

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE
**SNOWY RANGE CATTLE #1
ENVIRONMENTAL ASSESSMENT**

Brush Creek/Hayden Ranger District

Medicine Bow-Routt National Forests &
Thunder Basin National Grassland

Carbon County, Wyoming

February 2004

Lead Agency: USDA Forest Service

Responsible Official: Scott Armentrout, District Ranger

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INTRODUCTION

An Environmental Assessment (EA) has been prepared for the Snowy Range Cattle #1 Analysis Area. The EA evaluates four range management proposals on the Brush Creek/Hayden Ranger District of the Medicine Bow-Routt National Forests.

Alternative 1: Proposed Action - Maintain Existing Stocking Levels and Grazing Systems

Alternative 2: Shortened Grazing Season and Adjustments in Livestock Numbers

Alternative 3: No Action - No Livestock Grazing

Alternative 4: Preferred Alternative - Rest Followed by a Shortened Grazing Season and Adjustments in Livestock Numbers

The Snowy Range Cattle #1 Analysis Area is comprised of approximately 17,625 acres located within three allotments: Cedar Creek, Lake Creek, and Sawmill Creek. The analysis area lies on the western flanks of Kennaday Peak and Pennock Mountain and ranges in elevation from 8,000 to 10,600 feet above sea level.

The topography is rugged with steep-sided ridges separating the drainages. Because of this ruggedness, only 25 percent (4,242 acres) of the area is considered capable range for livestock. Capable range includes those areas that are accessible to livestock and have suitable types and amounts of forage and water available. Capable range can be classed as either primary or secondary range based on grazing use patterns of livestock. Primary range includes that part of the capable range that livestock naturally prefer, or will use first under extensive management. Secondary range is that part of the range which is capable of supporting livestock grazing, but is used very little or not at all because of accessibility, lack of water, management system, or a combination of these. Livestock use of secondary range is normally minimal until the use level on primary range has reached or exceeded appropriate levels.

DECISION

In accordance with the 1985 Medicine Bow National Forest Land and Resource Management Plan (Forest Plan), the Forest Service will implement new Allotment Management Plans (AMPs) for three livestock grazing allotments within the Snowy Range Cattle #1 Analysis Area. The livestock grazing allotments are Cedar Creek, Lake Creek, and Sawmill Creek.

As the Responsible Official, I have decided to select Alternative 2: Shortened Grazing Season and Adjustments in Livestock Numbers as described in the EA as a means to implement rangeland management objectives in the analysis area (EA p.10).

PROJECT BACKGROUND

The Snowy Range Cattle #1 Environmental Analysis (EA) was released for review on August 8, 2003. A Decision Notice (DN) and Finding of No Significant Impact (FONSI), signed on November 5, 2003, was published and released for public review on November 10, 2003. Under this decision, Alternative 2, Shortened Grazing Season and Adjustment to Livestock Numbers, was selected as a means to implement rangeland management objectives in the analysis area.

On December 23, 2003, the Regional Office in Lakewood, Colorado, received a Notice of Appeal of the November 5, 2003 Snowy Range Cattle #1 decision from Biodiversity Conservation Alliance. There were twelve issues raised in the appeal. Pursuant to 36 CFR 215, the Appeal Deciding Officer reviewed the appeal record and the recommendation from the Appeal Reviewing Officer concerning the disposition of the appeal. The Reviewing Officer affirmed the decision on eleven of the twelve appeal points raised by the appellants; however, “found evidence that the decision lacked adequate analysis with respect to management indicator species (MIS) population and the relationships between habitat and population” (File Code 1570, January 30, 2004). On January 30, 2004, the Appeal Deciding Officer issued a decision, concurring with the Reviewing Officer’s recommendation that the November 5, 2003 decision be reversed, based on issues the appellants had put forward. Direction was given to disclose this information and re-issue the decision.

This document includes more detailed descriptions of the population trend data in relation to habitat for management indicator species that were used to make the original MIS determinations (see *Population Trends in Relation to Habitat for Management Indicator Species*). This information is displayed in the decision document, rather than a Supplementary Information Report (SIR), because this is not new information and there are no changed circumstances; rather, this fully displays all the data and environmental analysis used by the biologist for the MIS determination. This information further validates the original determination, and does not change the decision of November 5, 2003.

DECISION RATIONALE

My decision is a solution that meets law and attempts to find balance with agency direction, rangeland management needs, scientific analysis, and social acceptance. I have made this decision based on extensive public involvement that I actively sought and received. My decision meets the requirements of the National Environmental Policy Act (NEPA) by responding to the Purpose and Need, responding to the Significant Issues identified during the planning process, and responding to comments received from the public during the comment periods provided.

Selection of Alternative 2 meets the Purpose and Need for the proposal. It also provides the most reliable economic viability and efficiency to the permittees, while still improving resource conditions related to soil compaction and erosion, condition of some stream channels and banks, and condition of some plant communities in riparian areas and adjacent uplands. These factors lead me to believe that Alternative 2 would provide the best balance between natural resource protection, economic stability, and quality of life for the non-ranching public than any other alternative analyzed in the EA.

The rationale for my decision to implement Alternative 2 is presented in this Decision Notice (DN) by first discussing the response to the stated Purpose and Need of my decision and comparing them to other alternatives considered in detail.

RESPONSE TO PURPOSE AND NEED

The Forest Plan identifies livestock grazing as an appropriate multiple-use as long as it meets Forest Plan Direction and Standards and Guidelines.

The stated purpose for this project is three-fold:

- To help achieve the goals, objectives, and desired condition in the Snowy Range Cattle #1 allotments, as identified on Forest Plan Pages III-3 and III-11;
- To complete appropriate NEPA analysis on the allotments; and
- To maintain or improve satisfactory rangeland conditions for all resource uses that occur within the analysis area (EA page 4).

The No Action alternative does not meet the stated Purpose.

The stated needs include (EA page 4):

- **Meet Section 504 of Public Law 104-19, which directs the Forest Service to complete NEPA analyses on existing livestock grazing allotments. Public Law 104-19 was signed into law on July 27, 1995 following the passage of the 1995 Recession Bill.**

All alternatives (1 through 4) meet this need.

- **Provide direction on how authorized livestock grazing should be managed to meet Forest Plan Direction and Standards and Guidelines (Forest Plan pp. III-2 to III-84 and pp. III-89 to III-218, respectively).**

Alternatives 2 and 4 meet this need. Alternative 3 (No Action) does not provide direction concerning how livestock grazing should be managed and, therefore does not meet this need. Alternative 1 may require an amendment to the Forest Plan to resolve inconsistencies with Management Area Prescriptions 4B (Wildlife habitat for management indicator species), 5B (Big game winter range), and 9A (Riparian area management) and may, therefore, not meet this need.

- **Improve riparian area condition, aquatic habitats, and adjacent uplands that are in unsatisfactory condition due to past and/or present over-utilization and trampling by livestock.**

Alternative 1 (Proposed Action) does not meet this need due to inconsistencies with the Management Area Prescriptions described above. Alternative 2 meets this need, since unsatisfactory rangeland conditions will be improved by minimizing overgrazing and trampling. Minimization of these factors should result in a fairly rapid improvement in plant vigor and litter cover. Alternative 3 would best meet this need, since livestock would no longer be allowed to graze the allotments. The lack of livestock grazing would improve unsatisfactory rangeland conditions the fastest. Alternative 4 would meet this need slightly better than Alternative 2 since the Lake Creek and Cedar Creek allotments would be allowed to rest before the new livestock grazing system is implemented.

Although Alternatives 3 and 4 meet this need slightly better than Alternative 2, I also considered other factors, such as response to significant issues, when making my decision.

RESPONSE TO SIGNIFICANT ISSUES

The rationale for my decision to implement Alternative 2 is further presented in this DN by focusing on the Significant Issues. The following presents a description of the situation regarding the significant issues:

Issue 1: Poor condition of some riparian and aquatic habitats and adjacent uplands due to over-utilization by livestock resulting from poor livestock distribution and overstocking:

Under the existing management systems, livestock have spent too much time in and near riparian areas. This has resulted in trampling of streambanks and over-utilization of vegetation in some riparian areas and adjacent uplands. This over-utilization has altered plant communities so that they are less productive and diverse and do not provide adequate protection from natural erosive forces.

Indicators used to determine how the issues would be affected by the various alternatives analyzed in the EA included:

- Soil erosion and compaction
- Condition of some stream channels and banks
- Condition of some plant communities in riparian areas and adjacent uplands

Issue 2: Economic efficiency and operational stability:

Operational efficiency for both permittees and the Forest Service is essential to produce desired condition of the physical resources on National Forest System (NFS) lands. The Forest Service desires grazing management systems that will provide for good livestock distribution while still being a reasonable investment for the public and permittees. For the permittee's part, if livestock grazing on the National Forest becomes too expensive or does not fit into the rest of their operations, they will be forced to seek summer-fall pastures off NFS lands. In some instances, if alternative pasture is too costly or is not available, survival of the ranch may be in danger.

Livestock grazing on the National Forest helps sustain dependent individuals and thereby contributes to the viability of the livestock industry and local communities. Secondary effects associated with a healthy ranching-based local economy are various and complex. Since privately owned ranch lands adjacent to National Forests provide critical winter habitat required by big game and other wildlife species, as well as scenic and open space values, they directly affect wildlife resources and the quality of life for the non-ranching public in the area. Across the west, private ranches are being turned into subdivisions, which negatively impacts wildlife habitat, scenery, and open space values.

An indicator for this issue included:

- Economic viability/efficiency for permittees

Alternative 1: Proposed Action - Maintain Existing Stocking Levels and Grazing Systems - Alternative 1 would continue to delay the recovery of all indicators listed under Issue 1 and may cause localized streams to continue not to meet Forest Plan Standards and/or Water Quality Standards. It would also negatively affect the economic viability and efficiency of the Lake Creek and Sawmill Creek permittees for the following reasons: 1) they would be faced with an uncertain period of use on their allotments; and 2) they would need to have alternate pastures available most years when livestock have to come off early. These factors would make planning use periods on other pastures located on their ranches more difficult. It would also take many more person-hours to get the livestock off the allotments in mid-summer in years when permittees are required to do so. This extra labor would be needed at a time when most ranchers in this area are busy with haying operations. These factors could require permanent herd reductions or purchase or lease of alternate pastures on the part of the permittees and could place the survival of the ranch in jeopardy. It could also negatively affect wildlife resources and the quality of life for non-ranching forest visitors.

Alternative 2: Shortened Grazing Season and Adjustments in Livestock Numbers - Alternative 2 would move toward the recovery of the indicators listed under Issue 1. It would also provide the most reliable economic viability and efficiency for the permittees for the following reasons: 1) Alternative 2 would result in the least reduction in AUMs of all action alternatives; 2) the number of years of rest from livestock grazing would be less than under Alternative 4 (see DN-13) and the same as Alternative 1; and 3) there would be a greater likelihood that livestock would not have to be removed from the allotments early under the short season systems, so there would not be as much uncertainty for permittees when planning use of their private pastures. These factors would result in greater economic stability and efficiency for the permittees than under Alternatives 1 and 4.

Alternative 3: No Action - No Livestock Grazing - Alternative 3 would provide for the fastest recovery of the indicators listed under Issue 1. However, it would have the greatest negative effect on the permittee's economic viability and efficiency, since it would result in 100 percent loss of permitted AUMs. This could result in effects similar, but greater in magnitude, to those described under Alternative 1.

Alternative 4: Preferred Alternative - Rest Followed by a Shortened Grazing Season and Adjustments in Livestock Numbers - Alternative 4 would provide for a faster recovery of the indicators listed under Issue 1 than any other action alternative. However, its effects on the economic viability and efficiency on the Cedar Creek and Lake Creek permittees would be similar to the No Action alternative, due to the number of years of rest from livestock grazing proposed (see DN-14).

Table 3 (DN-14) provides more information related to how the issues are affected by the various alternatives analyzed in the EA.

POPULATION TRENDS IN RELATION TO HABITAT FOR MANAGEMENT INDICATOR SPECIES (MIS)

The Environmental Assessment discusses MIS on pages 42-44. Rocky Mountain elk and white crowned sparrow (WCSP) are the two selected MIS for this project. The EA, on page 43, states that Alternative 2 for management of MIS "...would meet Forest Plan Direction and Standards and Guidelines for MA's 4B, 4D, 5A and 5B." The Appeal Deciding Officer identified that the basis for this determination was not clear or lacking "with respect to management indicator species (MIS) population and the relationships between habitat and population" (File Code 1570, January 30, 2004) when the November 5, 2003 decision was issued. To insure that the information used to make this determination is fully disclosed, the biologist's report was amended to directly display results from the North American Breeding Bird Survey and Monitoring Wyoming's Birds 2002 Final Report, and the complete and detailed information taken directly from the 2002 Annual Big Game Herd Unit Report from the Wyoming Game and Fish Department (see ADDENDUM to: Specialist Report for Ecology and Wildlife for Snowy Range Cattle Allotments #1 Allotment Management Plan). The disclosure of this detailed information further validates the original determination that Alternative 2 is consistent with Forest Plan Standards and Guidelines for MIS.

Rocky Mountain Elk

Elk populations on the Snowy Range have been reduced each year since 1997 due to harvest strategies implemented by the Wyoming Game and Fish Department. Elk habitat quality within the project area will improve with the selection of Alternative 2, leading to a higher or stable carrying capacity in the project area and for the entire area on the Forest utilized by the herd. Elk would include livestock primary range areas more often into their own grazing patterns. Potential forage competition would be reduced by the elimination of season long grazing, 15% AUM reduction, and 3 years of rest in Lake Creek allotment and the deferred rotation system and 43% AUM reduction in the Sawmill Creek allotment. Resulting increased forage would support a stable or increasing elk population. These effects would allow WGFD to manage this allotment's contribution to the Snowy Range elk herd toward the population objective over several years unless drought, conflicts with some livestock operators, and localized damage situations had influence.

Snowy Range elk population trend includes:

1997	6673
1998	6682
1999	6657
2000	6589
2001	6130
2002	5945
2003	5784

*Wyoming Game and Fish Department. 2003. Snowy Range Elk pp. 424-446 in Laramie Region Annual Big Game Herd Unit Reports 2002. Cheyenne, WY.

White Crowned Sparrow

Monitoring Wyoming's Birds data is available from 2002. Data is not yet available from 2003. All data were recorded from accessible public land. Five monitoring transects were established in montane riparian habitat on the Medicine Bow National Forest. There were 15 montane riparian transects across the rest of Wyoming. WCSP were slightly less common on the Medicine Bow National Forest (5.8 birds/transect, 29 ttl WCSP) than across the rest of the state (7.2 birds/transect, 108 ttl WCSP). WCSP were found within 20% (1 of 5) of the sampled montane riparian habitats on the Forest and 100% of the sampled montane riparian habitat across the rest of the state. However, the 1 transect on the Forest had among the highest WCSP density in the state (>1.34 birds/point count). So, distribution of WCSP across the Forest appears to be uneven but these birds are common where found. Additional years of monitoring will determine if this result is consistent.

Alternative 2 grazing management would improve WCSP habitat as described in the terrestrial wildlife specialist report and EA (pp. 43-44), especially if willow seedlings persist. The terrestrial wildlife specialist report indicated that first year willow seedlings are very sensitive to grazing (pp.18, 20). The monitoring program identified in Appendix B of the terrestrial wildlife specialist report will adequately monitor willow seedlings and determine any needed adjustments to ensure recovery of primary riparian range. Existing foraging habitat, cover, and nesting habitat would improve and new habitat created by the elimination of season long grazing, 15% AUM reduction, and 3 years of rest in Lake Creek allotment and the deferred rotation system and 43% AUM reduction in the Sawmill Creek allotment. There will be opportunity for WCSP habitat to slowly expand as riparian management is sufficient to allow new willows to establish and prosper. These habitat changes would allow WCSP to slowly occur in more streams within the allotments, comparable to the finding of WCSP in all other montane riparian areas sampled across the rest of Wyoming in Monitoring Wyoming's Birds (MWB) data (Rocky Mountain Bird Observatory 2002). WCSP population on the Forest should remain stable or show a small increase in contrast to the trend identified for the southern Rockies in BBS data.

DESCRIPTION OF THE DECISION

Components of **Alternative 2** include:

Cedar Creek: This allotment will continue with a 30-day grazing season which will be alternated between early, mid, and late season between the dates July 1 to September 30. Permitted Animal Unit Months (AUMs) will remain the same at 538. Livestock will be removed from the allotment when Forest Plan utilization and trampling standards are met. This may shorten the grazing season to less than one month some years. The allotment will be stocked with 371 cow/calf pairs. One new water development will be constructed. No new fence construction will be necessary.

Lake Creek: Change from a season-long grazing system with a 99-day grazing season to a 30-day grazing season. A 15 percent reduction in permitted AUMs will be made to match stocking with estimated capacity. This will reduce AUMs from 1,023 to 875 cattle for a one month season. The new grazing season will be implemented following a four-year rest from livestock grazing. The rest period began in 2002 and will extend through 2005 to allow for recovery of a prescribed burn and to allow both woody and herbaceous plants to improve in vigor. This burn, intended to be conducted in 2003 did not occur, consequently, we had to add another year of rest to our schedule. The allotment will be stocked with mature cattle without calves rather than yearlings most years. Approximately 2 ½ miles of Forest Boundary fence will be constructed.

Sawmill Creek: The allotment will be made into a one pasture, multi-deferred rotation system that incorporates private and Bureau of Land Management (BLM) lands. Livestock numbers will be adjusted to fit estimated capacity on National Forest System (NFS) lands (a 43 percent reduction in AUMs). Under this system, the allotment will be used no more than 39 days by 92 cow/calf pairs, and the season of use will be varied with the dates July 1 to September 30. No new fence or water developments will be constructed.

MITIGATION MEASURES

In response to public comments on the proposal, mitigation measures were developed to ease some of the potential impacts the selected alternative may cause. Standard Best Management Practices (BMPs) outlined in the Wyoming Nonpoint Source Management Plan (WYDEQ 2000) and the Watershed Conservation Practices (WCP) Handbook (FSH 2509.25) (USDA Forest Service, 1999) are also recommended for inclusion in the selected alternative.

- Rest the Lake Creek watershed, specifically Cumberland Gulch, from grazing for at least 3 years (preferably longer) to start recovery from the 2001 flood event. Evaluate stream conditions at the end of the rest period to ensure the stream is recovering to where it is no longer Non-Functioning under the PFC protocol. Exclude livestock for at least three years or until the stream is at least Functioning at Risk.
- Use riparian utilization monitoring as the primary trigger for removal of livestock from pastures/allotments.
- Improve the user-created trail up Cumberland Gulch so as to minimize negative impacts to the riparian area and susceptibility to damage by livestock. Involve the special use permit holder who uses the trail in this effort.

MONITORING REQUIREMENTS

Table 1 includes monitoring requirements that will be implemented.

Table 1. Monitoring Requirements for all Action Alternatives.

Objective	Type	Frequency	Responsibility
Monitor compliance with Forest Plan S&Gs for livestock utilization for both herbaceous and woody species.	Ocular estimates or stubble height measurement.	Annually	Forest Service and/or permittee
Long-term trend monitoring of plant communities in representative riparian and upland plant communities presently in unsatisfactory condition.	Photo points in representative key areas. Establish Cover Frequency Transects (CFT), at least one per allotment in riparian areas.	Every 5-10 years, depending on perceived rate of change in livestock effects or plant community changes. Re-read CFT every 10 years.	Forest Service
Monitor streambank conditions relative to livestock trailing and trampling and effects of streambank condition on stream channel characteristics. Monitor a minimum of one reach per allotment.	Photo points, survey cross-sections, bank trampling surveys, and pebble counts.	Every 1-2 years for the first 5 years of grazing under the new AMPs; every 5 th year thereafter.	Forest Service and/or permittee
Objective	Type	Frequency	Responsibility
Establish/validate baseline data for existing trout habitat and populations in streams of concern and monitor these populations.	Electro fishing in conjunction with the Wyoming Game and Fish Department (WGFD), visual determinations of presence/absence, ocular evaluations of habitat quality/quantity and fish passage.	One season to establish baseline. 1-3 year intervals for trend monitoring.	Forest Service and WGFD
Management Indicator Species	Wildlife Biologist	On-going	To track changes in populations and habitats Forest-wide.

ALTERNATIVES CONSIDERED IN DETAIL

ALTERNATIVE 1: Proposed Action - Maintain Existing Stocking Levels and Grazing Systems

This alternative is largely a continuation of present grazing management systems with some small changes. This management system has not resulted in satisfactory resource conditions on some streams and adjacent uplands. It was included in the EA as a baseline for comparison with other alternatives.

Cedar Creek: The Cedar Creek allotment would continue with a 30-day grazing season which would be alternated between early, mid, and late season between the dates July 1 to September 30. Permitted Animal Unit Months (AUMs) would stay the same as currently permitted. Since livestock would be removed from the allotment when Forest Plan utilization and trampling standards are met, the grazing season may actually be shorter than one month some years. The allotment would be stocked with 371 cow/calf pairs. One new water development would be constructed. No new fence construction would be necessary.

Lake Creek: Continue with the present season-long grazing system and remove livestock from the allotment when Forest Plan utilization and trampling standards are reached. Currently 451 yearling cattle are permitted between June 24 and September 30. Capacity estimates indicate that Forest Plan standards would trigger removal of livestock in mid-August most years and would result in a 40 percent reduction in permitted AUMs. Approximately 2 ½ miles of Forest Boundary fence would be reconstructed. The allotment would be rested from livestock use for three years (2002 - 2004) to allow for recovery of a prescribed burn and to allow both woody and herbaceous plants in unsatisfactory condition areas to improve in vigor.

Sawmill Creek: Continue with present season-long grazing system and remove livestock from the National Forest portion of the allotment¹ when Forest Plan utilization and trampling standards are reached. Currently 39 cow/calf pairs are permitted to graze between June 23 and September 30. Capacity estimates indicate the Forest Plan standards would trigger removal of livestock in July most years and would result in a 78 percent reduction in permitted AUMs on the National Forest (ON) portion of the permit. Since the State and National Forest acres on the allotment are not fenced separately, it is unlikely that the permittee would only remove cattle from the Forest Service portion. The most likely course of action would be to remove livestock from the entire allotment. If livestock were removed from the entire allotment when grazing use levels reached 35 percent (the prescribed maximum use under a season-long grazing system) the reduction in use on the entire allotment would be 61 percent. No new fence construction would be necessary.

ALTERNATIVE 2: Shortened Grazing Season and Adjustments in Livestock Numbers (Selected Alternative)

Alternative 2 is described on DN-8 thru DN-10.

¹ Much of the grazing capacity on the Sawmill allotment is on lands owned by the State of Wyoming for which the Forest Service permittee holds the lease. The permit is an ON/OFF permit which allows the permittee to run livestock on both the State and NFS portions without having to fence the State land as a separate unit.

ALTERNATIVE 3: No Action - No Livestock Grazing

Under this alternative livestock grazing permits would be canceled and there would be no authorized domestic livestock grazing on the National Forest lands within the allotments. There are approximately 467 acres of land owned by the State of Wyoming within the Snowy Range Cattle #1 Analysis Area. These would have to be fenced out from the National Forest lands in order for the grazing leaseholder to continue to run livestock there. The National Forest lands would continue to be grazed by native wildlife species and might also receive some use from unauthorized livestock entering the area through damaged fences against adjacent private, state, or BLM lands or from Forest Service allotments to the south and/or east that are only separated from this analysis area by natural barriers such as steep slopes and dense forest cover. Maintenance of Forest Boundary fence would no longer be done by a Forest Service permittee and would have to be assumed by adjacent landowners wherever livestock trespass issues would be a concern. Spring developments would be removed; or, if considered valuable for wildlife, they could be maintained by District wildlife personnel.

ALTERNATIVE 4: Preferred Alternative - Rest Followed by a Shortened Grazing Season and Adjustments in Livestock Numbers

Alternative 4 was developed in response to input from the District hydrology staff. This alternative includes the same grazing systems and permitted numbers as Alternative 2, but calls for seven consecutive years of rest from livestock grazing for the Lake Creek allotment and 3-5 years of rest from the Cedar Creek allotment before the new grazing systems would be implemented. The longer rest period is proposed to address concerns about riparian area conditions in Cumberland Gulch, Troublesome Creek, and other drainages on the allotments.

COMPARISON OF ALTERNATIVES

This section provides a summary of the effects of implementing each alternative. Table 2 displays important components of the Proposed Action and each alternative, and Table 3 displays how the issues would be addressed by implementation of the various alternatives.

Table 2. Important Components of the Proposed and each Alternative

Alternative Component	Alt. 1	Alt. 2	Alt. 3	Alt. 4
Cattle Numbers - Cedar Creek - Lake Creek - Sawmill Creek	371 cow/calf pairs 451 yearling 39 cow/calf pairs	371 cow/calf pairs 875 cattle 92 cow/calf pairs	0 0 0	371 cow/calf pairs 865 cattle 64 cow/calf pairs
Grazing System - Cedar Creek - Lake Creek - Sawmill Creek	Short season Season-long Season-long	Short season Short season Short season	N/A N/A N/A	Short season Short season Short season
Maximum Days Used by Livestock each Year - Cedar Creek - Lake Creek - Sawmill Creek	30 99 100	30 30 39	0 0 0	Same as Alt. 2 Same as Alt. 2 Same as Alt. 2
Permitted AUMs - Cedar Creek - Lake Creek - Sawmill Creek	499 1,023 169 (NFS) 108 (STE) 277 (Total)	499 875 53 (NFS) 103 (STE) 156 (Total)	0 0 0	Same as Alt. 2 Same as Alt. 2 Same as Alt. 2
Estimated Capacity (AUMs) - Cedar Creek - Lake Creek - Sawmill Creek	538 611 37 (NFS) 63 (STE) 100 (Total)	538 875 53 (NFS) 103 (STE) 156 (Total)	N/A N/A N/A	Same as Alt. 2 Same as Alt. 2 Same as Alt. 2
Years of Rest from Livestock Grazing - Cedar Creek - Lake Creek - Sawmill Creek	0 3 0	0 3 0	N/A N/A N/A	3-5 7 0
Fence Reconstruction - Cedar Creek - Lake Creek - Sawmill Creek	0 miles 2 ½ miles 0 miles	Same as Alt. 1 Same as Alt. 1 Same as Alt. 1	N/A N/A N/A	Same as Alt. 1 Same as Alt. 1 Same as Alt. 1
Water Developments - Cedar Creek - Lake Creek - Sawmill Creek	1 0 0	Same as Alt. 1 Same as Alt. 1 Same as Alt. 1	0 0 0	Same as Alt. 1 Same as Alt. 1 Same as Alt. 1

Table 3. How the Issues Are Addressed by the Alternatives

Issue Indicator	Alt. 1	Alt. 2	Alt. 3	Alt. 4
Soil Erosion and Compaction	Continued erosion in localized areas. Soil productivity would continue to decline due to soil compaction	Gradual recovery. Moving toward meeting Forest Plan Standards.	Most rapid recovery of all alternatives.	Best soil recovery of all action alternatives.
Condition of Some Stream Channels and Banks	Delayed recovery and possible degradation. Likely that some streams would continue not to meet Forest Plan Standards and/or Water Quality Standards.	Delayed recovery. Possible that a few streams may not meet Forest Plan Standards for several decades without additional rest.	Fastest recovery of all alternatives. All streams would meet Forest Plan Standards within approximately 5 years.	Fastest recovery of all action alternatives. Probable that all streams would meet Forest Plan Standards within 5 - 10 years.
Condition of Some Plant Communities in Riparian Areas and Adjacent Uplands	Rapid or consistent improvement is not expected, particularly in the Lake Creek and Sawmill Creek allotments since permitted use exceeds estimated capacity and timely and consistent removal of livestock at maximum allowable use levels may be difficult to achieve.	Areas in unsatisfactory condition are expected to improve due to minimized overgrazing and trampling. Plant vigor and litter cover should improve fairly rapidly.	Unsatisfactory rangeland conditions should improve more quickly than under any other alternative.	The effects would be similar to Alternative 2; however, unsatisfactory conditions on the Lake Creek and Cedar Creek allotments would improve more quickly due to rest from livestock use.
Economic Viability/ Efficiency for Permittees	Least change in management practices, but substantial reduction in AUMs for the Lake Creek and Sawmill Creek permittees if cattle are actually removed at proper use (40% reduction on Lake Creek, 61% reduction on Sawmill Creek). No use of Lake Creek for 3 years. Greatest uncertainty in when livestock will have to be brought home.	Least reduction of AUMs of all action alternatives. No use of Lake Creek for 3 years. Would require more work than Alt. 1 on the Lake Creek and Sawmill Creek allotments regarding changing how permittees run livestock on some of the non-Forest pastures. Rotation systems on private and/or BLM pastures could benefit rangeland health on those areas, ultimately providing more forage and/or management flexibility for permittees.	Greatest negative impact on all permittees. Loss of 100% of permitted AUMs. Would require permanent herd reductions or purchase or lease of alternate pasture on the part of the permittee.	Second greatest negative impact to permittees. No use of the Cedar Creek allotment for 3 years. No use of the Lake Creek allotment for 7 years and then a 15% reduction in AUMs. There would be a 43% reduction of AUMs on the Sawmill Creek allotment.

PUBLIC INVOLVEMENT

The Snowy Range Cattle #1 proposal was listed in the Schedule of Proposed Actions in 2000 and thereafter. The proposal was also provided to the public and other agencies for comment during scoping (40 CFR 1501.7) which took place on September 1, 2000. The scoping letter solicited comments on the proposal, requested additional information, and asked for issues related to the proposal to be used in alternative formulation. From this scoping effort, four letters were received.

The Forest Service used the comments from the public, Federal and State agencies, and local groups to develop a list of significant issues to address during the analysis process (see DN-5 and DN-6).

On July 31, 2003, a copy of the Environmental Assessment (EA) was mailed to those who had requested the document. It was also posted in the Medicine Bow-Routt National Forest Internet website. Finally, a legal notice announcing the availability of the EA was published in the Rawlins Daily Times on August 8, 2003. This public involvement effort resulted in the receipt of three comment letters.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the direct, indirect, and cumulative effects of the proposed activities in the Snowy Range Cattle #1 EA. I have also reviewed the project record for this analysis, and the effects of the proposed action and alternatives are disclosed in the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significant, as defined in NEPA, requires consideration of both context and intensity.

(a) Context. This means that the significance of an action must be analyzed in several contexts, such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27).

The disclosure of the effects in the EA found the proposed actions to be limited in context. The project area is limited in size and the activities are limited in duration. Effects are local in nature and are not likely to significantly affect regional or national resources.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

1. Environmental Effects - Environmental effects associated with the project are discussed in the Environmental Consequences section of the EA (pp. 16 - 46). These impacts are within the range of those identified in the Forest Plan and would not have significant impacts on resources identified and described in the EA.

2. Public Health and Safety - Rangeland management activities would be conducted in a safe manner to protect the public. Rangeland management activities similar to those described in the EA have occurred within other areas of the Forest without incident of issue with public health and safety. (EA page 45)
3. Unique Characteristics of the Area - Alternatives 2 through 4 would not affect the unique characteristics of such things as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. Controversy - The effects of the proposed alternatives on the various resources is not considered to be highly controversial by professionals, specialists, and scientists from associated fields of range, wildlife biology, fisheries, hydrology, etc. Further, based on the limited amount of interest expressed in this project, I do not believe that there is significant controversy over the effects of this project. (EA pp. 5 and 6, and DN pages 3 through 5)
5. Uncertainty - Scoping did not identify highly uncertain, unique, or unknown risks. The technical analyses conducted for determinations of the impacts to the resources are supportable with the use of accepted techniques, reliable data, and professional judgment. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks associated with the alternatives. (EA pp. 16 - 46)
6. Precedent Setting Decision - This decision is like one of many that have previously been made and will continue to be made by Forest Service responsible officials regarding livestock grazing activities on National Forest System lands. The decision is within the scope of the Forest Plan and is not expected to establish a precedent for future actions. The decision does not represent a decision in principle about a future consideration.
7. Cumulative Impact - There are no significant cumulative effects on the environment, either when combined with the effects created by past and concurrent projects, or when combined with the effects from natural changes taking place in the environment or from reasonably foreseeable future projects of this type. (EA pp. 16 - 46)
8. Properties on or Eligible for the National Register of Historic Places; Significant Resources - A heritage resource inventory has been completed in the area. Current livestock grazing activities are not affecting any previously recorded sites nor would they be affected by proposed future grazing activities. The State Historic Preservation Office concurred with this determination. (EA p. 34 and EA appendix A)
9. Endangered or Threatened Species - The project would not adversely affect endangered or threatened species or their habitat. Refer to the Wildlife portion of the Environmental Consequences section of the EA. (EA pp. 39 and 40)
10. Legal Requirements for Environmental Protection - This decision complies with other Federal, State, or local laws and requirements imposed for the protection of the environment. (EA page 46)

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed for the Snowy Range Cattle #1 project is not a major Federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project.

FINDINGS REQUIRED BY OTHER LAWS

My decision complies with the procedural requirements of the National Environmental Policy Act of 1969. It is entirely consistent with the Forest Plan, as required by 36 CFR 219.10(e). It also complies with other laws and regulations, including the Clean Water Act, the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988 and 11990 (Wetlands and Floodplains).

The alternatives analyzed in the EA were compared to the alternatives included in the December 2002 Medicine Bow Forest Plan Revision Draft EIS (40 CFR 1506.4). The analysis found that livestock management activities associated with the alternatives analyzed in the EA would not forego future decisions to be made under the Forest Plan Revision.

I find that this decision is also consistent with all other laws and regulations that affect the management of the National Forest System lands.

Floodplains, wetlands, prime farm lands, threatened and endangered species, cultural resources, minerals, civil rights, consumers, women, minority groups, and other environmental factors have been considered, and I have determined that they would not be adversely affected by project implementation.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to Federal regulations at 36 CFR 215, “Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities.” Appeals, including attachments, must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer (§215.8) within 45 days following the date of publication of a legal notice of this decision in the *Rawlins Daily Times*. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal (§215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Where to File an Appeal

USDA Forest Service
Region 2, Rocky Mountain Region
Attn: Appeal Deciding Officer
POB 25127
Lakewood CO 80225-25127

Delivery:
USDA Forest Service
Region 2, Rocky Mountain Region
Attn: Appeal Deciding Officer
740 Simms Street
Golden CO 80401-4720

Fax: 303-275-5134

Hours: Mon-Fri 7:30 am-4:30 pm

E-mail: appeals-rocky-mountain-regional-office@fs.fed.us

(Acceptable formats for electronic appeals are: rtf, pdf, or word.)

For electronically mailed comments or appeals, the sender should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of the receipt of the comments, it is the sender’s responsibility to ensure timely receipt by other means.

Pursuant to 36 CFR 215.13(a), only those individuals or organizations who submitted substantive comments during the comment period may file an appeal. It is an appellant’s responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official’s decision should be reversed (§215.14 (a)). At a minimum, an appeal must include the following (§215.14(b)):

1. Appellant’s name and address (§215.2), with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
3. When multiple names are listed on an appeal, identification of the lead appellant (§215.2) and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;

5. The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (§215.11 (d));
 6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
 7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
 8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
 9. How the appellant believes the decision specifically violates law, regulation, or policy.
- Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Implementation Date

If no appeal is received, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal-filing period (36 CFR 215.15). If an appeal is received, implementation may occur on, but not before, the 15th business day following the date of appeal disposition (§215.2).

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact:

Terry DeLay, ID Team Leader
 Brush Creek/Hayden Ranger District
 PO Box 249
 Saratoga WY 82331
 (307) 326-2518

/s/ Scott G. Armentrout

February 18, 2004

SCOTT G. ARMENTROUT

DATE

District Ranger
 Brush Creek/Hayden Ranger District
 Medicine Bow-Routt National Forests &
 Thunder Basin National Grassland

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