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Subject: ARO Letter - Antelope Basin/Elk Lake Allotment Management Plan Updates DN - Beaverhead-Deerlodge NF - Appeal #04-01-00-0010 - Western Watersheds Project, Inc., et al.

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Glenn Hockett, on behalf of the Western Watershed Project, Inc. and the Gallatin Wildlife Association, protesting the Antelope Basin/Elk Lake Allotment Management Plan Updates Decision Notice (DN) on the Beaverhead-Deerlodge National Forest.

The District Ranger's decision adopts Alternative B, which updates the allotment management plans (AMPs) on the Elk Lake, North Saddle, Conklin, Neely's Camp, Cliff Lake Bench, Red Rock, Hidden Lake Bench, Antelope Basin, Horn Mountain, Wade Lake, and Two Drinks Allotments consistent with management direction in the Beaverhead National Forest Land and Resource Management Plan.

Alternative B would exclude livestock from Elk Springs Creek and around portions of Elk Lake. The Elk Mountain Allotment would be eliminated and the livestock use would be allocated to adjacent allotments, without an increase in permitted animal unit months (AUMs). The Two Drinks Allotment would be established by modifying the northwest boundary of the Elk Lake Allotment. Livestock use on the Two Drinks Allotment would be coordinated with adjacent State lands.

Under Alternative B, allowable upland forage utilization would not exceed 50 percent. Allowable riparian forage utilization would not exceed 55 percent. Allowable stream bank alteration levels would range from 25 to 30 percent. Stubble height of riparian vegetation at the end of the grazing season would range from 3 to 4 inches. Livestock would be moved when a shift in preference from herbaceous to woody species is noted. Authorized livestock use is estimated at 10,453 AUMs. However, since pasture moves and end of season moves would be made when one of the prescribed thresholds is met, the annual season of use would vary depending upon forage production, weather patterns, and on-the-ground livestock management practices.

Under Alternative B, existing structural range improvements (fences, water troughs, etc.) would be maintained and reconstructed as necessary. Two miles of fence would be removed and 5 miles of existing fence would be relocated. An additional 6.75 miles of fence, 26 troughs, 5.75 miles of pipeline, and a reservoir may be constructed on an "as needed" basis.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellants' 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 appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Clean Water Act (CWA), the Endangered Species Act (ESA), and the Administrative Procedures Act (APA). The appellants request the DN be withdrawn and additional environmental analysis and alternatives be prepared to address the issues contained in their appeal. They request the significant impact of grazing be addressed in an Environmental Impact Statement (EIS) and that a Forest Plan amendment be completed so that conservation strategies for wildlife can be built into revisions of grazing management. In the interim they say it may be necessary to close certain areas to grazing. An informal meeting was held but no resolution of the issues was reached.

ISSUE REVIEW

Issue 1. The current grazing proposal adopted through livestock allotment management planning cannot assure the viability of native fish and wildlife, especially sage grouse, bighorn sheep, bison, beaver, westslope cutthroat trout, and arctic grayling because there are no conservation strategies in place to protect their habitat. Arctic grayling, westslope cutthroat trout, and sage grouse have all been petitioned for listing under the Endangered Species Act. This project is in violation of NFMA because the Beaverhead Forest Plan requires that fish and wildlife habitat needs will be addressed in allotment management planning.

Response: Both the National Forest and State of Montana personnel have monitored sage grouse habitat and conducted surveys for the presence of sage grouse (PF, Docs. 404 to 413, 418, 422, 424, 427, 428, 430, 619 m, 619 f, and 619 g). This information was considered in the EA (pp. 110 to 111 and 151 to 157). Habitat of other Management Indicator Species (MIS) in the project area and the effects on them from livestock grazing were also considered in the Environmental Assessment (EA) (pp. 111 to 115 and 157 to 160).

The Forest Service Manual (FSM) at 2621.2 states, “units must develop conservations strategies for those sensitive species whose continued existence may be negatively affected by the forest plan or a proposed project.” The wildlife biologist found the project would impact summer-late brood rearing habitat for sage grouse (EA, p. 157), and determined the project “may impact individuals or habitat, but will not likely contribute to a trend toward federal listing or reduce the viability for the population or species” (DN, Appendix 2, p. 15). Due to the concern about sage grouse in Montana, the Montana Sage Grouse Work Group, of which the Forest Service is a member, has produced a draft document entitled *Management Plan and Conservation Strategies for Sage Grouse in Montana* (PF, Doc. 538). The Montana Department of Fish, Wildlife, and Parks currently is accepting public comments on the draft. Even though the Strategy is in draft as this time, the EA incorporates the suggestions from the Strategy and from Connelly, *et al.* (2000) (EA, pp. 20 and 152; DN, Appendix 2, p. 7).

The ID Team considered several recommendations from the public to have the Antelope Basin project focus on Species Conservation Plans. While the Team agreed this had merit, the driving

force behind the AMP updates was implementation of the Final Settlement Agreement for the National and Montana Wildlife Federation vs. the Beaverhead National Forest lawsuit and bringing the AMPs into compliance with the Forest Plan (EA, pp. 33 to 34). Therefore, those recommended alternatives were not considered in detail.

Habitat for bighorn sheep is not found in the project area (EA, Appendix A, p. A-17). Therefore an effects analysis on, or conservation strategy for, bighorn sheep is not required in this project analysis.

Bison are discussed in the Response to Comments (Appendix H, p. 7). The Interagency Bison Management Plan (IBMP) guides the management of free-ranging bison in order to prevent the transmission of brucellosis from bison to cattle. Free ranging Yellowstone bison are not allowed in the project area under IBMP. Since bison do not currently occur in the project area, and there are no plans to modify the existing IBMP to allow bison in the area, the use of the project area by bison is not reasonably foreseeable. Therefore an effects analysis on, or conservation strategy for, bison is not required in this project analysis.

The project area is historic beaver habitat, but it is likely that beaver have been trapped out of the area. Livestock grazing may indirectly impact beaver by altering their riparian habitat. The ID Team chose to analyze the key issue of riparian function rather than focus on beaver habitat or populations (EA, Appendix A, p. A-16).

The fisheries biologist determined the project would have no impact on westslope cutthroat trout and fluvial arctic grayling (DN, Appendix 2, pp. 34 to 36). Conservation strategies are, therefore, not required by the FSM for these species.

The Forest Plan (p. II-27) states, "Range allotment management plans will address wildlife habitat needs." The Antelope Basin Elk Lake Allotment Management Plan Updates Environmental Assessment addressed the habitat needs of wildlife, and considered the impact the updates would have on wildlife (EA, pp. 106 to 115 and 150 to 162; PF, Docs. 362 to 371). Until such time as the USFWS finds it necessary to list arctic grayling, westslope cutthroat trout, or sage grouse under the Endangered Species Act, the Forest will continue to analyze the impacts to these species based on their listing as Regional Forester's Sensitive Species. The project and the analysis are in compliance with the Forest Plan and NFMA.

Issue 2. The project is in violation of the Clean Water Act (CWA). Implementation of Best Management Practices does not ensure adequate mitigation without monitoring validation for water quality and beneficial uses. State waters will be polluted as a result of the livestock grazing proposed in Alternative B and the beneficial uses of the streams may be at risk. The State of Montana used to recognize Antelope Creek, and might recognize other streams within the project area as water quality limited segments (WQLS) once it sees the revised EA. The Forest Service must act to protect impaired water bodies from identified sources of degradation.

Response: The project area has been grazed for the past century (DN, p. DN-20). The EA contains the Prescribed Grazing Standards for Montana (EA, Appendix B). An Additional

Mitigation and Monitoring Plan is contained in the DN (Appendix 1). The EA states, “The standards proposed in Alternative B have been shown to be effective in initiating recovery of riparian areas on both the Warm Springs and Upper Rudy allotments” (EA, p. 140). “Given these successes it’s reasonable to expect that the successful implementation of similar standards in the Antelope Basin/Elk Lake project area would have a positive effect on riparian areas” (EA, p. 141).

There are no WQLS in the project area. Antelope Creek was removed from the State of Montana 303(d) list in 1998 (PF, Doc. 351, p. 2). Therefore, the State of Montana is not required to develop a TMDL for Antelope Creek. Under Alternative B, the chosen alternative, stream reaches that are presently non-functioning or functioning-at-risk would move towards functioning. The downward trend of Horse Creek would be halted and this stream would remain in functioning condition. The stream channels that are presently functioning would continue to do so (EA, p. 138). The EA indicates Alternative B would lead to recovery of the streams in the project area. The project is in compliance with the CWA.

Issue 3. The Forest Service has failed to prepare an EIS to address the loss of sage grouse, bighorn sheep, bison, beaver, arctic grayling, and westslope cutthroat trout viability in the project and/or analysis area. The Forest Plan must be amended so that habitat management planning or conservation strategies can be developed to ensure the viability of these native species.

Response: As documented in the DN and FONSI, the District Ranger determined this project is not a major federal action with significant effects on the quality of the human environment (pp. 19 to 21). Specifically, “Threatened, Endangered, or Sensitive wildlife, fish or plant populations found within the project area will not be adversely affected by my decision” (p. 21, Item 9). Therefore an EIS is not required. The analysis is in compliance with NEPA.

It is not necessary to amend a Forest Plan so that conservation strategies can be developed. The Forest Service Manual (FSM) at 2621.2 requires Forests to “develop conservations strategies for those sensitive species whose continued existence may be negatively affected by the forest plan or a proposed project.” (See Issue 1, above, for more information on conservation strategies.) The project is in compliance with NFMA and the Forest Service Manual.

Issue 4, Contention A. A reasonable range of alternatives was not reviewed in detail. The Forest Service failed to consider grazing management options that would address fish and wildlife needs. No alternative considered in detail shortening the duration of livestock use. No alternative outlines mechanisms whereby native species will be properly restored to historic habitat. Alternatives designed to conserve native species were not considered, so the species viability provisions of NFMA have been violated without proper mitigation. The Forest Service refused to analyze in detail an alternative that had a reduced 25 percent utilization level. These are major omissions of the revised EA.

Response: The ID Team considered a wide variety of alternatives, including one submitted by Mr. Hackett, that were ultimately not considered in detail (EA, pp. 33 to 38). A lengthy discussion of Mr. Hackett’s suggested alternative is found in the EA (Appendix A, p. A-15, Item

60) and the project file (Doc. 281). The ID Team considered alternatives that changed forage utilization levels or seasons of use. They also considered several recommendations to focus on Species Conservation Plans. While the Team agreed these alternatives had merit, the driving force behind the analysis was implementation of the Final Settlement Agreement for the National and Montana Wildlife Federation vs. the Beaverhead National Forest lawsuit, and complying with the Beaverhead Forest Plan (EA, pp. 33 to 34). So they decided not to consider those alternatives in detail.

The ID Team also responded to public concerns about the range of alternatives (EA, Appendix G, pp. G-5 to G-11 and Appendix H, pp. H-3 to H-13). The District Ranger reviewed the alternatives that were not given detailed study (DN, p. DN-4) to determine if a thorough and complete range of alternatives was considered. He found the range of alternatives to be reasonable.

An EA must “rigorously explore and objectively evaluate all reasonable alternatives” [40 CFR 1502.14(a)]. The courts have established that this direction does not mean every conceivable alternative must be considered, but that selection and discussion of alternatives must permit a reasoned choice and foster informed decision making and informed public participation. Chapter 2 of the EA describes how comments received from the public were used to identify issues and develop alternatives. The ID team finally settled on three alternatives to analyze in detail. The range of alternatives is in compliance with NEPA and NFMA.

Issue 4, Contention B. The proposed Alternative B provides no supporting data that distinguishes it from Alternative A. The Forest Service should address protecting the damaged streams from livestock impacts until proper function is restored.

Response: The EA (pp. 39 to 46) compares the three alternatives. The primary difference among the alternatives is impact to riparian habitat. Two of the three key issues were concerned with riparian habitat and riparian function (EA, pp. 18 to 20). The District Ranger discusses his rationale for the decision in the DN (pp. DN-4 to DN-7), including management of the riparian habitat to move the streams toward proper functioning, and protecting and improving fish habitat. His decision is based on the riparian function and fisheries habitat analyses in the EA (pp. 47 to 106 and 132 to 149.)

Issue 4, Contention C. Significant adverse impacts will occur under either Alternative A or B, and an EIS will be necessary to design adequate mitigation measures. We suggest the Forest Service adopt Alternative C for resource protection reasons until an EIS is completed.

Response: As documented in the DN and FONSI, the District Ranger determined this project is not a major federal action with significant effects on the quality of the human environment (DN, pp. DN-19 to DN-21). The existing EA addresses monitoring and mitigation (EA, pp. 116, 120 to 123, 132 to 138, 140, 141, 157 to 162, and the errata sheet). An EIS is not necessary. Mitigation features from current management practices, such as planned grazing systems, structural developments, closed areas, and upland utilization levels that led to desired vegetative conditions were continued in the DN (pp. DN-3 to DN-4). Utilization thresholds to mitigate

impacts to areas presently not at desired conditions (streams functioning-at-risk or non-functioning) were added to the DN (pp. DN-2, DN-3, and DN-6, and Appendix 1).

Issue 5. The impacts from grazing on fish populations and the biota in Cliff and Elk Lakes, especially the unique species of lake trout indigenous to Elk Lake, were not adequately reviewed in the EA. Cold water fisheries have been adversely affected and in some instances completely lost (Narrows and Poison Creeks). These effects were not adequately addressed in the revised EA or mitigated by the DN/FONSI.

Response: The analysis of the impacts to lake trout from the project can be found in the Biological Evaluation (DN, Appendix 2), which is then summarized in the discussion of the lakes in the project area and the effects of Alternative B (EA, pp. 105 to 106 and 144 to 145). The fisheries biologist determined the project may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of the viability to the population or species (DN, Appendix 2, p. 36). Past impacts to the fisheries are discussed in the EA (pp. 94 to 106). The impacts of the project, including mitigation, are also displayed (pp. 132 to 149). The impacts were adequately analyzed and displayed.

Issue 6. Domestic livestock impacts on the project area, including the installation of fences, pumping stations, stock tanks, pipelines, storage tanks, and salt grounds, have detracted from the wild nature of this landscape and detract from the wilderness experience (sight, smell, noise, and the grazing and trampling effects). The impacts of these activities along with other grazing animals have not been adequately reviewed for the cumulative effects analysis area, nor their significant impacts to the human environment mitigated.

Response: There is no wilderness in the project area. The impact the project would have on the roadless areas in the project area (PF, Doc. 619e) was analyzed in the project file (Doc. 352). The analysis concluded “the proposed improvements within roadless area 1-029B would have a cumulative effect on the roadless characteristics of the entire Gravelly area even though the changes in an already impacted area, such as 1-029B, are not significant in and of themselves. If some improvements are going to occur in roadless areas it is probably preferable that they occur in areas such as 1-029B rather than in areas with high existing roadless area characteristics and wilderness features.” The impacts to roadless areas were adequately analyzed and displayed.

Issue 7. We are also concerned the revised EA outlines no further NEPA will be conducted when federal grazing permits expire or potential livestock management structures are installed such as fences, stock tanks, pipelines, spring developments, or groundwater pumping stations. We believe all of these activities deserve further site-specific review under NEPA as they may significantly affect site-specific resource values within the project area. We believe the issuance of a federal grazing permit requires NEPA oversight and should not be concealed in an internal administrative process (FSH 2209.13).

Response: The EA is a site-specific analysis of the impacts that would occur from updating the allotment management plans and adding the various livestock management structures. The locations of the structures are displayed in maps (EA, pp. 23, 27, 28, 29, and 30). The impacts are discussed in Chapter 4, Environmental Consequences (EA, pp. 132 to 176). The two

decisions to be made based on the analysis are displayed in the EA (pp. 12 to 14): 1) Where grazing can occur, and at what levels; and 2) What structural improvements are needed. Those are the decisions that were made in the DN (pp. DN-1 to DN-4). No further NEPA is required to make those decisions for the allotments covered by this EA.

Issue 8. This project is tiered to an outdated Forest Plan. The Beaverhead Forest Plan is dated 1986 and provides outdated management direction for livestock grazing. The Forest Plan must be amended to address the conflicts associated with livestock use and native species viability. NFMA has been violated because the suitability and capability of the rangelands proposed for grazing must be determined on a site-specific basis, not just at the Forest Planning level. The proposed action was flawed from the start because the suitability of this area for livestock was not something the decision-maker never intended on looking at.

Response: The Department of the Interior and Related Agencies FY04 Appropriations Act, H.R.2691, P.L.108-108, was signed by the President on November 10, 2003. Sec. 320 states:

“Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.”

The Beaverhead-Deerlodge National Forest is in the process of revising their Forest Plan, with a draft EIS expected in December 2004.

The suitability of the project area for livestock grazing was validated during the Antelope Basin Integrated Area Analysis completed in 1990 (PF, Doc. 329), and reviewed during the Gravelly Landscape Analysis (Chap. 1, pp. 198 to 210) in 1999 (PF, Docs. 620 and 620A). The project is in compliance with NEPA and NFMA.

Issue 9. The EA did not adequately analyze the direct, indirect, and cumulative effects to sage grouse.

Response: Impact to sage grouse was one of three key issues (EA, p. 20). The existing condition of sage grouse habitat is displayed (EA, pp. 106 to 111; DN, Appendix 2, pp. 4 to 7, and Appendix H, pp. H-88 and H-93; PF, Doc. 331, p. 2, and Docs. 370, 416 to 435, 460, 473, 474, 619f, 619g, and 619m). Past and present activities; the existing condition of vegetation in the project area (EA, pp. 116 to 126); and the direct, indirect, and cumulative effects of the project on sage grouse and their habitat are also displayed (EA, pp. 150 to 157; DN, Appendix 2, pp. 7 to 10, and 14 to 15). The analysis is in compliance with NEPA.

Issue 10. The EA did not adequately analyze the direct, indirect, and cumulative effects to beaver.

Response: As discussed in Issue 1 (above), the project area is historic beaver habitat, but it is likely that beaver have been trapped out of the area. Livestock grazing may indirectly impact beaver by altering their riparian habitat. The ID team chose to analyze the key issue of riparian function rather than focus on beaver habitat or populations (DN, Appendix 2, p. 8; EA, pp. 94 to 106, 141 to 149, 153 to 154, 162 to 166, Appendix A, p. A-16, Appendix H, pp. H-28 to H-32; PF, Doc. 319, pp. 10 to 12, Doc. 320, pp. 1 to 12, Doc. 321, pp. 1 to 5, Doc. 322, pp. 1 to 3, and Doc. 592). The analysis is in compliance with NEPA.

Issue 11. The effects to other wildlife, fish, and amphibians, and their habitats was not adequately analyzed in the revised EA. Those species not adequately analyzed include mink; passerine birds; adfluvial grayling; lake and westslope cutthroat trout; mottled sculpin; boreal toad; spotted frog; gray wolf; elk; mule and whitetail deer; antelope; moose; ruffed, sharp-tail, and blue grouse; northern goshawk; bighorn sheep; bison; Richardson's ground squirrel; northern and Idaho pocket gopher; and various sagebrush obligate species.

Response: A Forest is not required to analyze impacts to all species that occur in a project area. They are required to analyze the impact to those species listed under the Endangered Species Act that are found, or thought to be found, in the project area; in this case grizzly bear, bald eagle, Canada lynx, and gray wolf. They are required to analyze impacts to the Forest management indicator species; in this case grouse, peregrine falcon, elk, pine marten, northern goshawk, and trumpeter swan. They are also required to analyze impacts to Regional Sensitive Species known from, or thought to occur, in the project area; in this case western big-eared bat, wolverine, fisher, northern bog lemming, pygmy rabbit, flammulated owl, burrowing owl, common loon, black-backed woodpecker, Columbian sharp-tail grouse, harlequin duck, northern leopard frog, boreal toad, fluvial arctic grayling, lake trout, and westslope cutthroat trout. The wildlife biologist and fisheries biologist analyzed the direct, indirect, and cumulative effects of the project on these species and their habitat (EA, pp. 47 to 116 and 132 to 161; DN, Appendix 2; PF, Docs. 319 to 322, 335 to 351, 362 to 379, 399 to 400, and 404 to 436). The impact of the project on wildlife, fish, and amphibians and their habitats was adequately analyzed.

Issue 12. The revised EA failed to point out the significant impact the preponderance of late and/or mid seral range conditions in the sagebrush-bunchgrass habitat types and interspersed riparian areas has had on climax wildlife species such as sage grouse and bighorn sheep. The revised EA did not adequately identify the big sagebrush-bluebunch wheatgrass habitat types or other habitat types within the project and cumulative effects area. The revised EA does not adequately reveal the effects of livestock use on spring, summer, and fall range is competitive and additive to potential wildlife uses, especially as they impact climax species such as bluebunch wheatgrass.

Response: The EA discusses climax habitat and species in the Response to Comments (Appendix G, pp. G-5 to G-6, Response to Comment number ALT-2, and pp. G-42 to G-43,

Response to Comment number V-5). The EA displays existing condition of the vegetation (EA, pp. 117 to 123) and the direct and indirect effects of continuing the grazing in the project area (EA, pp. 162 to 164).

As discussed above (Issues 1 and 3), there is no habitat for bighorn sheep in the project area. As discussed above (Issues 1, 3, 9, and 11) the analysis discusses the existing habitat conditions in the project area, and the past, present, and reasonably foreseeable impacts on sage grouse. The analysis discusses and displays the existing sage grouse habitat (EA, pp. 117 to 123, and Table 3.4.4; DN, Appendix 2, pp. 31 to 32; and PF, Doc. 619m, and Doc. 620, Chapter 1, pp. 62 to 92). The impacts to the habitat in the project area are adequately analyzed.

Issue 13. An EIS should be initiated and the Forest Plan should be amended to establish beaver and/or ruffed grouse as MIS for the aspen community type.

Response: Choosing which MIS best suits the need of Forest Plan monitoring is a decision best made during Forest Plan revision. The MIS chosen for the Beaverhead National Forest were chosen and the selection criteria displayed and discussed in the 1987 EIS prepared during the Forest Planning process (Forest Plan EIS, pp. III-18). The Beaverhead-Deerlodge National Forest is in the process of revision, with a draft EIS expected in December 2004. It would be inappropriate to add a Forest-wide MIS with a site-specific, project-level EA; and it would be inappropriate to add a Forest-wide MIS at this time.

Issue 14. The effects of livestock management structures to wildlife has not been adequately reviewed in the revised EA, and the DN/FONSI does not mitigate or avoid the impacts associated with the maintenance and additional development of these structures. The effects on soil quality from livestock grazing, water developments, stock tanks, pipelines, salt grounds, fences, mining, logging, recreation, trails, and roads were not adequately reviewed.

Response: The analysis discusses the direct, indirect, and cumulative effects of fences, troughs, and other livestock management structures on sage grouse (EA, pp. 152 to 157, and 160; DN, Appendix 2, pp. 7 to 10), and the effectiveness of mitigating impacts of those structures (EA, p. 161). Wildlife impacts are also discussed (EA, pp. 157 to 162). Impacts to wildlife have been adequately analyzed and displayed.

Soil field reviews were completed in the project area to specifically look at compaction, puddling, erosion, and other soil disturbance. The relationships between soils and vegetation were described, as were cumulative effects from past, present, and reasonably foreseeable activities (PF, Docs. 355 and 403; EA, pp. 128 to 129, and 169 to 170). The soil survey provided a base layer of information for the soil analysis. Ecodata plots used for the soil survey also provided data for this analysis (PF, Docs. 355 and 402). Additional plot data was collected specifically for this proposal (PF, Doc. 403). Impacts to soil are also discussed in the Response to Comments (EA, Appendix G, pp. G-40 to G-41, and Appendix H, pp. H-67 to H-69).

Soil impacts were compared by alternatives (EA, p. 170, Table 4.5.2). Additional riparian standards would be implemented in Alternative B leading to an improvement in soil condition. Comparing Alternative A with Alternative B, soil impacts increased 0.002 percent due to

additional water trough and fence development. Since the total percent of determinately-disturbed soil remains at 7 percent, which is within the allowable 15 percent standard described in FSM 2254, R1 Supplement 2500-99-1, soil quality was not considered a key issue. The impacts to soil were adequately analyzed and displayed.

Issue 15. Biological evaluations were not included with the revised EA.

Response: The Biological Evaluation (BE) is part of the DN (Appendix 2). The Biological Assessment (BA) is in the project file (Doc. 371). The USFWS Biological Opinion (BO) is also in the project file (Doc. 214).

Issue 16. We provided information from the Montana Department of Fish Wildlife and Parks (FWP 2001), Red Rocks Lake National Wildlife Refuge (Nuthammer 1992, and lek attendance table provided by Assistant Manager Tom Reed), and Bureau of Land Management (BLM 1980) that were not incorporated into the revised EA.

Response: In his decision, the District Ranger considered information from Montana Department of Fish, Wildlife and Parks; Montana Department of Natural Resources and Conservation Service; Montana Department of Livestock; Montana Department of Environmental Quality; Beaverhead and Madison Counties; USDA Natural Resources and Conservation Service; USDI Fish and Wildlife Service; the Red Rocks Lake National Wildlife Refuge (DN, p. DN-11; PF, Docs. 103, 171 to 215, and 624); and information provided by the public (DN, p. DN-8).

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellants. I recommend the District Ranger's decision be affirmed and the appellants' requested relief be denied.

/s/ Eric P. Johnston
ERIC P. JOHNSTON
Appeal Reviewing Officer
Deputy Director of Watershed, Wildlife, Fisheries and Rare Plants