

Appendix 2. Errata for the Kaibab Land and Resource Management Plan Final Environmental Impact Statement and Record of Decision

This appendix provides details of the changes that have been made to the Kaibab Land and Resource Management Plan Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) in response to the appeal resolution instructions provided by the Forest Service Chief's Reviewing Officer following administrative review of two appeals (Ryberg et al. # 14-13-00-0176-219A and Center for Biological Diversity et al. #14-13-00-0177). Strikethrough text indicates deletion and underlined text indicates addition.

These changes to the Final Environmental Impact Statement and Record of Decision are being made to clarify the relationship between grazing capability and suitability, better explain the role of allotment management plans and annual operating instructions in making adjustments to livestock grazing using the adaptive management framework, and that in addition to rulemaking procedures other legal mechanisms, could be used to limit the use of lead ammunition if deemed necessary or appropriate. The adjusted pages will be clearly marked as replacement pages.

The complete documents containing changes as well as the original appeals and Chief's Appeal Decision are available on the Kaibab National Forest website at <http://www.fs.usda.gov/detail/kaibab/landmanagement/planning/?cid=STELPRDB5106605>.

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p. 9. In response to appeal resolution instructions related to management direction pertaining to Use of Lead ammunition (page 5 of the Appeal Resolution decision letter), the following changes have been made to the FEIS:

***“Rationale:** The regional forester has the authority to prohibit actions on the forest for the purposes of protecting endangered species per 36 CFR 261.70. If deemed necessary or appropriate, the use of lead ammunition in a national forest could be ~~However, such a prohibition~~ prohibited by following the rule making procedures established in 5 U.S.C. 553 or may be limited using other legal mechanisms depending upon the scope and scale of the limitation. ~~Rulemaking would require additional analysis and documentation for compliance with the National Environmental Policy Act and is outside the scope of the plan revision EIS analysis.~~”*

p. 96. In response to appeal resolution instructions related to management direction pertaining to Use of Lead ammunition (page 5 of the Appeal Resolution decision letter), the following changes have been made to the FEIS:

“The primary threat to the Arizona population of condors is ingestion of lead ammunition. As noted in Chapter 1, if deemed necessary or appropriate, the use of lead ammunition in a national forest could be prohibited by following the rule making procedures established in 5 U.S.C. 553 or may be limited using other legal mechanisms depending upon the scope and scale of the limitation. Therefore, this is not a forest management activity used to determine viability risk from the implementation of the forest plan. (see Cumulative Environmental Consequence section for effect from lead shot).”

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p. 358. In response to appeal resolution instructions related to management direction pertaining to Annual Operating Instructions (page 7 of the Appeal Resolution decision letter), the following changes have been made to the FEIS Appendices:

“Where there are site-specific concerns related to livestock grazing, they may be addressed in the annual operating instructions and throughout the season within the scope of the grazing authorization decisions.”

p. 363. In response to appeal resolution instructions related to management direction pertaining to Annual Operating Instructions (page 7 of the Appeal Resolution decision letter), the following changes have been made to the FEIS Appendices:

“The livestock grazing desired conditions and guidelines address grazing-related resource concerns. Site specific concerns are addressed through project-level grazing decisions that are made following an environmental analysis in conformance with the National Environmental Policy Act, and fine-tune adjustments are made annually through the annual operating instructions to minimize and mitigate adverse effects. Guidelines in the plan are not discretionary.”

p. 379. In response to appeal resolution instructions related to management direction pertaining to Use of Lead ammunition (page 5 of the Appeal Resolution decision letter), the following changes have been made to the FEIS Appendices:

“Response: While we acknowledge the harmful effects of lead to condors and other raptors, the FEIS fully evaluated and disclosed the effects of lead ammunition on condors. If deemed necessary or appropriate, the use of lead ammunition could be prohibited through the rule-making procedures established in 5 U.S.C. 553, or may be limited using other legal mechanisms depending upon the scope and scale of the limitation. ~~banning lead ammunition would require following the rule-making procedures established in 5 U.S.C. 553. Rulemaking requires additional analysis and documentation for compliance with the National Environmental Policy Act, which is outside the scope of the plan revision decision and analysis.~~”

p. 380. In response to appeal resolution instructions related to management direction pertaining to Use of Lead ammunition (page 5 of the Appeal Resolution decision letter), the following changes have been made to the FEIS Appendices:

“Response: The regional forester has the authority to prohibit actions on the forest for the purposes of protection of endangered species per 36 CFR 261.70. If deemed appropriate, the use of lead ammunition in a national forest could be prohibited by following the rule making procedures established in 5 U.S.C. 553 or may be limited using other legal mechanisms depending upon the scope and scale of the limitation. Additional protections for the condor are not needed for the purposes of the forest plan. However, such a prohibition would require following the rule making procedures established in 5 U.S.C. 553. Rulemaking is outside the scope of the plan revision EIS analysis. Further, additional protections for the condor are not needed for the purposes of the forest plan.”

p. 380. In response to appeal resolution instructions related to management direction pertaining to Use of Lead ammunition (page 5 of the Appeal Resolution decision letter), the following changes have been made to the FEIS Appendices:

“Response: The regional forester has the authority to prohibit actions on the Kaibab NF for the purpose of protecting endangered species per 36 CFR 261.70. ~~However, such a prohibition would require following the rule making procedures established in 5 U.S.C. 553. Rulemaking would require additional analysis and documentation for compliance with the National Environmental Policy Act, and is outside the scope of the plan revision EIS analysis.~~ If deemed appropriate, the use of lead ammunition in a national forest could be prohibited by following the rule making procedures established in 5 U.S.C. 553 or may be limited using other legal mechanisms depending upon the scope and scale of the limitation.”

p. 396. In response to appeal resolution instructions related to management direction pertaining to Annual Operating Instructions (page 7 of the Appeal Resolution decision letter), the following changes have been made to the FEIS Appendices:

“Response: Less than satisfactory soil conditions have been identified in the Terrestrial Ecosystem Survey data. A majority of the unsatisfactory soils on the Kaibab NF occur on steep slopes or in dense pinyon-juniper vegetation that is not typically grazed. The plan lays out desired conditions, objectives and guidelines for protecting and restoring soils and watersheds. Restoration of these lands would be accomplished through plan objectives such as thinning, fire, and noxious weed treatments and implemented through site specific analysis and project-level planning. Priority areas were identified in the Watershed Condition Framework. The Kaibab NF uses an adaptive management strategy to manage the rangeland resources. Allotment management plans and associated grazing authorization decisions are made about every ten years following an environmental analysis in conformance with the National Environmental Policy Act (NEPA). As part of the NEPA analysis, condition and trend, including soils are assessed and resource conditions of concern are assessed and disclosed. The grazing management guidelines in the revised plan state that “annual operating instructions for livestock grazing permittees should ensure livestock numbers are balanced with capacity and address any relevant resource concerns (e.g., forage production, weeds, fawning habitat, soils, etc.). As a result, if grazing was contributing to the unsatisfactory soils, the grazing management would be adjusted through the annual operating instructions.”

p. 473. In response to appeal resolution instructions related to Grazing capability and suitability on page 6 of the Appeal Resolution decision letter, the following changes have been made to the FEIS Appendices:

“The original plan identified four management areas as unsuitable for livestock grazing: the Arizona Bugbane Botanical Area, Garland Prairie, Franks Lake Geologic/Botanic Area, and developed recreation sites. These management areas are still identified as unsuitable, but a 219-acre adjustment was made to the area managed as developed recreation sites. Two developed recreation sites have been closed since the original plan was signed and they are no longer managed for recreation: Moqui Lodge and Benham Snowplay Area, 202 and 17 acres, respectively. The desired conditions for these areas would no longer preclude livestock grazing. As a result, this revised plan shows these areas as suitable for livestock grazing.

~~Since the original plan was approved, each allotment on the Kaibab NF has received site-specific environmental review for the authorization of grazing. The decisions for those analyses were reviewed for areas where livestock grazing was not authorized. Site-specific NEPA identified three large contiguous areas were not authorized for grazing following environmental review: the Kanab Creek allotment, Jump-up pasture of the Central Winter allotment, and the Bill Williams Mountain portion of the Hat allotment. In this revised plan, these areas have been identified as not suitable for livestock grazing. Table D-2 summarizes portions of the Kaibab NF that are unsuitable for livestock grazing.~~

Since the original plan was approved, each allotment on the Kaibab NF has received site-specific environmental review for the authorization of grazing consistent with the National Environmental Policy Act (NEPA). The grazing decisions for those site-specific analyses were reviewed for areas where livestock grazing was not authorized. Site specific NEPA identified three large contiguous areas that were not authorized for grazing: Kanab Creek allotment, Jump-up pasture of the Central Winter allotment, and the Bill Williams Mountain portion of the Hat allotment. In this revised plan, these areas have been identified as not suitable for livestock grazing. Table 3 and Figure 5 show the areas on the Kaibab NF where livestock grazing was not authorized. Of the approximately 1.1 million acres identified as tentatively capable 14,274 acres were identified as not suitable due to incompatibility with desired conditions. The total area that is both capable and suitable is about 1.1 million acres.”

Table D 1. Areas unsuitable for grazing on the Kaibab National Forest

Feature	Acres	Notes
Arizona Bugbane Botanical Area	490	Management areas closed to grazing in the original forest plan.
Garland Prairie	<u>328</u> 340	
Franks Lake Geologic/Botanic Area	145	
Existing Developed Recreation Sites	<u>1,397</u> 1,556	
Kanab Creek Allotment	39,280	Closed to grazing in site-specific NEPA decision in March 2001.
Jump-up Pasture, Central Winter Allotment	15,745	
Bill Williams Mountain, Hat Allotment	<u>2,862</u> 2,500	Closed to grazing in site-specific NEPA decision in September 2010.
<u>Total area withdrawn from livestock grazing through previous site-specific decisions</u> Unsuitable Area	<u>60,247</u> 60,056	Withdrawn areas contained 45,973 acres within their boundary that was not capable due to steep slope, erodable soils, and low productivity.
<u>Tentatively capable lands that are not suitable</u>	<u>14,274</u>	<u>Total capable acres withdrawn from grazing due to incompatibility with desired conditions.</u>

Record of Decision for the Kaibab National Forest Land and Resource Management Plan

p. 17. In response to appeal resolution instructions related to management direction pertaining to Use of Lead ammunition (page 5 of the Appeal Resolution decision letter), the following changes have been made to the ROD:

“Some commenters want the forest to ban the use of lead ammunition and uranium mining on the Forest. Both of these issues are beyond the scope of the plan revision. ~~Prohibition of lead would require rule making and the~~ Lead ammunition could be prohibited by following the rule making procedures established in 5 U.S.C. 553 or may be limited using would require rule making or other legal mechanisms depending upon the scope and scale of the limitation. The decision to authorize uranium mining is subject to 1872 Mining Law.”