

Mr. Tom Torres, Acting Supervisor
Tonto National Forest
2324 E. McDowell Rd
Phoenix, AZ 85006

Dear Mr. Torres,

This is an objection, as per 36 CFR 218, Subparts A & B, to the draft decision notice published on February 3, 2021, by Globe District Ranger Adam Bromley for the Hicks-Pikes Peak Allotment Grazing Authorization. My objections are based upon the comments I previously submitted regarding this project in 2017 and 2019, and are grouped accordingly.

Allotment Management History

The allotment history provided on page 8 of the accompanying environmental assessment (EA) is still inadequate. That's because it lacks the important fact that in the late 1990s livestock grazing was ordered to be prohibited along the Salt River in order to protect its important desert riparian habitat and comply with the Endangered Species Act. On the Hicks-Pikes Peak grazing allotment, this meant that grazing was prohibited in the allotment's Ortega and Lower Shute Springs pastures, which were located along the south bank of the river, because cattle had full access to the river when they were in them. In fact, a portion of the Lower Shute Springs pasture was located across the Salt River, on the opposite north bank, and cattle were previously allowed to cross the river to and from it.

Furthermore, page of the EA also states:

“In 2002, an extreme drought occurred across the Tonto National Forest. Due to the drought, all livestock were removed from the Hicks-Pikes Peak Allotment, as well as most of the Tonto National Forest from 2003 until 2004.”

This appears to be inaccurate, because in December 2003 the Globe Ranger District issued annual operating instructions (AOI) for the allotment which showed that the J Bar B Cattle Co., one of the subsequent primary owners of the Rockin Four Ranch LLC, was authorized to graze 130 cattle on the allotment beginning in November 2003, and lasting at least through April 2004. This authorization was characterized as a “drought relief” measure because the J Bar B Cattle Co. was, and still is, the permit holder for the nearby Bar V Bar-Campaign allotment in the Forest's Tonto Basin Ranger District.

This historical information is important because it means that when Rockin Four Ranch LLC obtained the Hicks-Pikes Peak allotment's grazing permit in 2006, they had to be aware that the Ortega and Lower Shute Springs pastures were not authorized for livestock grazing. Therefore, they can't complain that it's somehow unfair that they aren't allowed to use these ungrazed areas, or to allow their cattle to access to the Salt River. It also raises the question of whether or not a subsequent AOI was issued to J Bar B Cattle Co. to authorize them to graze the allotment again in 2005, before Rockin Four Ranch LLC obtained the permit in 2006.

Authorized Cattle Numbers

Page 8 of the EA also states that the actual cattle numbers which have grazed the allotment have varied since 2006, and ranged between 290 and 670 head. I obtained several of the allotment's AOIs from this period which show that the following numbers of cattle were authorized:

- 2006 AOI - 116 cattle & 7 bulls yearlong
- 2007 AOI - 128 cattle & 14 bulls for two months, 817 yearlings for a month
- 2008 AOI - 310 cattle & 20 bulls & 500 yearlings for 6 months
- 2020 AOI
 - Herd A - 110 cattle for 9.5 months & 55 cattle for 2.5 months
 - Herd B - 100 cattle yearlong
 - Herd C - 80 cattle yearlong
 - Yearlings - 150 yearlings for 5 months & 100 yearlings for 5 months
 - Bulls - 29 yearlong

In order to be able to make some useful comparisons, I converted these numbers into animal unit months (AUMs). An AUM, as you know, estimates how much forage is eaten by a bovine in a month, per this widely used formula:

- A cow, or a cow and her calf (cattle) grazing for a month, equals 1.0 AUM
- A bull grazing for a month typically equals 1.4 AUM
- A yearling grazing for a month typically equals 0.7 AUM

Applying the formula, the number of livestock authorized in the AOIs convert to the following AUMs:

- 2006 - 1,509.6 AUMs
- 2007 - 867.1 AUMs
- 2008 - 4,128 AUMs
- 2020 - 4,704.7 AUMs

In the EA's description of the proposed action on page 44 it states that it would authorize "between 650 to 800 adult cattle yearlong." In addition, you also propose that "700 to 1100 weaned calves up to 18 months of age (yearlings) would be authorized for up to any 7 months within a 12 month period." Applying the formula again, the proposed action equates to up to 9,600 AUMs of cattle, and up to 5,390 AUMs of yearlings - for an annual total of 14,990 AUMs.

The most recent allotment management plan (AMP) for the Hicks-Pikes Peak allotment was signed in 1992. Until a new one is completed, it's still supposedly in effect. It states that the allotment was permitted for 1000 head of cattle yearlong, with no yearlings allowed, but 150 of those head were in mandatory nonuse due to poor range conditions. According to the formula, this would equate to 12,000 permitted AUMs, but only 10,200 authorized AUMs. These are lower than the proposed numbers, and back then the allotment included all of the pastures along the Salt River. Furthermore, as mentioned above, the EA states that the highest number of cattle that have actually grazed the allotment since 2006 was 670 head, which would equate to only 8,040 AUMs, if they grazed yearlong.

Any way you look at it, the proposed action could significantly increase the number of cattle on the allotment. On page 14 of the EA it says that a local Natural Resources Conservation Service (NRCS) employee made a 2017 hypothetical mathematical assessment that determined the allotment could support 800 cattle, which would equate to 9,600 AUMs, based upon “very conservative” forage production. But, according to the EA, this rosy picture was contradicted by a 2009 reading of Parker Three-Step monitoring sites, and some Reading the Range monitoring sites. For example, the NRCS employee presumed an average of 700 to 1,000 pounds of forage production per acre across the allotment, while the Reading the Range monitoring showed the pasture with the highest forage production, the Windmill pasture, only produced about 250 pounds per acre, adjusted for livestock utilization. Obviously, there is little justification for the significant increase in permitted livestock numbers that’s included in the proposed action. (There’s no mention in the EA of whether or not the NRCS grazing capacity estimate includes the Ortega or Lower Shute Springs pastures that are excluded from grazing.)

This isn’t the first time the Globe Ranger District has proposed to change permitted cattle numbers on the Hicks-Pikes Peak grazing allotment with insufficient justification. On September 27, 2005, the District Ranger at that time issued a decision to implement a new AMP for the allotment. (The NEPA analysis had been initiated in 2001.) The decision authorized up to 350 cattle yearlong, which equates to 4,200 AUMs. It was appealed by the conservation group Forest Guardians (now WildEarth Guardians) and on December 22, 2005, Tonto National Forest Supervisor Gene Blankenbaker responded by reversing the decision. His appeal decision stated that, “The documentation of capacity does not support the upper stocking levels.”

The large increases in permitted livestock included in District Ranger Bromley’s recent decision imply that range conditions on the Hicks-Pikes Peak allotment have vastly improved since then. But according to the Arizona Drought Monitor, Arizona has been experiencing a long-term drought for more than 20 years, and last year was one of the driest. Furthermore, it’s so bad that scientists are calling it a “megadrought” and warn us that it’s likely to continue, and may get worse, due to ongoing climate change. According to the EA, the historical average precipitation on the Hicks-Pikes Peak allotment ranges between 13 and 22 inches annually. The EA also states that recent precipitation has been closely monitored in the allotment’s Kenny and Windmill pastures. The monitoring showed that the Kenny pasture experienced below average precipitation in seven years out of a recent 10-year period, with three of those years being so bad that they were considered drought years. The Windmill pasture also experienced below average precipitation in seven years out of a recent 10-year period, with four of those years being considered drought years.

Considering the consistently dry weather, it's difficult to believe that range conditions on the Hicks-Pikes Peak allotment have improved enough during the last several years to justify a large increase in permitted cattle numbers.

Status of Ortega & Lower Shute Springs Pastures

As mentioned previously, livestock grazing was discontinued in the Ortega and Lower Shute Springs pastures about 20 years ago because they included important desert riparian habitat along the Salt River. That changed in 2018 when the Globe Ranger District issued a NEPA categorical exclusion memo that authorized two fences to be built in the Ortega pasture. One of

the fences split the pasture in two, creating the current East Ortega and West Ortega pastures. The other fence prevented cattle from accessing the Salt River from the new East Ortega pasture. These fences allowed grazing to resume in a portion of the original Ortega pasture. This project was characterized as a “drought relief” measure. In other words, the District’s response to the drought was to open up more areas to cattle grazing. (Apparently, drought can be used as a reason to increase grazing, but not to decrease it.)

The proposed action described in the EA calls for building more fences to prevent cattle from accessing the Salt River from the original Ortega and Lower Shute Springs pastures. (The Lower Shute Springs pasture was apparently divided by a fence into east and west pastures sometime after 2006, likely in anticipation of grazing being authorized to resume in it.) These fences would allow grazing to resume in most of the West Ortega and both Lower Shute Springs pastures. So it appears the District still thinks it’s a good idea to expand cattle grazing during a drought. The EA doesn’t mention if these fences would be built out of the “view shed” of the Salt River, or far enough from the river to prevent the secondary impacts of cattle grazing from affecting the river’s riparian habitat.

Moreover, these fences would be built in the Salt River Canyon Wilderness, which was established in 1984. While the Wilderness Act of 1964 doesn’t prohibit livestock grazing, it does put some restrictions on it. These are codified in the Forest Service Manual, wherein it states that:

“Wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.”

It’s difficult to understand how the construction of new fences in the Salt River Wilderness, which will allow grazing to occur in the wilderness, are “necessary for the protection of the range” when the range is currently totally protected by the absence of cattle. Furthermore, these fences would be several miles long so they would be quite expensive. If government assistance from the NRCS Environmental Quality Incentives Program (EQIP) program is used to help build them, it means the taxpayers would be subsidizing the expansion of cattle grazing in a wilderness area.

Riparian Habitat Protection

The protection of desert riparian areas from ecological degradation caused by cattle grazing is a very important issue - so important that I shouldn’t have to point it out. The Salt River is currently protected within the Hicks-Pikes Peak allotment because it’s excluded from grazing. But according to Table 9 in the EA, there are some other perennial riparian areas on the allotment, and they are in less than good condition. On page 35 of the EA it states that the riparian area in Sycamore Canyon has suffered serious degradation from livestock grazing. The degradation of the Mud Springs Wash riparian area by cattle is also documented on page 35. However, the most recent assessments of these areas were apparently completed back in 2012. How can the EA be considered adequate if it doesn’t include any recent riparian habitat monitoring results?

The EA implies that these serious problems will be solved by the implementation of the Forest's modest riparian utilization guidelines. But these guidelines have been in effect across the Forest for many years. In fact, the Globe Ranger District issued a grazing permit modification to the Rockin Four Ranch LLC on May 6, 2015, to clarify that they applied to the Hicks-Pikes Peak allotment. But, as I pointed out above, there's no evidence presented in the EA that they've worked.

Obviously, the construction of riparian exclosures should be considered. The 2005 decision called for a riparian exclosure to protect the Sycamore Canyon riparian area, but the idea was abandoned for some reason. Table 16 in the EA doesn't include any proposed additional fencing to protect riparian areas. It does, however, propose to construct many miles of new fence to facilitate increased livestock grazing. Apparently, there's no problem finding the money to build a lot of fence to promote cattle grazing, but finding the money and the will to build fences to protect riparian areas is difficult. This is despite the fact that the best management practices described in the EA state that, "Riparian and aquatic resources supported by springs should be protected from grazing by fencing."

Furthermore, there are some proposed range "improvements" included in the EA that would directly harm the allotment's riparian areas. One of the best management practices listed on page 56 states that new livestock waters should be constructed "at least 400 feet away from riparian areas." But Table 26 lists three proposed new livestock waters that would be located in or near riparian areas. Also, Table 18 lists numerous proposed spring developments, but it appears that some of them might not comply with the best management practices of leaving sufficient water in the springs to provide for riparian and aquatic resources.

Conclusion and Requested Resolutions

In conclusion, please reject the draft decision notice for the following specific issues and consider my suggested solutions:

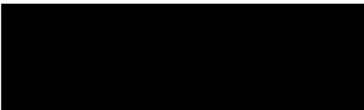
1. The EA is inadequate under NEPA because the description of the Hicks-Pikes Peak grazing allotment's management history doesn't explain that the current permittees had no reason to expect to be able to graze the Ortega and Lower Shute Springs pastures when they obtained the allotment's grazing permit. Please add that information to the EA.
2. The proposed decision to significantly increase permitted cattle numbers on the allotment isn't supported by any recent monitoring data specific solely to the allotment. Please abandon the proposed permitted numbers and reconsider them using recent precipitation amounts and actual range data collected through recent monitoring of the allotment. Include this vital information in a revised EA.
3. The proposed decision to build fences to allow cattle to graze more of the Ortega and Lower Shute Springs pastures in the Salt River Canyon Wilderness may be a violation of the Wilderness Act. Please reconsider it. But if you decide to allow them to be built, please ensure that the permittees have to pay their entire cost.

4. The EA fails to comply with NEPA because it fails to include any riparian habitat monitoring data collected since 2012, therefore there's nothing to show if the Forest's riparian utilization guidelines are working on the allotment.

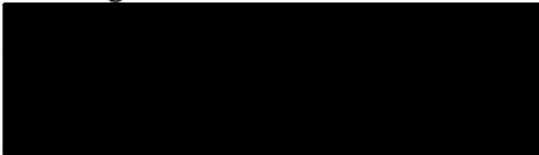
5. The proposed action appears to include measures that do not comply with established best management practices designed to protection riparian resources. Please revise it to remedy this problem.

Thank you for this opportunity to participate.

Sincerely,

A black rectangular redaction box covering the signature of the sender.

Jeff Burgess

A large black rectangular redaction box covering the contact information of the sender.