



United States
Department of
Agriculture

Forest
Service

Region 1

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File Code: 1570 (215)

Date: April 18, 2000

Route To:

Subject: North Gravelly/Snowcrest Allotment Management Plan Updates DN, Beaverhead-Deerlodge NF, Appeal #00-01-00-0036

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Native Ecosystems Council protesting the North Gravelly/Snowcrest Allotment Management Plan Updates Decision Notice (DN) signed by the Madison District Ranger (Beaverhead-Deerlodge National Forest).

The District Ranger's decision adopts Alternative B which authorizes livestock grazing on 16 allotments for at least the next 10 years. The decision authorizes 19,829 animal unit months (AUMs) within the North Gravelly/Snowcrest Allotment Management Plan (AMP) Updates analysis area.

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 Appellants' issues 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 Appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Administrative Procedures Act (APA), and the Endangered Species Act (ESA). The Appellants request that the decision be remanded. An offer to meet was extended but the Appellants' declined to meet to resolve the issues.

ISSUE REVIEW

Issue 1: The Forest has violated the NEPA and the APA by purposely restricting considerations of wildlife management within livestock grazing decisions.

Contention A: The wildlife evaluation was relegated to the Project File (PF) instead of being included in the Environmental Assessment (EA).

Response: One of the purposes of the scoping process is to "[I]dentify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review [40 CFR 1506.3], narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere" (40 CFR 1501.7). The Interdisciplinary Team (IDT) and the District Ranger determined that the concerns raised regarding the effects of livestock grazing on wildlife were not significant and dealt more with the effects on wildlife habitat, which is a function of vegetation. The EA discusses the



existing condition of vegetation and the projected environmental consequences in Chapters 3 and 4, and appropriately references the analysis of impacts to wildlife in the Project File. Appendix A of the EA displays issue resolution process, including a discussion of wildlife habitat concerns (Appendix A, p. 2).

Contention B: Cowbird parasitism on songbirds, which was dismissed as a potentially significant impact on the analysis area without any local research or monitoring, needs to be addressed in the grazing of livestock in all riparian areas.

Response: This issue was raised and addressed in Response to Comments on the EA. As stated in the Response to Comments, as well as in the wildlife specialist report (PF, p. 506), the Final Environmental Impact Statement (EIS) for the Beaverhead Forest Plan Riparian Amendment addresses the effects of grazing on neotropical birds, including brown-headed cowbirds (Beaverhead Forest Plan Riparian Amendment FEIS, pp. IV-31, 32). Based on a review of information from a 1997 Partners In Flight conference, the IDT determined that this concern was not a key issue to be analyzed in detail in the EA.

Contention C: The impact of past grazing management practices on sage grouse and bighorn sheep was never addressed in the EA or proposed grazing alternatives.

Response: An alternative which would focus on management activities designed to enhance wildlife habitat and populations was considered but dropped from detailed analysis because it would not meet the purpose and need of implementing the Settlement Agreement for the Montana and National Wildlife Federation lawsuit on the Forest Plan (EA, p. 27).

The IDT discussed the potential effects of livestock grazing on sage grouse and bighorn sheep habitat and populations at a January 30, 1998, IDT meeting (PF, p. 388). They determined that these were not key issues because implementation of livestock grazing practices consistent with the Forest Plan would leave residual vegetation for sage grouse and would not alter summer habitat conditions for bighorn sheep.

Concerns regarding sage grouse and bighorn sheep were also addressed in Response to Comments on the EA (EA, Appendix F, p. 5, item 17 and pp. 3-4, item 10 respectively). The Biological Evaluation (BE) analyzed effects on sage grouse and determined that there would be no effect (DN, Appendix 2; BE, pp. 11, 15 and 18). With respect to bighorn sheep, the IDT considered that the Montana Fish, Wildlife, and Parks (MFWP) is currently considering reintroducing bighorn sheep to the Greenhorn Mountains but their analysis has not been completed (PF, Vol. 1, pp. 116-120 and 184). The draft analysis does not anticipate conflicts between bighorn sheep and livestock, nor does it identify concerns about habitat quality or quantity. As stated in the Response to Comments, the EA will be reviewed as described in FSH 1909.15, 18.1 if new information or conflicts with bighorn sheep occur in the future.

Contention D: The impact of barbed wire fencing on wildlife was never addressed in the EA analysis or development of action alternatives.

Response: This issue was not raised in scoping or in comments on the EA. Structural range improvements will be constructed to Forest Service guidelines (FSH 2209.22) which include having the top fence wire less than 40 inches above the ground.

Contention E: The cumulative impacts of riparian habitat loss on wildlife were never summarized or evaluated as per significance on wildlife carrying capacity.

Response: The IDT and the District Ranger determined that the concerns raised regarding the effects of livestock grazing on wildlife were not significant and dealt more with the effects on wildlife habitat, which is a function of vegetation, including riparian habitat. The EA acknowledges that grazing by livestock and wildlife has reduced the vigor and density of riparian vegetation. The transmittal letter refers to several portions of the EA that describe and disclose the effects of the selected alternative on riparian function and riparian vegetation. The wildlife specialist report describes the current status of the wildlife resource as well as the direct, indirect, and cumulative effects and states, "Grazing management activities are designed to improve riparian areas and maintain or improve upland conditions... [T]his would have a beneficial effect for wildlife and bird species" (PF, pp. 499-513). Additional analysis regarding cumulative grazing impacts on riparian habitats and related wildlife species is contained in the Final EIS for the Beaverhead Forest Plan Riparian Amendment (Ch. IV, pp. 24-34).

Contention F: Almost the entire agency monetary investment for the alternative actions are limited to improvement of livestock grazing while restoration of wildlife habitats impacted by grazing are being ignored.

Response: This issue was raised and adequately addressed in Response to Comments on the EA (EA, Appendix F, p. 4, item 13.). Construction of structural improvements and implementation of grazing practices consistent with the Forest Plan are designed to improve riparian area conditions.

Issue 2. The agency has violated the NEPA by failing to evaluate the cumulative impact of connected actions [prescribed burning] related to grazing management in the analysis area.

Response: The EA lists reasonably foreseeable activities and adequately discusses cumulative effects in terms of these activities on the vegetative resource (EA, pp. 88-89). These activities include prescribed burning within the analysis area (associated with other projects and analyzed in those projects' NEPA documents) but not within the project area. No prescribed burning is included in the decision for the North Gravelly/Snowcrest AMP Updates. The EA clearly states "Vegetation management opportunities (prescribed fire, timber harvest, habitat improvement projects, etc.) are outside the purpose and need of this analysis... [O]pportunities for managing vegetation will be analyzed in separate documents" (EA, p. 8).

Issue 3. The agency has violated the NFMA and the ESA by failing to promote viability of native species within the analysis area.

Response: The EA describes the degree to which each alternative meets Forest Plan goals and objectives on pages 90-93. Additional information regarding Forest Plan consistency is located in the project file (PF, pp. 585-608). Refer to the responses to Issue 1, Contentions B, C, and E for discussions regarding cowbird parasitism, effects on sage grouse and bighorn sheep, and effects on wildlife associated with riparian habitat. The BE concludes that, "...current and proposed land uses [are not] expected to impact wolf management (UDSI, Fish and Wildlife Service, 1994)" (EA, Appendix 2; BE,

p. 5). The wildlife specialist report adequately describes the potential effects to management indicator species (PF, pp. 506-508).

RECOMMENDATION

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

/s/ Harlan Smid

HARLAN SMID
Reviewing Officer
Director, Financial Resources