

# Decision Notice and Finding of No Significant Impact

## Cheyenne River Area Range Allotment Management Plan

### USDA Forest Service, Rocky Mountain Region

Wall Ranger District, Nebraska National Forests and Grasslands

*Pennington County, South Dakota*

## Decision

I have decided to implement Alternative 3 based on my careful review of the information documented in the Cheyenne River Area Range Allotment Management Plan Environmental Assessment (June 2016) and the finding of no significant impact documented below (see page 8), both of which are incorporated by reference into this decision notice along with public comments and other documents contained in the project record.

I will continue to permit livestock grazing on six Forest Service allotments in the Wall Southwest Geographic Area using an adaptive management approach which is intended to help make progress toward achieving the Forest Plan desired conditions and objectives on these allotments. The adaptive measures are meant to change the distribution of livestock, and therefore, change conditions toward achieving forest plan objectives for riparian areas, and vegetative structure and composition.

The Indian Creek land exchange environmental analysis states, “Current stocking and season of use would not change on the federal allotments where the non-federal parcels are located. Any change would be analyzed when the allotment management plans for those allotments are updated.” Permanent grant of these animal unit months may occur if monitoring under this decision shows the capacity is available on a long-term basis.

The National Grasslands Administration (NGA) or Isolated Tracts areas (Big Corral #3 and Indian Creek #1) will be converted to pastures and we would like to clarify that the livestock use will probably only be for brief periods of time. These pastures are part of the recovery of the riparian vegetation and we would consider light use to encourage recovery of willows and cottonwoods.

A full description of this alternative begins on page 8 of the environmental assessment.

## Rationale

Alternative 3 would result in the most appropriate distribution of livestock on these allotments in order to allow vegetative structure and composition in the project area to be more similar to the Forest Plan’s desired conditions and objectives.

I reviewed all comments received in scoping. Using the comments from the public, the interdisciplinary team developed a list of issues and resource concerns to address. I considered all public concerns in terms of whether they would be elevated to issues for analysis or for which alternatives would be developed. After considering the public concerns, I determined that none would be issues requiring the development of alternatives. My rationale is as follows:

## Management Restrictions Imposed by “Recommended for Wilderness” Designation

Public comments stated the concern that much of the area in the four southern allotments is designated by the Forest Plan as Management Area 1.2 (“Recommended for Wilderness”). One of the standards for management of land under this management designation requires the use of natural materials in the construction or reconstruction of livestock facilities (Forest Plan, page 3-7). This requirement may prevent the appropriate distribution of livestock because it increases the cost of building fences and limits the construction of water developments, other than dams and dugouts, because they must be constructed of natural materials within Management Area 1.2.

The land management planning process that produced the Forest Plan has determined that livestock grazing is compatible with the “Recommended for Wilderness” designation and that this designation would not interfere with the appropriate management of livestock on these allotments. This determination is supported by management direction in the Forest Plan. Therefore, I have determined that a Forest Plan amendment to change the Forest Plan management area in which most of the allotments are located would be beyond the scope of this project. If, after implementing the adaptive measures, the riparian areas are not trending towards desired conditions, then the Forest Service will look at changing the standard for natural materials in the construction or reconstruction of livestock facilities, as stated in the Forest Plan.

## Use of Prescribed Fire as an Adaptive Management Tool

Public comments stated the concern that the proposed action applies prescribed fire on these allotments as a management tool. Some members of the public believe prescribed fire could get out of control, burning more livestock forage than planned, and leaving large sections of allotments without enough forage to graze. They also believe increased grazing would have the same beneficial effects as prescribed fire, with less risk of getting out of control, would provide more forage for livestock, and would manage weeds. Other members of the public support the use of prescribed fire.

Mixed grass prairies evolved with disturbances such as fire and grazing, and both are important tools to manage the vegetation. Prescribed fire has been shown as an effective tool in the management of range vegetation. Prescribed fire allows more appropriate redevelopment of vegetation than increased grazing intensity. Fire more effectively removes litter accumulation and provides more nutritious and young grass growth than increased short-term grazing. Burning, in conjunction with grazing, leads to better consumption of plant material and helps soil nutrient cycling.

On certain allotments, we may increase grazing before using prescribed fire and only use prescribed fire if increased grazing does not yield desired results.

## Use of Herding as an Adaptive Management Tool

Public comments stated the concern that the proposed action applies herding of livestock on these allotments to attain proper livestock distribution. Livestock permittees would be obligated to herd their livestock, and some believe herding and constant monitoring of where their livestock graze would be an unnecessary burden, costing time and money, and would reduce the weight of livestock at sale.

Herding is a standard livestock management practice and may be necessary to obtain desired disturbance. Herding plans will be discussed with individual permittees and spelled out in individual allotment management plans, in annual operating instructions, or both. Where herding is not practical or successful, other adaptive management tools and techniques will be used.

## Change in Location of Authorized Use (Combining Allotments) as an Adaptive Management Tool

Public comments stated the concern that that a change in location of authorized use (combining allotments) would adversely affect the genetic characteristics of their herds. Each livestock permittee turns bulls out at different times of the grazing season. Livestock permittees select their bulls for specific traits such as calving ease, growth, and breed. Permittees prefer to use their own bulls on their cows. Livestock permittees also have different vaccination programs, and concerns were expressed that a change in location of authorized use (combining allotments) could increase the risk of disease transmission between herds.

A change in location of authorized use (combining allotments) is a tool that should be available because it would help change livestock distribution patterns and meet the Forest Plan's forest-wide guideline to avoid season-long grazing in riparian areas (Forest Plan page 1-22). If other adaptive management actions are successful in improving livestock distribution, this adaptive management action would not be necessary.

## Fence along the Cheyenne River

Public comments stated the concern that the placement of fence along the Cheyenne River to keep livestock out of riparian areas would make it difficult for livestock to access water. They also expressed the concern that this fence would restrict access to land not under Forest Service ownership, such as South Dakota School and Public Land and privately owned parcels within the boundaries of the Buffalo Gap National Grassland.

Fencing along sections of the Cheyenne River would be consistent with existing Forest Plan direction and may be necessary if other adaptive management tools do not successfully reduce impacts along the river. It would only occur if alternative water sources are in place. It would not be used to exclude grazing along the Cheyenne River but to limit the timing and duration of grazing along the river. The Forest Service will work closely with other land owners and managers to ensure access is maintained. Under certain conditions, it may be desirable to allow livestock in riparian pastures along the river.

## Need for Action

The need for the Cheyenne River Area Range Allotment Management Plan is based on the Forest Plan management direction. This action is needed because existing conditions are not meeting Forest Plan direction for desired diversity of vegetation structure and vegetation composition. These conditions are primarily due to concentrated grazing along riparian areas and lack of grazing or other disturbance in upland areas.

The project area is currently not meeting Forest Plan objectives, due in part to concentrated livestock use in the riparian areas, including the Cheyenne River, Indian Creek, and Big Corral Draw, and limited livestock use of some upland areas.

Extensive rangeland monitoring data indicates the project area (Management Areas 1.2 and 6.1) is moving towards Forest Plan objectives for the Wall Southwest Geographic Area. The remainder of the geographic area is Management Area 3.63 which emphasizes prairie dog colonies for black-footed ferret reintroduction habitat. The objectives for Management Area 3.63 result in more early or early intermediate seral communities with low structure. At 74,000 acres, Management Area 3.63 can meet the early and early intermediate seral-low structure objectives for the geographic area, leaving a need for more late intermediate and late seral communities and moderate and high structure in the project area.

Grazing livestock instinctually concentrate their activities in areas of these six allotments that are most attractive to them. These areas have the easiest access to water and to vegetation of the composition and structure livestock prefer to graze. These attractive areas are grazed the most, and there is a disproportionate lack of livestock grazing or other desirable disturbance in upland areas.

When livestock are distributed over the allotments in this manner, vegetation conditions shift further away from desired conditions for vegetative composition (in terms of seral stage) and objectives for vegetative structure as specified in the Forest Plan. Areas currently being underutilized have been identified through observations of livestock use, excessive litter buildup, and an increase of non-native cool season grasses.

The health of riparian systems is largely dependent on the condition of the vegetative community. Healthy riparian vegetation provides overhead cover, temperature moderation, and root strength for bank stability. It filters sediment, stores water, and dissipates floodwater energy.

Riparian areas can also provide habitat for many unique plant species and many wildlife species. Where disturbance occurs in riparian areas, there is an increased risk of erosion and reduced productivity, thereby reducing the buffering effect the riparian area has on streams and the protection of beneficial uses. Nearly all riparian areas in the project area exhibit signs of livestock concentration including trampled and hoof-sheared banks; over-utilization of cottonwoods, willows, grasses and forbs; excess sediment deposition; and extensive manure within, and immediately adjacent to, stream channels (environmental assessment, page 7).

## Public Involvement

A comprehensive scoping package was mailed or emailed to the Wall Ranger District mailing list, including Tribal entities. The scoping package contained a description of the proposed action, the purpose and need, and a map of the proposed project. On March 4, 2015, a total of 141 letters were mailed: 55 to individuals and groups; 10 to elected officials at the state and national level; 29 to Federal, State, and County agencies; 39 to Tribal entities and contacts; and 8 to permittees in the project area.

On March 12, 2015, 29 letters were mailed to Tribal entities and contacts, specifically inviting Tribal consultation in the process. The proposal was first listed in the Forest Service's schedule of proposed actions in April 2015.

A total of 16 respondents submitted comments in response to the scoping package. Several meetings were held with interested members of the public during the development of the proposed action. Comments were recorded from 17 members of the public at these meetings. Comments from the public meetings and a list of individuals, groups, and agencies who participated during the development of this environmental assessment are in the project record.

The scoped proposed action included the installation of an interpretive sign. This activity has been withdrawn from the proposed action. A decision on whether to install the sign will be issued after a separate analysis.

A draft of this environmental assessment was released for public comment in January of 2016. The public was notified of the environmental assessment's availability for review and comment through letters and through publication of a legal notice in the Rapid City Journal on January 27, 2016.

A 30-day public comment period began on January 28, 2016 as required by 36 CFR §218.24. Public meetings were also held during the comment period on February 5 and February 12, 2016. A summary of the comments received and my responses is in Appendix A of the environmental assessment.

## Consistency with Laws and Regulations

### **National Forest Management Act**

My decision is consistent with the National Forest Management Act. It is consistent with the standards, guidelines, desired conditions, and objectives of the Land and Resource Management Plan 2001 Revision Nebraska National Forest and Associated Units, including management direction specified in that plan for the Wall Southwest Geographic Area and the management areas (Management Area 1.2 – “Recommended for Wilderness” and Management Area 6.1 – “Rangeland with Broad Resource Emphasis”) within which the project is located.

### **Sensitive Wildlife, Aquatic, and Botanical Species**

The environmental assessment considered potential effects to wildlife and aquatic (environmental assessment, page 46), and botanical (environmental assessment, page 42) species considered sensitive in the Rocky Mountain Region of the National Forest System. After considering effects to all sensitive species assumed to be present in the project area, my decision will either have “beneficial effects,” or “may adversely impact individuals, but not likely to result in a loss of viability on the planning area.” Considered in the context of each of the species that my decision may adversely affect, those effects will not be significant when considered in the context of the species’ viability throughout the planning area.

### **Species Listed under the Endangered Species Act**

My decision is consistent with the Endangered Species Act. I consulted with the U.S. Fish and Wildlife Service for potential effects to listed least tern, northern long-eared bat, rufa red knot, and whooping crane. My determinations are that my selected alternative “may affect, not likely to adversely affect” these species (environmental assessment, page 45). The Fish and Wildlife Service concurred with my determinations in a letter dated March 9, 2016.

### **Heritage Resources**

Pursuant to the National Historic Preservation Act, as implemented by regulations at 36 CFR §§800.4 and 5, and in accordance with the stipulations of the 2014 Programmatic Agreement between the Nebraska National Forests and Grasslands and the South Dakota State Historic Preservation Officer, cultural resource inventories and a determination of eligibility and effects have been completed for the Cheyenne River Range Allotment Management Plan project area. The South Dakota State Historic Preservation Officer concurs that cultural resource surveys for the project area meet current standards and also concurs with the Forest’s determination both of National Register significance and eligibility for the various archaeological sites and of the expected project effects on significant sites. Copies of correspondence relating to this consultation are on file with the Nebraska National Forests and Grasslands.

### **Paleontological Resources**

Paleontological Resources are a minerals and geology management program element under Forest Service directives at 2800/2880 (Geologic Resources, Hazards, and Services) and also Forest Service Manual chapters 2880.2, 2880.3, 2880.42, and 2884.11. Administration of paleontological resources is governed by the Paleontological Resources Preservation Act of 2009 (Pub. L. 111–011, Title VI, Subtitle D, Sec. 6310), and Forest Service regulations for Paleontological Resources Preservation at 36 CFR Part 291, which implement requirements of the Paleontological Resources Preservation Act and became effective on May 18, 2015.

## **Regulatory Framework for Geologic, Soil, and Water Resources**

### **Multiple-Use Sustained-Yield Act**

The proposed project is consistent with the intent of the Multiple-Use Sustained-Yield Act of 1960, which states that management of the National Forests must provide “sustained yields in perpetuity without impairment of the productivity of the land,” because project activities will not irreversibly damage watershed functions.

### **National Forest Management Act (NFMA)**

The National Forest Management Act requires that all lands be managed to ensure maintenance of long-term soil productivity, hydrologic function, and ecosystem health. All management activities associated with the Cheyenne River Area Range Allotment Management Plan Project would be consistent with this direction. Design criteria and best management practices have been included to ensure site productivity is maintained. Furthermore, the proposed project is consistent with the intent of the National Forest Management Act because project activities will only occur on stable soils and hillslopes; project design criteria and best management practices have been included to protect soil and water resources and thus project activities are not expected to irreversibly damage soil or water resources; and site productivity will not be permanently impaired.

### **Executive Orders 11988-Floodplains, 11990-Wetlands, and Municipal Water Supplies**

The proposed project is consistent with executive orders regarding floodplains, wetlands, and municipal water supplies because proposed activities avoid floodplains, wetlands, and municipal water supply intake areas. The implementation of design criteria and best management practices is fully expected to protect any floodplain and wetland areas that may be adjacent or downstream of the project area. The implementation of project activities, along with best management practices and soil and water design criteria, will not significantly alter or hinder flood conveyance. Adverse effects to wetland and riparian areas are not expected because activities would not take place directly in or immediately adjacent to riparian areas or wetlands.

### **Clean Water Act, Safe Drinking Water Act, and State Water Quality Laws**

The proposed project is consistent with all applicable State and Federal water quality laws because project design criteria and best management practices have been included to protect soil and water resources from non-point pollution. Thus, erosion and sediment transport are not expected and identified beneficial uses will continue to be supported. Furthermore, stream and wetland/riparian buffer widths are included as project design criteria, thus further protecting water and riparian resources from damage and pollution.

All alternatives would meet the requirements of the Clean Water Act by maintaining beneficial uses at current levels. Water quality for downstream water rights, including municipal water supplies, would also be maintained. This project would not lead to further impairment of existing or listing of additional impaired water bodies. State storm water discharge permits are not necessary. Design criteria and best management practices have been included in the project to avoid and protect wetland areas. Thus the proposed project complies with intent of the Clean Water Act and the associated subset of laws.

### **USDA Forest Service Manual and Handbook Direction**

The proposed project is consistent with the standards, goals, and objectives for water resources set forth in FSM 2500, FSH 2500, and Region 2 supplements because project design criteria and best management practices have been included to protect soil and water resources. All proposed activities have been

designed not to disturb rare groundwater dependent ecosystems and not to minimize detrimental soil disturbance and will be monitored during and following the project to ensure this has been met.

### **Nebraska National Forests and Grasslands Plan Compliance**

The proposed project activities are aligned with the goals and objectives for soil and water resources set forth in the Nebraska National Forests and Grasslands Forest Plan (USDA Forest Service, 2009). This project is consistent with the Forest Plan because Forest Plan standards and guidelines are included as project design criteria and best management practices to protect soil and water resources.

Appendix C of the environmental assessment lists the design criteria designated for this project and the Forest Plan standards and guidelines that each design criteria is associated with. Monitoring of watershed conservation practices (also referred to as best management practices monitoring) takes place annually across the Forest.

### **Environmental Justice**

Based on the minority status and poverty data presented in the environmental assessment, environmental justice issues appear unlikely. The minority population in the analysis area does not exceed 50 percent nor is it greater than the minority population for the state. In addition, the poverty rates in the analysis area are lower than those for the state.

The benefits of rangeland improvements may offset short-term costs of these improvements to permittees. Although costs to permittees may increase relative to current management, the changes are not expected to affect the financial feasibility of ranching. Therefore, no environmental justice consequences are anticipated.

### **Pre-Decisional Administrative Review Opportunities**

The Cheyenne River Area Range Allotment Management Plan is not a hazardous fuel reduction activity as defined by the Healthy Forests Restoration Act of 2003, as amended (Public Law 108-148), section 101(2). Therefore, this activity is subject to pre-decisional administrative review consistent with the Consolidated Appropriations Act of 2012 (Public Law 112-74) as implemented by subparts A and B of 36 CFR Part 218 (36 CFR §218.7(a)(2)).

Pre-decisional objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with §218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after the designated comment opportunities.

Objections, including attachments, must be filed via mail, express delivery, or messenger service: (to Objection Reviewing Officer, USDA Forest Service, Rocky Mountain Region, 740 Simms Street, Golden, CO 80401); FAX to (303) 275-5134; email to [r02admin\\_review@fs.fed.us](mailto:r02admin_review@fs.fed.us); or by hand-delivery (Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays at USDA Forest Service, 740 Simms Street, Golden, CO 80401).

Objections must be submitted within 45 calendar days following the publication of this notice in the Rapid City Journal. The publication date in the Rapid City Journal is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source.

The objection must contain the minimum content requirements specified in §218.8(d) and incorporation of documents by reference is permitted only as provided in §218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9. All objections are available for public inspection during and after the objection process.

At a minimum an objection must include the following (36 CFR 218.8(d)): 1) The objector's name and address, with a telephone number, if available; 2) a signature or other verification of authorship upon request (a scanned signature for email may be filed with the objection); 3) when multiple names are listed on an objection, identification of the lead objector (verification of the identity of the lead objector shall be provided upon request); 4) the name of the proposed project, the name and title of the Responsible Official, and the name(s) of the National Forest(s) and/or Ranger District(s) on which the proposed project will be implemented; and 5) a description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and 6) a statement that demonstrates connection between prior specific written comments on the particular proposed project or activity and the content of the objection.

## Implementation Date

Once the objections process is resolved, this decision would be issued and implementation would begin immediately.

## Finding of No Significant Impact

As the responsible official, I am responsible for evaluating the impacts of the project relative to the definition of significance established by the Council on Environmental Quality regulations (40 CFR §§1508.13 and 1508.27). Significance is defined as a function of context and intensity. Consideration of the likely intensity of changes, impacts, or effects, with the context in which they might occur, allows me to determine the material consequences or significance of the impacts predicted in the analysis.

I have reviewed and considered the environmental assessment and documentation included in the project record, all of which are hereby incorporated by reference, and I have determined that the Cheyenne River Area Range Allotment Management Plan will not have a significant impact on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the Council on Environmental Quality definition of significance cited above.

## Context

For the proposed action and alternatives the context of the environmental impacts is based on the environmental analysis in this environmental assessment. The consideration of the context of an environmental impact determines the meaning, relevance, or material importance of the potential changes that are likely to result from the action being analyzed. Therefore, context, in a National Environmental Policy Act sense, gives meaning to an environmental change.

The actions included in Alternative 3 are described in detail on pages 14 through 33 of the environmental assessment. The disclosure of impacts may differ by the resource and by the scale of analysis. Therefore, multiple scales and levels of analysis were used to determine the significance of the activities' impacts on the human environment.

The selected alternative for the Cheyenne River Area Range Allotment Management Plan allows cattle grazing on approximately 30,000 acres. This represents no change to the number of acres that have been grazed in the project area for several decades.

The selected alternative will continue to authorize cattle grazing on the Cheyenne River area range allotments in numbers similar to those allowed under current management. Only the distribution of cattle on the allotments is expected to change in order to allow resource conditions to progress toward desired Forest Plan goals and objectives. These changes in conditions would not be significant impacts when considered in the regulatory context of Forest Plan direction.

Any adverse or beneficial effects to resources would be localized and negligible when considered in the context of the full range of occurrence of the resource, regulatory policy, or socioeconomic considerations.

## Intensity

Intensity is a measure of the magnitude, speed, extent, and duration of likely environmental changes. It is based on information from the impacts analysis of this environmental assessment and the references in the project record. The impacts of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental impacts using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the intensity of impacts and the contexts in which they are considered, using the following ten factors identified in 40 CFR 1508.27(b).

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

There will be no significant beneficial or adverse effects. The beneficial and adverse impacts of this decision are addressed in the “Environmental Impacts of the Proposed Action and Alternatives” section of the environmental assessment, beginning on page 35. The impacts of my decision are consistent with the standards, guidelines, goals, and objectives in the Forest Plan. The adverse effects of my decision are seasonal, minor in nature, and limited in geographic extent. The selected action provides the best combination of ecological and social benefits.

2. The degree to which the proposed action affects public health or safety.

There will be no significant effects on public health and safety. Water quality would be maintained or improved, consistent with the desired conditions in the Forest Plan and with requirements of the Clean Water Act, Safe Drinking Water Act, and State water quality laws (environmental assessment, page 61). This improvement would not be significant when considered in the context of Forest Plan desired conditions and water quality conditions on the Nebraska National Forests and Grasslands as a whole.

At the project scale and considering the lack of effects that can be meaningfully evaluated under current science, modeling, and policies, I cannot discern significant climate change effects of this project (environmental assessment, page 67) when considered in the context of the whole planet.

Design features and best management practices (environmental assessment, Appendix C) will maintain or improve resource conditions.

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Cultural resource surveys have been completed. Agency guidance in regards to grazing permit re-issuance and the National Historic Preservation Act compliance process was followed to assess potential effects of grazing on heritage resource values. Documentation review and monitoring was utilized to fulfill Section 106 requirements. It has been determined that there will be no adverse effect to historic properties (environmental assessment, page 63).

The Forest Plan permits grazing in management areas designated as “Recommended for Wilderness” (Management Area 1.2). The management of grazing in this management area will be consistent with the standards and guidelines developed to sustain the health, diversity, and productivity of this area. These standards and guidelines were developed during the forest planning process as required by the National Forest Management Act and are set forth in the Forest Plan.

Floodplains and wetlands would be improved as rehabilitation measures are implemented (environmental assessment, page 61).

The project will have no effect on the following areas because none are located within the project area:

- ◆ Parklands or ecologically critical areas;
  - ◆ Research Natural Areas or Special Interest Areas designated by the Forest Plan;
  - ◆ Inventoried Roadless Areas; or
  - ◆ Congressionally designated areas, such as Wilderness, National Recreation Areas, or Wild and Scenic Rivers
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the environmental effects of the project. There are differing opinions in the community on the management actions necessary and the science used. The level of controversy or interest in what course of action to take regarding grassland management is not the focus of this factor; rather it is the degree of scientific controversy over the effects disclosed in the analysis. No significant disagreements have been identified with the disclosure of effects in the environmental assessment. The Nebraska National Forests and Grasslands Land and Resource Management Plan (Forest Plan) permits all of the activities proposed in this project and these activities have historically been conducted in this area. The environmental assessment (beginning on page 35) effectively addressed, analyzed and disclosed effects associated with the project. During scoping, 30-day public review and comment period of the environmental assessment, and effects analysis, no scientific controversy over unacceptable effects was identified. Concerns voiced during the 30-day comment period are listed and responded to in the project record.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (environmental assessment, beginning on page 35). The best available scientific information provided the foundation for designing the Cheyenne River Area Range Allotment Management Plan (environmental assessment, and resource specialists’ reports, Literature cited, project record). Livestock grazing has been implemented successfully on the Wall Ranger District. These past activities have been monitored (project file) and the monitoring results provide a good baseline for predicting future

outcomes. Recent monitoring has found that best management practices for the protection of soil and water resources are effective in keeping detrimental impacts to within Forest Plan standards. I am satisfied that the project, as designed, and the effects disclosed in the environmental assessment present no highly uncertain or unknown risks.

6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The action is not likely to establish a precedent for future actions with significant effects, because livestock grazing is not a new activity within this project planning area and has occurred in numerous parts of the Nebraska National Forests and Grasslands. Livestock grazing and associated management activities are all allowed activities in this area by Forest Plan management direction. The environmental assessment effectively addressed and analyzed all major issues associated with the project.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

The cumulative effects determinations in the environmental assessment are not significant (environmental assessment, beginning on page 35). The list of past, present, and reasonably foreseeable future activities in the area that were considered for the cumulative effects analysis for each resource topic is in the project record. I recognize some cumulative effects will occur. However, these cumulative effects will not be significant in terms of magnitude, speed, extent, duration, or the context in which these effects were considered.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. Identified sites and any newly recorded sites will continue to be monitored for potential impacts (environmental assessment pages 63 and 64) from grazing activities. The Forest Service has complied with Section 106 of the National Historic Preservation Act for the Cheyenne River Area Range Allotment Management Plan Environmental Assessment (environmental assessment page 63 and item 3 on page 9 of this decision notice and finding of no significant impact). We have also complied with the Paleontological Resources Preservation Act (PRPA) of 2009.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The Biological Assessment determined that the selected alternative “may affect, not likely to adversely affect” listed least tern, northern long-eared bat, rufa red knot, and whooping crane. I consulted with the U.S. Fish and Wildlife Service for effects to these species and they issued concurrence with my determinations. No other listed species would be affected.

I also analyzed effects to the black-footed ferret which is proposed for Endangered Species Act listing and the determination was that the selected alternative would “not likely to jeopardize continued existence of the species.” I received concurrence with this determination in conferencing with the U.S. Fish and Wildlife Service.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Consistency with Federal, State, or local law or requirements is disclosed on page 5 of this decision notice.

## Contact Information

For additional information regarding this decision, contact Kurt Pindel, District Ranger, Wall Ranger District, at (605) 279-2126 x203

Approved by:



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Kurt Pindel, District Ranger

Wall Ranger District

October 27, 2016

Date