



United States
Department of
Agriculture

Forest
Service

Region One

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File Code: 1570-1
Route To: (1570 - 215)

Date: July 3, 2001

Subject: ARO Letter, Grasshopper Valley Grazing Allotments DN, Appeal #01-01-00-0038, Beaverhead-Deerlodge NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Miriam L. Austin on behalf of the Western Watersheds Project protesting the Grasshopper Valley Grazing Allotments Decision Notice (DN) signed by the Dillon District Ranger, Beaverhead-Deerlodge National Forest.

The District Ranger's decision adopts Alternative 3, which allows for livestock grazing based upon site-specific allowable use levels to meet riparian function and westslope cutthroat trout habitat objectives. Maximum forage utilization will be set to 55 percent in general uplands and 35 percent on elk winter range. The livestock will be moved when any individual riparian or upland use level is met.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellant's objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The appellant alleges violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), and the Clean Water Act (CWA). The appellant requests the Grasshopper Valley riparian standards be upgraded to reflect resource appropriate utilization levels, the DN/FONSI be revised to adequately reflect and implement public concerns, and the DN/FONSI comply with all applicable laws and policies including NFMA, NEPA, ESA, and CWA. The District called the appellant who was not interested in a meeting.

ISSUE REVIEW

Issue 1. The DN/FONSI fails to adequately address and incorporate Western Watershed Project's concerns.

Response: The Grasshopper EA, DN, and FONSI do address Western Watershed Project's (WWP) concerns about impacts to riparian habitat (EA, pp. II-1 to 2, III-5 to 17, IV-1 to 10; DN, pp. 1 to 3), wildlife (EA, pp. III-22 to 26, IV-10 to 16; DN, pp. 2 and 6), plant communities (EA, pp. III-18 to 19, IV-10; DN, pp. 2 and 6), soil health (EA, pp. III-10 to 15, IV-6 to 7), and range resources (EA, pp. III-19 to 22, IV-10; DN, pp. 1 to 2). The District Ranger responded to WWP's concerns with a letter to Miriam Austin discussing how their



comments were addressed in the EA (PF, Volume 1, Response to Comment letter dated April 13, 2001).

Issue 2. Annual monitoring is inadequate to ensure that resource over-utilization does not occur.

Response: Monitoring alone does not necessarily prevent over-utilization. The allotment files (PF, Volume 2, 2210 Allotment Files) indicate the Forest Plan utilization standards are typically met in upland range but standards are sometimes exceeded in the riparian zone. Beyond the monitoring to determine whether or not the utilization has been met, the file shows corrective actions were identified to prevent over-utilization in the following year.

Issue 3. The Grasshopper Valley Grazing Allotment EA is based on consumptive demands rather than resource protection called for in NFMA, NEPA, and all other applicable laws and policies.

Response: NFMA, NEPA, and other applicable laws and policies allow for consumptive uses of resources while protecting those and other resources. The decision made as a result of the Grasshopper EA will move the grazing allotments toward the desired vegetation and riparian conditions described on pages I-1 and 2 of the EA and page 1 of the DN; and, therefore, protect the resources in the Grasshopper Allotment. The EA, DN, and FONSI are in compliance with all applicable laws and policies.

Issue 4. The DN/FONSI fails to establish measurable riparian utilization standards that would lead to substantial improvement and/or resource protection.

Response: The DN (p. 1) sets allowable forage utilization levels, stream bank disturbance amounts, and minimum stubble heights that will maintain or improve the functioning condition of the riparian areas. The DN states that these use levels are set to meet riparian function and westslope cutthroat trout habitat objectives (p. 1).

RECOMMENDATION

I recommend the District Ranger's decision be affirmed and the appellant's requested relief be denied.

/s/ Gary A. Morrison
GARY A. MORRISON
Director of Recreation, Minerals, Lands, Heritage and Wilderness

