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Route To:

Date: AUG 15 2019

Subject: Appeal Decision of the Coconino National Forest Land and Resource Management Plan Revision

To: Regional Forester, Southwestern Region

This is my decision on the appeals of the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the revised Coconino Land and Resource Management Plan. There were two appeals received by the Reviewing Officer:

- Arizona Game and Fish Department
- Sierra Club, Grand Canyon Chapter (Grand Canyon Wildlands Council and Arizona Wilderness Coalition)

On June 11, 2019, the Arizona Game and Fish Department withdrew their appeal in its entirety after working with you in resolving their appeal issues. On July 10, 2019, I received an email from Sierra Club informing me that you had worked with them to resolve their appeal point related to Trail Management Guidance. Accordingly, I did not review the appeal from Arizona Game and Fish Department or the issue regarding the Trail Management Guidance from Sierra Club, et.al.

Alicyn Gitlin, Sierra Club, Grand Canyon Chapter, will receive notification of my decision. The final appeal decision is available at www.fs.fed.us/appeals or in hard copy, upon request.

You published the ROD on August 23, 2018, revising the 1987 Coconino National Forest Land and Resource Management Plan (LRMP). The revised LRMP conforms to the 1982 planning regulations at 36 CFR 219 [1982, as amended], last published in the Code of Federal Regulations on July 1, 2000¹. The record for the appeal to the Chief of the Forest Service was transmitted in conformance with the Optional Appeal Procedures at Section 15(a).

¹ The Coconino National Forest Land and Resource Management Plan revision was prepared under the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 as amended by the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 et seq.), the implementing regulations of the NFMA at 36 CFR 219 (77 FR 21260, April 9, 2012), and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and its implementing regulations (40 CFR 1500-1508). NFMA's current implementing regulations at 36 CFR 219.17(b)(3)(77 FR 21270) allow the use of the provisions of the prior planning regulation, including its transition provisions (2000 Planning Rule at 36 CFR 219.35(a) and (b)) (December 18, 2009). The transition provisions of the 2000 planning rule allow the use of the prior planning regulations promulgated in 1982. Citations to 36 CFR 219 in this document refer to the 1982 rule.



The revised LRMP guides the Coconino National Forest in fulfilling their stewardship responsibilities to best meet the needs of the American people for the present and into the future. The revised LRMP provides a framework that contributes to sustaining native ecological systems by managing toward desired conditions that support native plant and animal diversity. The revised LRMP integrates forest restoration, watershed protection, vegetation resilience, wildlife conservation, and contributions to social and economic values, goods, and services. The revised LRMP is strategic in nature and does not specifically authorize or prescribe any specific projects or activities.

The revised LRMP includes “plan decisions” and “other content.”² Any substantive changes to plan decisions require a plan amendment with appropriate analysis as required under the National Environmental Policy Act (NEPA). A change to “other content” may be made using an administrative correction process. The public is notified of all administrative corrections of the revised LRMP.

Issues

This appeal decision is the outcome of a deliberative and extensive review process. My review of the appellants’ concerns provides responses to issues involving complex regulatory and management issues. Although some issues raised in the appeals are not specifically cited in this decision, all appellants’ concerns have been considered. My appeal review focused on compliance of the ROD and FEIS with applicable law, regulation, and policy, as cited by appellants.

Appellants raised appeal issues regarding determination of openness for vegetation management, insufficient guidance regarding diversity of plant and animal communities, failure to protect water resources and wildlife, failure to justify a change in direction for Mount Elden/Dry Lake Hills and Mount Elden Management Areas, failure to protect the soundscape and continuation of Amendment 12, concerns surrounding the Walnut Canyon Study Area, failure to address demand for snowmaking, failure to ban campfires, failure to adequately contribute to Mexican wolf recovery, and concerns about the Agency wilderness recommendations.

Appeal Decision

Your decision meets the requirements of applicable Federal law, regulations, and policy and is therefore affirmed. However, an issue related to pinyon pine and aspen needs clarification in the planning documents. Below is my response to this issue for which I affirm your decision while also instructing needed follow-up action. All other issues that I affirmed without instruction are included as an attachment to this letter.

² Plan decisions include: goals, desired conditions, objectives, standards, guidelines, suitability of uses, management areas (including designated areas), and monitoring.

Pinyon Pine and Juniper

Appellants are particularly concerned that pinyon pine and juniper are treated as one and the same species throughout the revised LRMP. Appellants contend:

- Pinyon pine and juniper are tremendously different plants, particularly how they respond to drought. Although they coexist, they required different management.
- The revised LRMP states aspen should be protected from “excessive” herbivory and does not explain what metric will determine “excessive”.
- The revised LRMP does not address the cultural significance (pine nut gathering) of pinyon pine, only its value to Mexican spotted owls.
- Slow growing pinyon pines are extremely drought sensitive and have had massive die-offs. As such, they should not be cut.

The following are suggested remedies from appellants:

- Add guidelines to all ecological response units (ERUs) containing pinyon pine specifying pinyon pine will not be intentionally removed from the landscape when habitat restoration is a project goal.
- Change the guideline for aspen to define what metrics will be used to determine “excessive” herbivory.
- Add a management approach to limit the unnecessary construction of artificial waters; create a guideline that artificial water sources be kept at a distance from aspen patches to protect the trees from elk and cattle.
- Include a discussion of the use of fire and wolf reintroduction as tools to restore aspen populations.
- Adopt a management approach as spelled out in the Kaibab National Forest Land and Resource Management Plan (2014), p. 29.

Response

The Forest utilized the requirements in the 1982 Planning Rule to assess and develop guidance related to diversity of plant and animal communities (36 CFR 219.26 and 219.27). The FEIS, Volume 2a contains this analysis. There is a section on Species Viability, which documents the key information for primary habitat associations. Pinyon pine and juniper occupy the same ERU, but they were not treated as one and the same species. There are also sections detailing how the course filter and fine filter analysis was used to assess the diversity of plant and animal communities (FEIS, Volume 2a, pp. 55-455). This analysis correctly responds to the requirements in the 1982 Planning Rule.

Specifically, appellants requested the inclusion of a guideline to prevent cutting of pinyon pine trees. The decision to treat and how to treat areas containing pinyon pine is based on site-specific analysis. The revised LRMP recognizes pinyon pine as a native species and provides desired conditions to manage it within its historic range of variability. The revised LRMP also includes objectives to improve or restore various acreages of grasslands on the Forest. These objectives could result in mechanical or prescribed fire treatments involving the removal of pinyon pine from areas that were historically grasslands, specifying these decisions would be based on site-specific analysis:

This plan provides strategic guidance and information for project and activity decision making on the Coconino NF for approximately the next 15 years. The plan is intended to provide additional direction not already provided by existing law, regulation, or policy. This plan does not include site-specific project and activity decisions. Project and activity decisions are analyzed separately. All project and activity decisions, however, must comply with the guidance provided by this plan unless amendments are made to the plan that allow for deviation. (revised LRMP, p. 1)

The revised LRMP recognizes the importance of pinyon pines and includes one desired condition to expressly promote seedling survival for this species. See FW-TerrERU-DC-PJ-15. (FEIS, Vol. III, p. 330).

Appellants are concerned that pinyon pine and juniper are treated as one and the same species. The revised LRMP contains specific direction for pinyon pine and juniper in some of the desired conditions. FW-TerrERU-PJ-DC-15 speaks specifically to appellant's request to maintain large pinyons, since large pinyons are mast trees that produce robust crops of pinyon pine nuts

- *FW-TerrERU-PJ-DC-6 – Pinyon trees are occasionally absent, but one or more juniper species is always present.* (revised LRMP, p. 54)
- *FW-TerrERU-PJ-DC-15 - Plant litter (such as leaves, needles) and coarse woody debris create microclimate conditions necessary for pinyon seed germination. There are sufficient nurse trees to provide microclimate conditions in the understory. Nurse trees provide improved nutrient and soil properties, higher soil moisture, lower temperatures, and light levels which increase pinyon seedling survival under harsh conditions.* (revised LRMP, p. 55)
- *FW-TerrERU-PJ-DC-16 – A robust crop of pinyon nuts is regularly produced, consistent with the capability of the site,* (revised LRMP, p. 55)

Appellants believe the revised LRMP does not address the cultural significance (pine nut gathering) of pinyon pine, only its value to Mexican spotted owls. The revised LRMP (p. 88) lists pinyon pine nuts as a special forest product in the *General Description for Forest Products* section and also contains a specific desired condition recognizing traditional and ceremonial tribal uses of forest products, which includes pinyon pine nuts:

FW-FProd-DC-3 - Traditional and ceremonial tribal uses for forest products, such as the collection of medicinal plants, wild plant foods, basketry materials, kiva beams, and firewood, are available under conditions and procedures that minimize restrictions and are consistent with laws, regulations, and agreements with tribes. (revised LRMP, p. 88)

In addition, desired conditions related to *Tribal Relations and Uses* discuss traditional plants culturally important to American Indians:

FW-Trbl-DC-2 – Tribal practitioners have access to areas that provide them an opportunity to practice traditional activities, such as plant gathering and ceremonial activities that are essential in maintaining their cultural identity and the continuity of their culture, with reasonable limitations, consistent with public safety and multiple uses by other forest users. There are opportunities for solitude and privacy for ceremonial activities. (revised LRMP, p. 96)

FW-Trbl-DC-3 - Forest products used by tribal members, organizations, and communities with ancestral or historic ties to the Coconino NF are available for traditional practices and are sustained over time. Collection of culturally important plants by American Indians does not negatively affect the presence and distribution of those species on the forest. (revised LRMP, p. 96)

FW-Trbl-G-1 - “Through discussions with American Indian tribes that collect plants for traditional cultural and ceremonial purposes, forest projects and activities should be designed to promote the persistence of culturally important plants. (revised LRMP, p. 97)

Appellants note the revised LRMP states aspen should be protected from “excessive” herbivory, not explaining what metric will determine “excessive.” In general, herbivory would be excessive when it impacts regeneration and recruitment to the degree that desired conditions for aspen are no longer being met, such as FS-TerrERU-AspMpl-DC-1, 2 and 3 (revised LRMP, p. 57). Appellants request a management approach to limit the unnecessary construction of artificial waters, specifically they want a guideline that artificial water sources be kept at a distance from aspen patches to protect the trees from elk and cattle. The revised LRMP has been adjusted in response to a similar comment on the DEIS. Several guidelines were merged to create one guideline:

FW-Graz-G-4 – Structural range improvements (such as fences, troughs, earthen stock ponds, pipelines) should be located, constructed, reconstructed, maintained, and used in a manner consistent with the desired conditions for riparian areas, wet meadows, aspen, formally identified archaeological sites, known locations of Southwestern Region sensitive species, and other sensitive resources. Range improvements should be modified, relocated, or removed when found incompatible. (revised LRMP, p. 86)

Appellants requested a discussion of the use of fire and wolf reintroduction as tools to restore aspen populations. With respect to the use of fire, the revised LRMP includes an abundance of management direction discussing and addressing the issue (FW-TerrERU-ALL-DC-1, 2, FW-TerrERU-ALL-G-1 and 2, and in the Management Approach where it states, “Fire is essential for

ecosystem function and for maintaining or moving toward desired conditions in ecosystems where fire is the primary natural disturbance...” (revised LRMP, pp. 46-47). Fire is further discussed in the desired conditions for aspen and maple, FS-TerrERU-AspMpl-DC-2 (revised LRMP, p. 57).

With respect to wolf reintroduction to restore aspen populations, reintroduction of species is outside of the scope of the revised LRMP.

Appellants request the adoption of the management approaches as spelled out in the Kaibab National Forest Land and Resource Management Plan (2014), p. 29. The Kaibab management approach for Aspen Management says,

Prioritize aspen restoration efforts by their ecological and genetic contribution to the greater landscape and balance these activities with the Kaibab NF’s capacity to achieve desired conditions. Collaborate with stakeholders to develop an aspen management protocol that uses a systematic approach to recover and sustain aspen and the associated understory native plant communities and wildlife. Work with the Arizona Game and Fish Department (AGFD) on developing appropriate strategies for managing elk impacts to aspen on the Williams and Tusayan Ranger Districts and identifying population goals for elk on the Kaibab NF. Other strategies to promote aspen such as jackstrawing, planting, public education, and improving the forage and browse in the surrounding area to diffuse browse pressure on aspen may be used.

The Coconino revised LRMP addresses the same goal through plan components, such as FW-TerrERU-All-G-1, which provides direction to design activities to maintain biodiversity (including aspen).

This issue is also addressed by direction under *Management Approaches for All Terrestrial ERUs* (revised LRMP, p. 47):

Foster partnerships with the Rocky Mountain Research Station and other science organizations to identify and develop concepts, tools, and research opportunities applicable to ecosystem restoration and vegetation management on the Coconino NF.

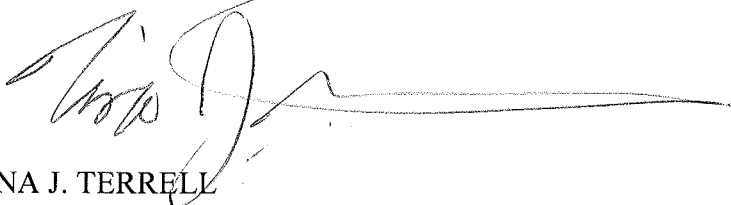
Work with volunteer groups on projects that improve vegetation and ecosystem function. Consider inclusions, landscape variability, and transition zones during project planning to support biodiversity at the fine and mid scales. Inclusions and variability could include individual species, such as alligator juniper or blue spruce, or microclimates, such as cool, moist sites in a more arid environment, or warm, dry sites surrounded by more arid conditions. (revised LRMP, p. 47)

Instruction

The revised LRMP meets the requirements of the 1982 Planning Rule with sufficient guidance regarding diversity of plant and animal communities (36 CFR parts 219.15, 219.26, and 219.27, published at 36 CFR parts 200 to 299, revised as of July 1, 2010). Although I found no violation of law, regulations, or policy, please add clarity to the revised LRMP by specifically mentioning

that pinyon pine nuts are a forest product culturally important to American Indians. In addition, the term "excessive" herbivory could be clarified with a specific metric that would indicate "excessive" herbivory, or a better definition of the specific type of monitoring planned that would result in the need for action to protect young aspen regeneration.

This appeal decision is the final administrative determination of the Department of Agriculture, unless the Secretary, on his own initiative, elects to review the decision within 15 days of receipt (Optional Appeal Procedures, Section 17(d)). By copy of this letter and notification of availability on the Web, I am notifying all parties to this appeal.

A handwritten signature in black ink, appearing to read 'Tina J. Terrell', with a long horizontal line extending to the right.

TINA J. TERRELL
Reviewing Officer for the Chief

Enclosure

cc: Sierra Club Grand Canyon Chapter, Region 3 Planning, Region 3 Appeals