

DECISION MEMO
North Paradox Grazing Allotment Project

USDA Forest Service, Manti-La Sal National Forest
Moab-Monticello Ranger District
San Juan County, Utah

Authorized Under Sec. 339, P.L. 108-447
Of the
2005 Consolidated Appropriations Act

Location: The North Paradox C & H Allotment is located on National Forest System land in the West Paradox and Roc Creek drainages near Carpenter Ridge and Buckeye Reservoir in San Juan County, Utah and Montrose County, Colorado. The allotment is located on the Moab Unit of the Moab-Monticello Ranger District about 24 miles from Moab, Utah (see attached map).

Decision to be Implemented

Description of Decision

My decision is to authorize continued livestock use in the North Paradox Allotment consistent with existing management in order to continue to meet or move toward desired resource conditions. The project area totals approximately 12,328 acres; however, topography and access provide approximately 8,396 acres in total available rangeland.

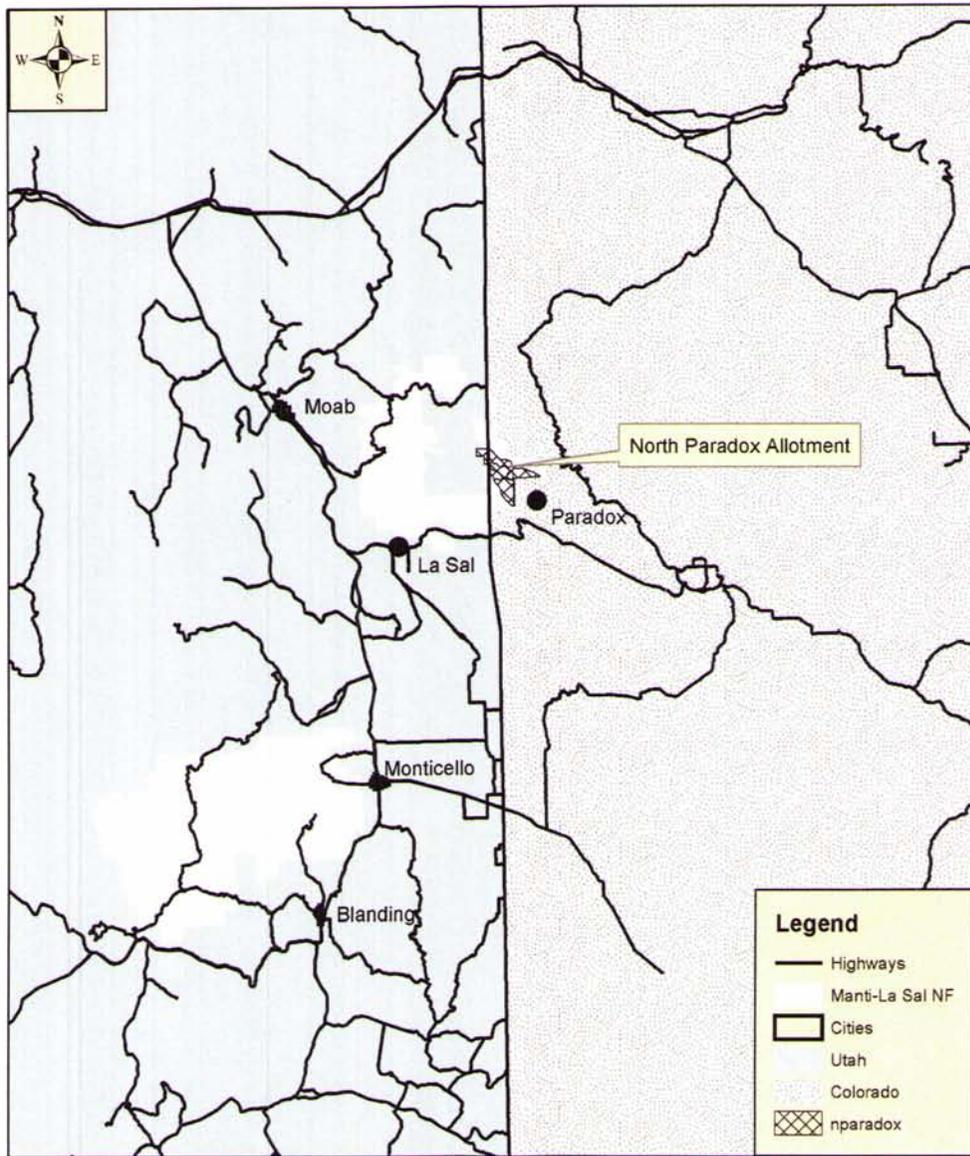
The decision will continue current grazing management consistent with the 1986 Manti-La Sal Forest Plan, the grazing permit and Annual Operating Instructions, as well as other applicable laws and regulations.

Purpose and Need

The purpose of this project is to comply with the Rescission Act of 1995 (Public Law 104-19 section 504). This law requires each National Forest to develop and adhere to a schedule for completing National Environmental Policy Act (NEPA) analyses for all grazing allotments where appropriate. Implementation of this proposal will move the Forest toward compliance with the 1995 Rescission Act. The authority to proceed under a Decision Memo is authorized under PL. 108-447 of the 2005 Consolidated Appropriations Act.

The need for this project is to re-authorize livestock grazing in a manner that will continue to meet or satisfactorily move Forest resources toward desired conditions and Forest Plan objectives.

North Paradox C&H Allotment CE VICINITY MAP



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Miles

G. Montgomery
7/2/2007

Decision Rationale

This decision was made after careful consideration of the proposal, public involvement, and the entirety of the project record. In addition, my decision is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

Livestock grazing decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are in accordance with P.L. 108-447 Section 339 as follows: "For fiscal years 2005 through 2007, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if : (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and, (3) the decision is consistent with agency policy concerning extraordinary circumstances."

The basis for my conclusion that my decision meets the criteria set by P.L. 108-447 Section 339 for categorically excluding livestock decisions is as follows:

Continuation of current grazing management

The proposed action does not change the current management of the allotment, nor would it change the adaptive management strategies implemented annually through the Annual Operating Instructions.

Monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan

Three long-term studies are established in the project area and have been evaluated. (Specialist Report for Vegetation Resources). Monitoring data indicate that current grazing management is meeting, or is satisfactorily moving toward objectives in the Forest Plan (III-3).

Utilization standards associated with riparian management areas are being met (Hydrology Technical Report).

Consistency with agency policy concerning extraordinary circumstances

My decision is consistent with agency policy concerning extraordinary circumstances as outlined in FSH 1909.15 Section 30.3, Item 2. Potential extraordinary circumstances were considered during the analysis and are presented below. The presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these conditions that determines whether extraordinary circumstances exist (FSH 1909.15 Section 30.3 item 2).

Federally Listed Threatened and Endangered Species or Their Critical Habitat

The Endangered Species Act (ESA) requires that federal activities do not jeopardize the continued existence of any species federally listed, or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat.

Consultation with the U.S Fish and Wildlife Service (USFWS) is required if threatened or endangered species or their critical habitat may be affected by proposed actions. In consultation, the Western Colorado Field Office of the USFWS concurred with the May Affect, Not Likely to Adversely Affect determinations for Mexican spotted owl and southwestern willow flycatcher.

A Biological Assessment was completed, and determined that there would be no effect to other federally listed or proposed species or critical habitat. The decision complies with all applicable ESA requirements.

Sensitive Species

Forest Service Manual (2670) direction requires analysis of potential impacts to sensitive species which are species identified by the Regional Forester for which population viability is a concern. Potential effects of the decision on sensitive species have been analyzed and documented in the Biological Evaluation for this project. It was determined that this decision may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species for the following species – spotted bat, western big-eared bat, northern goshawk, and flammulated owl. It was determined that this decision will have no impact on other sensitive species that may occur in the project area. (North Paradox BE/BA).

Floodplains, Wetlands and or Municipal Watersheds

Floodplains

Compliance with Executive Order 11990 (Floodplains) requires that agencies: restore and preserve the natural and beneficial values served by floodplains; evaluate potential effects on floodplains; consider alternatives to avoid adverse effects in floodplains; minimize potential harm; allow the public early notification and review opportunities of plans or proposals within floodplains. By definition, all watercourses have a floodplain. (Rosgen 1996), and according to Executive Order 11988: a floodplains is considered 'the lowland and relatively flat areas adjoining inland....waters....including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.'

Floodplains and floodprone areas are present in the project area. Livestock use of the floodprone areas does occur, continued livestock use would not result in occupation or modification of these areas. Continued livestock grazing under current management would not result in substantial adverse effects. (Hydrology Technical Report)

Wetlands

Compliance with Executive Order 11990 (Wetlands) requires that agencies minimize the destruction, loss or degradation of wetlands; enhance the natural and beneficial values of wetlands; avoid new construction in wetlands unless there is no practical alternative and harm is minimized to the extent practicable; provide early public review including development of procedures; consider maintenance of natural systems including long-term productivity.

Small wetlands do exist within the analysis boundary. No new construction in wetlands is being proposed with this project. Livestock currently graze and water in wetland areas. Recent proper functioning condition (PFC) assessments indicated that the sampled spring/wetlands were in proper functioning condition or functioning at risk with an upward trend and therefore providing water quality benefits by filtering and capturing sediment, buffering high flows, and functioning as a recharge area. (Hydrology Technical Report).

Municipal Watersheds

There are no municipal watersheds in the project area or affected by the proposed activity. (Hydrology Technical Report)

Congressionally Designated Areas

Wilderness

There is no designated wilderness in or adjacent to the Allotment

Wilderness Study Areas/National Recreation Areas

The project is not located in or near any national recreation or wilderness study areas.

Wild and Scenic Rivers

A portion of Roc Creek is eligible for wild and scenic river designation, The eligible portion forms the northern boundary of the North Paradox Allotment. Due to the rugged nature of the terrain adjacent to the eligible segment, only incidental grazing occurs along the creek. It is not expected that incidental grazing would have any impact on the stream's outstandingly remarkable values, with include the river-related scenery, geology, and hydrology.

Research Natural Areas

The project is not located in or near any research natural areas.

Inventoried Roadless Areas

The northern portion of the allotment contains a portion of the Roc Creek Inventoried Roadless Area (IRA). The IRA is currently managed under the 2001 Roadless Rule.

The proposed action would have no impact on the ability to manage the areas for their wilderness qualities. The proposed action would not change the natural integrity or appearance of the areas. Opportunities for solitude would not be affected by the proposed action. Opportunities for primitive or unconfined recreation are abundant in the areas. Some visitors may be impacted by the sight and sounds associated with a commercial grazing

operation, but only incidental grazing occurs with the IRA portions of the allotment and it should not have an impact to these values.

Special features in the IRA include Roc Creek itself, a waterfall in the drainage and the range of vegetation found within the canyon. Because these special features occur within the gorge which receives only incidental grazing, they should not be impacted by the proposed action.

Any future proposals for range improvements or construction will require a separate analysis. All grazing permittees utilizing motorized vehicles are required to adhere to USFS travel management regulations. Ongoing noxious-weed treatment and monitoring along existing road and trail corridors will continue in the roadless area as is required by and consistent with Forest Plan direction. This decision will not result in significant impacts to the Roc Creek inventoried roadless area .

Archeological Sites/Historic Sites/Native American Religious and Cultural Sites

There are 15 total recorded sites in the allotment. Based on the areas already surveyed, the predicted site density for the allotment is low. The majority of the sites have low sensitivity to the effects of livestock grazing, but still may be susceptible to impacts from livestock and other uses such as recreation. The Cultural Resource Survey Report concluded that this proposal would have no effect on cultural resources and recommended periodic monitoring. Concurrence of these findings was conveyed to the USFS by letter. (USHPO MOU, CO SHPO District Archeologist North Paradox File).

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to ensure that the Tribes' reserved rights are protected. The Forest consulted with potentially affected tribes via the 2005 Memorandum of Understanding Between the Utah State Historic Preservation Officer and USDA Forest Service, Manti-La Sal National Forest Regarding Range Management and Planning, and via scoping in July, 2007. Consultation did not result in tribal concerns or significant cultural resource issues for this project.

Based on my review of the impacts of this proposal, I have determined that there are no effects to resource conditions that would be considered extraordinary circumstances. There are no significant impacts on the physical, biological, or social portions of the human environment. The possible effects on the human environment are not highly uncertain nor do they involve unique or unknown risks. The determination is based on the effects disclosed by the analysis and found in the project record.

Therefore, I conclude that this decision can be categorically excluded from documentation in an environmental impact statement or environmental assessment because it meets the criteria set forth in P.L. 1080447 of the 2005 Consolidated Appropriations Act.

Public Involvement

A legal notices was published in the Moab Times Independent, on July 5, 2007. The comment period was from July 5, 2007 to August 6, 2007. Comments were received from the Utah Environmental Congress, Grand Canyon Trust, Red Rocks Forest, Western Watershed Projects,

Center for Water Advocacy, Utah Chapter Sierra Club, the Navajo Nation and San Juan County. These comments were evaluated to help determine whether effects related to the proposed action warranted further analysis or documentation in an Environmental Analysis (EA) or an Environmental Impact Study (EIS). Several of the respondents provided or cited published, scientific literature. The relevance and utility of this literature was evaluated by the Forest's technical specialists and is included in the project record.

Initial scoping took place during the week of July 3, 2007. Comments received were considered in the analysis and are addressed either as combined comments or specifically addressed in the Project Record.

The North Paradox Grazing Permittee was notified of the proposed action by letter dated July 3, 2007.

Findings of Consistency

To the best of my knowledge, my decision complies with all applicable laws and regulations.

The proposal is consistent with the standards and guidelines of the Manti La Sal National Forest Land and Resource Management Plan of 1986, as amended. Consistency is documented in the project record.

Administrative Review or Appeal Opportunities

This decision is not subject to appeal under 36 CFR 215 (36 CFR 215.12(f)).

This decision is subject to appeal pursuant to 36 CFR 251.82(3) by those who hold or, in certain instances, those who have applied for a written authorization to occupy and use National Forest System lands, if that authorization would be affected by this decision. Appeals must meet the content requirements of 36 CFR 251.90. The appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of the date of notification of this decision in the Times Independent Moab, UT. The appeal must be filed with the Regional Forester, Appealing Deciding Officer, 324 25th St. Ogden, UT 84401. Fax (801) 625-5277 or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf.) or Word (doc.). Appeals may also be hand-delivered to the above address, during regular business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. A copy of the appeal must be filed simultaneously with Katherine Foster, Acting District Ranger, at Manti-La Sal National Forest, Moab-Monticello Ranger District, 100 N. 62 E., Moab, Utah 84532; Fax: 435-259-7737.

Implementation Date

This decision will be implemented immediately upon issuance, and may be implemented during the appeal process, unless the Reviewing Officer grants a stay (36 CFR 251.91).

Contact Person

For additional information about this Decision Memo, please contact Greg Montgomery or Katherine Foster during normal business hours (weekdays 8:00 a.m. to 5:00 p.m.) at the Moab-Monticello Ranger District Office located at 100 N, 62 E Moab, UT 84532. Phone: 435-259-7155 Fax: 435-259-7737.

Responsible Official

The responsible official for the project is Katherine Foster, Acting District Ranger on the Moab-Monticello Ranger District of the Manti-La Sal National Forest.



KATHERINE FOSTER
Acting District Ranger

9/28/2007

DATE

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