



United States
Department of
Agriculture

Forest
Service

Region One

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

Date: July 5, 2001

Subject: ARO Letter, Big Sheep Grazing Allotments DN, Appeal #01-01-00-0043, Beaverhead-Deerlodge NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Thomas M. France on behalf of the National Wildlife Federation protesting the Dillon District Ranger's Decision Notice (DN) for the Big Sheep Grazing Allotments on the 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 issues and recommended changes, has been thoroughly reviewed.

The appellant alleges violations of the National Environmental Policy Act, the National Forest Management Act, and the Endangered Species Act. The appellant requests the Environmental Assessment (EA), DN, and Finding of No Significant Impact (FONSI) be withdrawn and a new decision record be developed before livestock grazing can lawfully occur on the Big Sheep Allotments. An information disposition meeting was held with the appellant via conference call, but no resolution was reached.

RECOMMENDATION

I find that the EA and DN do not adequately address the direct, indirect, and cumulative effects to sage grouse from the additional fence construction and upland water developments in the Big Sheep Grazing Allotments. I recommend the District Ranger's decision be reversed. The Rescission Act of 1995 (Public Law 104-19) directs that livestock grazing continue as authorized, with the same terms and conditions in the existing term-grazing permits, pending completion of a NEPA analysis and decision. Therefore, I recommend the Big Sheep Allotments be grazed consistent with the direction found in the Beaverhead National Forest Plan, as amended by Riparian Amendment #7, dated 1997, until such time as the abovementioned deficiencies can be remedied in a new EA, DN, and FONSI.



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

