest Service regulations at 36 CFR 218. The following is my written response to those objections.

Contentions raised during the objection process fell into 6 major topics:

- Impacts to the human environment
- Best available science
- Range of alternatives
- NEPA process
- Forest plan compliance
- Impacts to natural resources

### **Impacts to the Human Environment**

Most objections came from individuals who live in communities in the Bar X project area. Many were concerned about the potential impacts to human health, safety, and the quality of life for residents from the reintroduction of cattle to the area.

While I respect the residents' concerns, the team that reviewed the project record confirmed that the draft decision disclosed the Forest Service's responsibilities as a multiple use agency and is in compliance with federal laws and Arizona Revised Statutes at Title 3, Chapter 11, Article 8. This statute requires residents to enclose their property with a lawful fence to avoid damage resulting from the trespass of animals.

### **Best Available Science**

Several objectors contend that the forest failed to consider relevant Forest Service studies from the 1970s and 1980s. The reviewers found that the forest did consider the studies cited in public comments and the objection. Ultimately, the forest determined that the intent of those studies, namely the improvement of the range forage base, had been met and that the current decision would be best informed by focusing on the data from the last 12 years.

Another contention was that the project record failed to justify the increased number of cattle. A grazing capacity analysis was completed for the Driveway and the Bar X to help develop the proposed action. This in combination with utilization, condition and trend data were used to develop the proposed action. The studies for forage conditions and capacity are conducted using the best available science and ground survey. This methodology is used to establish the viability



of an allotment and carrying capacity of the range. These are established protocols used to estimate the animal unit months of forage that would likely be produced in an average year. Part of the Proposed Action is for 239 adult cattle year-long for the Bar X allotments. These same allotments were stocked with 468 adult cattle year-long in the 1970s, a 49% reduction from the number of cattle authorized in the 1970's. The proposed 552 adult cattle year-long is with a combination of the Bar X allotments and Driveway. The inclusion of the Driveway provides an additional ~21,600 acres that were not considered in 1970.

### **Range of Alternatives**

A few objectors contend that the forest failed to consider an adequate range of alternatives. The review team found documentation in the record considering a no action alternative. This alternative was not analyzed in detailed because it did not meet the stated purpose and need for the project.

### **NEPA Process**

Several contentions were raised that the forest violated the NEPA process. Among these were that the forest failed to adequately analyze future fencing by “tiering” the analysis, failed to adequately consider form letters, the draft decision was pre-decisional in nature, the length of the document suggested the document should have been an EIS, and that the analysis triggered the “intensity factors” that required the project be analyzed under an EIS.

The NEPA reviewers looked at these contentions in turn, including each of the contentions that the forest met one of the intensity factors, and determined that the forest's analysis was consistent with law, regulation, and policy.

### **Forest Plan Compliance**

Among the contentions was that the trial grazing conducted in 2015 and 2018 was not consistent with the forest plan. This proposed action does not include trial grazing. The issue of trial grazing was the subject of litigation against the Forest Service in 2018. As part of the settlement of that litigation, the closed pasture was not grazed in 2018.

Another contention was that the Forest Plan emphasizes wildlife over other uses, so grazing should be limited. The reviewers found that grazing was among the approved uses in the various management areas found within the project boundary. They found documentation in the record noting that while there would be some short-term negative effects from grazing, the project is consistent with forest plan direction by maintaining or improving rangeland condition in the long term.

### **Impacts to Natural Resources**

A number of contentions were raised related to natural resources, including significant impacts to threatened and endangered species, soils, watersheds, riparian areas, and deer and elk populations. Another contention was that the forest failed to consider climate change in its analysis.

Regarding threatened and endangered species, the wildlife reviewer found that the forest produced a BE analyzing effects for listed species. A Biological Assessment was prepared and submitted to the U.S. Fish and Wildlife Service for formal consultation. The forest received concurrence on all “not likely to adversely affect” determinations, and a no jeopardy biological

opinion on the Chiricahua leopard frog and Gila trout from the Fish and Wildlife Service. The forest received a “not likely to jeopardize” determination from the U.S. Fish and Wildlife Service on the Mexican gray wolf. This information was summarized in the EA and the effects were not significant.

The reviewers looked at contentions related to watersheds and riparian areas and found the forest documented that the draft decision would result in a slower rate toward satisfactory conditions than the no grazing alternative; however, movement toward satisfactory conditions was still consistent with achieving the desired conditions in the Forest Plan. Therefore, the draft decision is consistent with the National Forest Management Act.

The project’s impact to elk and deer were disclosed in the analysis under the “big game” section of the Wildlife Specialist Report and the EA. The forest determined that impacts to both species were not significant.

### **Conclusion**

The reviewers found that the forest complied with all relevant laws, regulations, and policies during the course of this analysis.

I acknowledge that these findings may be unsatisfying for some; however, I want to emphasize that this decision allows for flexibility in the number, timing, and duration of cattle in the allotment to ensure that conditions in the field continue to trend toward improvement of the watersheds and riparian areas.

In conclusion, I concur with the team of reviewers that the forest adequately addressed the issues raised in the objections and disclosed them in the project record.

Sincerely,



*for* NEIL BOSWORTH  
Forest Supervisor

cc: Debbie Cress, Jeff Sturla, Judy Suing, Blair Halbrooks