

## **PROJECT SCOPING STATEMENT**

### M-Creek Pasture Improvements Proposal

USDA, Forest Service  
Douglas Ranger District  
Medicine Bow/Routt National Forests  
and Thunder Basin National Grasslands  
Converse County, Wyoming

### **INTRODUCTION**

The United States Forest Service and the Thunder Basin Grazing Association entered into a Cooperative Grazing Agreement on August 23, 2002. This agreement is for a period of ten (10) years, and permits the grazing of livestock owned by members of the grazing association in allotments and pastures on federal lands on the Thunder Basin National Grassland.

The M-Creek livestock grazing pasture area is located in the Fiddleback Allotment northeast of Bill, WY along the Steckley Road. The legal description takes in most sections of the Federal lands in T40N, R70W. The pasture includes 12,799 total acres of which 11,559 are National Grasslands. The type of livestock permitted in the pasture is cow/calf pairs. Grazing occurs seasonally and annually from 07/01 to 08/30. The Red Hills inventoried roadless area occurs entirely within the boundary of the M-Creek pasture.

The purpose of your receipt of this project scoping statement and the invitation to comment on the proposed action is to provide you with an opportunity for early and meaningful participation in the environmental analysis of this proposal prior to a decision being made by the Responsible Official. Those persons who provide substantive comments now about this project will be eligible to appeal the decision under the regulations.

### **PROPOSED ACTION**

The District Ranger has received a joint request from the allotment permittee, Gary Jacobson, and the Natural Resource Conservation Service (a USDA agency) to install and/or construct several rangeland improvements on National Grassland administered jointly by the USFS and the Thunder Basin Grazing Association. These proposed improvements include constructing 2.5 miles of new fence, an estimated 3.25 miles of new water pipeline, drilling four (4) water wells and installing ten (10) livestock water tanks and one (1) water storage tank. These improvements will be installed using vehicles for hauling materials and drilling and will result in approximately seven to eight acres of affected area.

The proposal to construct new fence would have the effect of reducing average pasture size in the geographic area, from 2,080 acres to 2,064 acres and creating one additional pasture in the allotment/geographic area.

A roadless area report will be prepared as a part of the environmental effects analysis for this project.

## **PURPOSE AND NEED FOR ACTION**

The Forest Service and Wyoming Game and Fish Department concur that there is an existing *need* and that, with a change in the way domestic livestock grazing use is distributed in the allotment, the condition of vegetation can be improved to better reflect the desired conditions and goals described in the Thunder Basin National Grasslands Land and Resource Management Plan. Implementing the proposal to create one (1) new pasture, and several new water sources for livestock, can serve the *purpose* of better distributing grazing use and forage utilization which may move the riparian area, woody draws and other key vegetation areas in the pasture toward the desired condition as described in the Grassland Plan.

The Grassland Plan implements a *standard* requiring that “In riparian habitats/wooded draws, only allow livestock strategies that promote healthy understory and productive shrubs”. It also provides a *guideline* for managing livestock grazing to maintain or improve riparian/woody draw areas. Additional fences and water sources would provide an opportunity to better meet this *standard* and to achieve the intent of the *guideline*. It should be noted that the proposed increase in the miles of fences would have the effect of decreasing average pasture size in the allotment, thereby decreasing pasture size in the geographic area in the short term. This reduction in pasture size is not significant. In the future the Forest Service expects to capture opportunities to increase pasture size in the Broken Hills Geographic Area in order to meet the Grassland Plan *objective* for maintaining or increasing pasture size.

The current allotment/pasture size and improvements do not lend themselves to the forage utilization opportunity that could be implemented there. Currently, a form of “rotational grazing” that defers use of the M-Creek pasture for part of the year is being employed. The current distribution of forage utilization and the location of water sources leave some areas of the pasture under utilized, while the M-Creek drainage is over utilized. In addition the improved distribution of livestock and forage utilization will improve the efficiency of the operation.

## **AFFECTED ENVIRONMENT**

The M-Creek pasture occurs in an area of gently rolling to fairly rugged hills and drainages. The vegetation type is typically a mix of sagebrush and grassland. All federal lands in the allotment and pasture are permitted for livestock grazing and are also used by hunters, and other recreational users.

The Land and Resource Management Plan for the Thunder Basin National Grassland (2002) describes this area as being located in Management Area 3.65, which provides for rangelands with diverse and natural appearing landscapes. Approximately half the acres (6,840) in the M-Creek pasture lies within the Red Hills inventoried roadless area. Within the roadless area the proposal calls for one storage tank, four livestock tanks, 2.5 miles of pipeline and 0.5 miles of fence. No new road construction is planned to access any of the proposed improvements.

Improvements within the roadless area will be placed in areas where existing roads can be used to access them.

## **DECISIONS TO BE MADE**

The decision to be made is whether or not, and if so under what circumstances the proposed improvements would be constructed in the M-Creek pasture. It will consider the grassland plan objective relating to pasture size and that approximately one half of the acres in the M-Creek pasture have been identified as having roadless character.

## **RELATIONSHIP TO OTHER LAWS AND DOCUMENTS**

As a part of the effort to develop and describe the proposed action, the District Ranger and ID team reviewed and discussed all available information and data about the possible effects and or impacts that this action could have on the physical and biological environments in the analysis area, and the relationship between the proposal and laws, regulations, and agency policy that must be complied with if the proposal would be implemented.

Floodplains, wetlands, prime lands, threatened and endangered plant and animal species, global warming, minerals, cultural resources, consumers, civil rights, women, minority groups, and other environmental factors, and the possible beneficial effects and/or adverse impacts of this proposal on those resources will be considered.

The requirements of the Bankhead Jones Farm Tenant Act apply to this proposed project. The Bankhead Jones Farm Tenant Act of 1937 (7 USC 1010) provides that the Secretary of Agriculture is authorized and directed to develop a program of land conservation and utilization in order to correct maladjustments in land use, and thus assist in controlling soil erosion, conducting reforestation, preserving natural resources, protecting fish and wildlife, developing and protecting recreational facilities, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public land, health, safety, and welfare, but not to build industrial parks or establish private industrial or commercial enterprises.

Public Rangelands Improvement Act of 1978 (P.L. 95-514, 92 Stat. 1806; 43 U.S.C. 1901-1908) “Manage, maintain and improve the condition of the public rangelands so that they become as feasible for all rangeland values in accordance with management objectives in land use planning process established pursuant to section 202 of the Federal Land and Policy Management Act (43 U.S.C. 1712).” The proposed action can improve public rangeland condition.

Endangered Species Act of December 28, 1973 (87 Stat. 884) P.L. 93-205, as amended. A Biological Assessment/ Biological Evaluation document will be written for the project area and mitigation measures put into place for any threatened or endangered plants or animals that are found in the project area.

Executive Order 11990 – Protection of Wetland 42 FR 26961 (signed May 25, 1977), and Executive Order 11988 – Floodplain Management 42 FR 26951, (signed May 25, 1977). The Forest Service will consider the proposed action in accordance with the Executive Orders.

National Historic Preservation Act of October 15, 1966 (80 Stat. 915) P.L. 89-665, as amended, & Archeological Resources Protection Act of October 31, 1979 (93 Stat. 721) P.L. 96-95, as amended . A Heritage resource inventory and report will be completed for the Federal lands in the project area.

Clean Water Act (Federal Water Pollution Control Act) of June 30, 1948, (62 Stat. II 55) P.L. 80-845, as amended by the Water Quality Act of 1987 (Act of February 4, 1987, P.L. 100-4) and other laws. This proposed project is not expected to violate any provisions of this act.

The proposed action is expected to comply with the standards, guidelines, and stipulations for grazing of livestock on NFS lands as described in the Thunder Basin National Grassland Land and Resource Management Plan of 2002.

## **PUBLIC COMMENTS REQUESTED**

Scoping to identify issues and concerns is an important part of the environmental analysis process (36 CFR 1501.7). You are encouraged to take the time to consider the proposed improvements for the M-Creek pasture of the Fiddleback Allotment that are described elsewhere in this scoping document and submit your comments on this proposal to the Douglas District Ranger. The formal public comment period about this proposed action will end 30 days from the day after the Legal Notice about the action and this period of opportunity to comment is published in the Casper Star Tribune. No other formal public comment period regarding this action or the environmental analysis that will occur is planned.

Written comments may be submitted to the District Ranger, Douglas Ranger District, 2250 E. Richards, Douglas, Wyoming 82633, Attention: Kurt Staton, Rangeland Management Specialist. Written comments must be postmarked by the Postal Service, e-mailed, faxed, or otherwise submitted by 11:59 p.m. on the 30<sup>th</sup> calendar day following publication of the Legal Notice of this proposed action. E-mail comments should be sent to: **comments-rocky-mountain-medicine-bow-routt-douglas-thunder-basin@fs.fed.us**. If comments are electronically mailed the sender should receive and automated electronic acknowledgement from the agency as confirmation of receipt. If the the sender does not receive such confirmation it is the senders responsibility to ensure timely receipt by other means. Comments may be hand delivered to the Douglas Ranger District office between the hours of 7:30 a.m. and 4:30 p.m. Monday through Friday.

During this 30 day public comment period only those persons who submit timely and substantive comments (36 CFR 215.2) with supporting reasons that the Responsible Official should consider in reaching a decision will be accepted as appellents. In order to secure appeal eligibilty, and individual or representative of an organization submitting comments must either sign the comments document or verify their identity upon request. For more multiple names or multiple

organizations, a signature must be provided by the individual authorized to represent the organization, or by each individual that wishes to have appeal eligibility. Individual members of an organization must submit their own substantive comments in order to meet the requirements of appeal eligibility as an individual. Comments received on behalf of an organization shall be considered as those of the organization only.

This letter and request for comments has also been mailed to other Federal, State, and local agencies, adjacent landowners, and individuals or organizations who may be interested in or affected by this project.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days. For additional information, contact Kurt Staton, Rangeland Management Specialist, at (307) 358-4690.

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