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Forest
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September
2008



Decision Notice

Finding of No Significant Impact

Salida-Leadville Range Allotment Management Plan

Leadville Ranger District, Pike- San Isabel National Forest

Lake County, Colorado



Decision Notice

Finding of No Significant Impact

Salida-Leadville RAMP

Leadville Ranger District
Pike - San Isabel National Forest
Lake County, Colorado

Lead Agency: USDA Forest Service

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<http://www.fs.fed.us/r2/psicc/projects/>

ABSTRACT:

Decision Notice/FONSI. This document discloses the decision to implement Alternative C, detailing the specifics of authorized livestock grazing on the Arkansas S&G and Union C&H Allotments as outlined in the Salida-Leadville RAMP EA. The Decision Notice/FONSI also documents the rationale for the decision and the findings.

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Decision Notice/ Finding Of No Significant Impact

INTRODUCTION

This Decision Notice documents the management activities selected for the Arkansas S&G, and Union C&H Allotments of the Salida-Leadville (SL) Range Allotment Management Plan (RAMP) Environmental Analysis (EA). This Decision Notice contains a brief summary of the environmental analysis completed for this project as well as my decision regarding which alternative to implement and the rationale for my decision. It also contains certain findings required by various laws, and information concerning the rights to administrative review of this decision. The SL RAMP EA, completed for this project, is incorporated by reference in this decision document.

The Arkansas S&G and Union C&H Allotments are part of the Leadville Ranger District (*See attached map*), located on the Pike - San Isabel National Forest in Lake County, Colorado. This part of the planning area comprises one cattle and horse allotment and one sheep and goat allotment, encompassing approximately 30,200 acres of National Forest System lands.

The predecisional EA for the SL Range Analysis was prepared and released for public review and comment in February 2007. Based on both public and internal comments the EA was revised and released again in July 2008. The EA describes the alternatives of the proposed action and the effects those alternatives may have on the environment.

DECISION

Based on review of alternatives in the EA completed for this project, as well as comments received from scoping and the two 30-day public reviews of the EA, I have selected Alternative C-The Proposed Action, for implementation. I am implementing the decision effective beginning with the 2009 grazing season, allowing each of the permit holders one full year to make proper adjustments per 36 CFR 222.4(a)(8).

Alternative C implements best management grazing practices and associated activities with adaptive management and available monitoring strategies, to:

- Continue authorizing livestock grazing on Suitable lands within the project area.
- Resolve any disparities between current and Desired Conditions identified in the EA, and
- Provide the authorized officer, working with the livestock grazing permittee, the best opportunities to adjust management to meet the needs and to meet or timely move

toward the Desired Conditions on the ground based upon applied management and monitoring results.

Alternative C will not modify the Term grazing permits on the subject allotments, retaining the currently authorized grazing season and livestock numbers. The Arkansas S&G allotment will be closed. There will be no permitted livestock grazing on this allotment without further NEPA analysis.

In addition, adaptive management¹ will be applied on all pastures in the Union allotment, and the results will be monitored according to the monitoring plan in the EA. The term permit may be further adjusted (either an increase or decrease in authorized AUMs based on monitoring results. If prescribed management is applied, and management can consistently meet allowable-use design criteria a minimum of 4 out of every 5 years, such that additional forage is available, permitted AUMs may be increased.

On the other hand, if a term permit holder cannot consistently apply the prescribed management so as to meet design criteria a minimum of 4 out of every 5 years, permitted AUMs may be adjusted downward to ensure they can consistently meet the design criteria. How much any one term grazing permit may be adjusted will depend on the individual permittee's ability to utilize the adaptive-management strategies outlined in Alternative C to meet the allowable-use design criteria and to meet or timely move toward meeting desired conditions and related resource goals and objectives.

The Selected Alternative will be implemented on a site-specific basis in response to information from monitoring, indicating a need or opportunity to change management. Monitoring procedures to be used are displayed in the Monitoring Plan, EA Pages 38-42, and will normally include the use of the Grazing Response Index (GRI), riparian stubble height monitoring, and where needed, production/utilization methods. If monitoring indicates that Desired Conditions are not being met or timely progress is not being made toward meeting, or grazing design criteria are not being consistently met, other predetermined management strategies included in the alternative description may be selected for implementation. If monitoring indicates that management is meeting design criteria, and is making measurable progress toward the Desired Conditions in an acceptable timeframe, the initial management options may continue.

All existing rangeland structural improvements will remain in place and be maintained as specified in the term grazing permit or other appropriate documents. The exception to this is for water developments in or near riparian/wetlands. Many of these developments will be relocated to uplands and/or fenced as described in the EA. Additional structural improvements are identified for installation as actions specific to individual key areas. The improvements are identified to help the permittee manage their livestock to meet

¹ "Adaptive management" is defined as a system of management practices based on clearly identified intended outcomes and monitoring to determine if management actions are meeting those outcomes; and, if not, to facilitate management changes that will best ensure that those outcomes are met or re-evaluated. Adaptive management stems from the recognition that knowledge about natural resource systems is sometimes uncertain. (36 CFR 220.3 Definitions)

allowable-use design criteria and resource objectives/desired conditions. If monitoring shows design criteria and resource objectives can be met without the improvement, the improvement will not be installed. Possible structural improvements include fence, cattle guards, and spring developments. Temporary or permanent electric fence may also be used on any allotment as an adaptive-management strategy.

RATIONALE FOR THE DECISION

In making this decision, I considered applicable laws, regulations, and policy, and the information disclosed in the EA, the planning record, and the Forest Plan. I considered how the alternatives meet the Purpose of and Need for Action and address the issues. I also carefully considered public and agency comments to this project.

I made my decision based upon the best science and information available. I considered the alternatives presented in the EA, and the potential environmental, social, and economic effects of the alternatives. I selected Alternative C, in part, because it best addresses public comments received on the EA and concerns by the interdisciplinary team.

The Selected Alternative best meets the Purpose of and Need for Action by detailing specifics of authorizing livestock grazing on the Salida Range Allotments. The selected alternative provides for preparation of Allotment Management Plans (AMP) which implements the selected decision related to how livestock grazing and related activities will be conducted on these allotments. The AMP becomes a part of the Term Grazing Permits, and is therefore subject to all terms and conditions contained within the permits. The selected alternative also implements direction and objectives from the Forest Plan (including compliance with applicable laws, regulation and policies) on the planning area.

The adaptive-management principles outlined in Alternative C allow for a decision that can remain viable for an extended period, as long as there are periodic reviews of the action for consistency with NEPA-based decisions, and findings are within the range of analysis and disclosure in the EA.

Additionally, Alternative C was selected because it accomplishes the following:

- Provides available forage, above that needed for maintenance or improvement of the basic resource, for the continuance of livestock grazing on Suitable rangelands in a manner, that, when applied through the adaptive process, will allow the resource to meet or improve toward the Desired Conditions.
- Uses an interdisciplinary planning and implementation process that identifies site-specific Desired Conditions, provides a set of strategies to guide adjustments in management over time, and establishes a resource-focused project-monitoring plan to adjust management when necessary.

- Builds “guided flexibility” into management to allow for future implementation of practices that are in response to needed adjustments in permitted action, as determined through monitoring
- Focuses on essential factors (monitoring, identifying need for adjustments, implementing adaptive management) to ensure management objectives and/or Desired Conditions are met. Design Criteria implementation and progress toward Desired Conditions can be checked through monitoring to determine if actions prescribed were followed and if changes are needed in management.
- Allows for changes in grazing season or permitted numbers to more accurately reflect what has actually occurred on the ground in response to climatic conditions and implementation of pasture management practices.
- Requires monitoring, as needed, to determine if other management and/or permit adjustments are necessary to enable the permittee to meet the grazing design criteria outlined in the action.
- Applies adaptive-management practices, using a minimum of 3 years of monitoring data to determine if permanent significant adjustments in term permit numbers or seasons are necessary. Minor adjustments or annual practice adjustments can be made immediately provided that they are within the scope of the analysis and decision.
- Allows the permittee an opportunity to meet design criteria and resource objectives before resorting to any adverse permit adjustments.

The Selected Alternative and project design criteria (EA pages 24-29) also best addresses the relevant issues, concerns, and opportunities that I see for managing this allotment.

- Issue 1. Riparian Conditions

Streambank stability and greenline trends are expected to have moderate recovery. The fisheries resource can anticipate improved habitat conditions, increased trout density/biomass and higher population numbers. There will be no decrease in soil productivity.

Alternative C and associated design criteria allows for moving toward Desired Conditions and meeting the stated purpose and need. It provides the best management tools to address this issue. With the application of adaptive-management principles and monitoring (to meet allowable-use design criteria and achieve positive Grazing Response Index (GRI) ratings), the permittees and the Forest Service have an opportunity to sustain or enhance vigor of riparian plant communities. Communities meeting Desired Conditions have the best opportunity to sustain desired species composition. Adaptive management allows the best opportunity to improve toward Desired Conditions where specific sites are presently in a lower ecological condition. Alternative C outlines other adaptive-management principles (off-site water, temporary or permanent fencing, use of riders, combination of pastures or allotments, etc.)

providing other logical steps or tools that can be used to enhance management of riparian areas.

- Issue 2. Ecological Conditions of Grasslands

Past management activities, including livestock grazing, have influenced plant species composition resulting in specific areas that are not meeting or moving toward Desired Conditions (e.g., with unsatisfactory range condition class ratings and species with low value for palatability and soil protection)

Under Alternative C, the introduction and use of the Grazing Response Index (design criteria 3) will help the permittee and the Forest Service monitor pasture use and plan for future grazing periods so that the long-term health and productivity of the desirable plant species are enhanced or maintained as appropriate for the specific site.

Consistently achieving (minimum 2 out of every 3 years as a running average) neutral to positive GRI scores in each pasture will maintain vigor for range sites meeting Desired Conditions and enhance both vigor and species composition for those plant communities not meeting them. Use of the GRI as an adaptive-management tool will allow the authorized officer and the permittee to better respond to unacceptable management situations in a timely manner.

Meeting allowable-use design criteria and maintaining plants in vigorous condition will maintain healthy root systems and leave enough plant material to provide adequate ground cover necessary to reduce overland water flow and loss of soil moisture through evaporation.

- Other Managerial Concerns

While this alternative will not eliminate recreational user and livestock conflicts, it is the most compatible alternative from a multiple use standpoint. Encounters between recreational visitors and livestock will be light over most of the season in most grazed units.

The project design criteria in the Selected Alternative and associated design criteria will ensure protection of soils, watershed conditions, and wildlife habitat, and minimizes adverse effects to water, recreation, and other resources.

The Selected Alternative's management practices, combined with monitoring, ensure the project's objectives will be achieved in an environmentally sensitive manner.

I considered the economic analysis conducted for this project and find that it is adequate under FSM 1970.6. "The responsible official determines the scope, appropriate level, and complexity of economic and social analysis needed."

PUBLIC INVOLVEMENT

The Forest Service invited public, tribal government, county government, and other agency comment and participation throughout this planning process with publication in the quarterly Pike San Isabel National Forest *Schedule of Proposed Actions*, public notice in the newspaper of record, two scoping letters, and posting on the Pike San Isabel National Forest website.

A letter inviting review and comment on the EA for Comment was sent out to approximately 30 individuals, agencies, county governments, and organizations and posted on the Forest's website in February 2007. After substantial revision and re-analysis the EA was again offered for comment to 40 individuals, agencies, and organizations, and posted on the Forest web site in July 2008. Seven letters were received during the first 30-day public comment period. A full disclosure of those comments can be found in the project files and Appendix 2 of the EA. Five letters were received providing comments on the July 2008 EA, most of them mentioned we should continue to allow permitted livestock grazing. Those comments and our responses are in Appendix 6 of the EA.

ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered two other alternatives. A comparison of environmental consequences of these alternatives can be found in the EA, Chapter 3 – pages 43-150.

Alternative B – Current Management. - Livestock grazing would be authorized under current management, as applied on the ground over the past 3 to 5 years.

Alternative A– No Grazing – Do not authorize domestic livestock grazing on the planning area.

All reasonable alternatives developed by the ID Team were analyzed in detail. No alternatives were offered or suggested from the public, or dismissed from detailed study.

FINDINGS

I have reviewed the environmental effects described in the EA and evaluated whether the Selected Alternative constitutes a significant effect on the quality of the human environment or whether the environmental impacts would be significant based on their context and intensity as defined by the National Environmental Policy Act (NEPA) using the criteria in the implementing regulations (40 CFR 1508.27).

I have determined that the implementation of the Selected Alternative will not result in any anticipated effects that exceed the level at which a significant effect on the human, biological, or physical environment in terms of context or intensity would occur. Both

beneficial and adverse effects have been considered. The effects from the Selected Alternative are expected to be minor. The effects are not highly uncertain and do not involve unique and unknown risks. The action will not, in relation with other actions, cause cumulatively significant impacts. This decision causes no irreversible or irretrievable commitment of resources.

- Context This project is local and would affect only the subject allotments, which cover approximately 30,200 acres, with some affect to surrounding communities. For cumulative effects assessment purposes, some effects extend somewhat beyond the subject allotments depending on the resource or species being evaluated.
- Environmental Effects and Intensity I find that the Selected Alternative can be implemented without significant effects on economic, cultural, and natural resources as documented in the EA. Adverse effects on soils, water, air, wildlife, fisheries, recreation, vegetation, and other resources are judged to be not significant due to the design criteria, mitigation and monitoring measures.
- Goals, Objectives, and Outputs No significant impacts are expected to affect fisheries or other resources. The Selected Alternative will not affect either the short-term or long-term productivity of the Pike - San Isabel National Forest, in terms of sustainability of the resources or outputs associated with them, from the current management direction.
- Public Health and Safety The project activities will comply with all state and federal regulations. Air and water quality will not be adversely affected.
- Unique Characteristics of the Area I find there are no significant effects on unique characteristics of the Pike - San Isabel National Forest such as historic or cultural resources, parklands, prime farmlands, wetlands, floodplains, wild and scenic rivers, Wilderness areas, inventoried roadless areas, or ecologically critical areas. The Selected Alternative will have no adverse effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic places, and there is no loss of significant scientific, cultural, or historical resources.
- Controversy While many aspects of livestock grazing tend to be somewhat controversial, the effects of the Selected Alternative on the human environment are unlikely to be highly controversial. No new or unusual methods or activities are proposed. The action does not establish a precedent for future actions with significant effects or represent a decision in principle about future considerations. Similar projects conducted in the future will have to be evaluated under National Environmental Policy Act (NEPA) for the significance of the effects of those specific actions.
- Uncertainty The analysis shows the effects are not uncertain and do not involve unique or unknown risk. Similar actions have been implemented within the Pike - San Isabel National Forest and in other areas in the West. Monitoring will ensure effects are

within the expected parameters. Best available science has been employed in the design of this project.

- Cumulative Impact I find that the cumulative impacts are not significant because this activity, when considered with other past or reasonably foreseeable actions is not expected to have a cumulatively significant impact (EA, Chapter 3).
- Civil Rights There are no civil rights issues, and none of the alternatives have any civil-rights-related effects because the Selected Alternative actions have no effect on rights protected under civil rights law. Local tribal governments were consulted during the analysis. The project will have no affect on local tribes.
- Threatened and Endangered Species (TE) A Biological Assessment (BA) and Biological Evaluations (BE) were completed for this project. The BA determined that the proposed action is Not Likely to Adversely Affect Mexican Spotted Owl, Uncompahgre Fritillary Butterfly and Lynx. There is No Effect to Greenback Cutthroat Trout or to Penland's alpine fen mustard. The U.S. Fish and Wildlife Service concurred with the BA's determinations in September 2008.
- Regional Forester's Sensitive Species The wildlife and trout BE's determined that the proposal will have No Impact upon the majority of the Forest's sensitive species and May Impact individuals of some species but is not likely to cause a trend toward Federal listing or result in loss of viability in the planning area. The BE completed for plant species determined that the proposed action will have No Impact, or May Adversely Impact individuals, but is not likely to result in a loss of viability on the planning area upon plant species listed as sensitive. Species specific information is included within the BE's located within the project record.
- Management Indicator Species An MIS analysis (EA Chapter 3 pages 151-160) for this project was also completed and determined that the proposed action and it relationship to MIS species and the habitat types they represent, is not expected to impact the viability of these species in the future nor will it cause a significant population shift or change in population numbers within the planning area or Forest as a whole.
- I concur with the determinations made within the BA, BEs, and MIS documents.

LEGAL REQUIREMENTS FOR ENVIRONMENTAL PROTECTION

I find the Selected Alternative is consistent with all applicable federal, state, and local laws and requirements for the protection of the environment. The Selected Alternative is also consistent with the Revised Land and Resource Management Plan for the Pike San Isabel National Forest, as amended.

FINDING AND CONCLUSION OF NO SIGNIFICANT IMPACT – NEPA

Based on the environmental assessment and the above considerations, I find that the Selected Alternative is not a major action that will constitute a significant effect on the human environment. Therefore, it does not require the preparation of an environmental impact statement.

IMPLEMENTATION

Pursuant to **36 CFR Part 215**, if no appeal is filed within the 45 day time period, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Pursuant to **36 CFR Part 251 Subpart C**, if no appeal is filed, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may occur during the appeal process, unless the Reviewing Officer grants a stay (§251.91).

RIGHT TO APPEAL OR ADMINISTRATIVE REVIEW

This decision is subject to administrative review (appeal) pursuant to 36 Code of Federal Regulations (CFR) Part 215. This decision is also subject to administrative review under 36 CFR Part 251 Subpart C by term grazing permit holders or applicants (§251.86). However, term grazing permit holders or applicants must choose to appeal under either 36 CFR 251 or 215, but not both (§251.85).

Pursuant to 36 CFR 215.13 (b), only those individuals or organizations who submitted substantive comments during the comment periods may file an appeal. Any appeal of my Decision must be fully consistent with 36 CFR 215. It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. Appeals (including attachments) must be in writing.

Notices of Appeal that do not meet the content requirements of 36 CFR 215.14 or 36 C.F.R. 251.90 as appropriate will be dismissed.

Appeals filed under 36 CFR Part 215

Appeals filed under 36 CFR, Part 215, must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at the address shown below. The office business hours for those submitting hand-delivered appeals are: *8:00 a.m. to 4:30 pm* Monday through Friday, excluding holidays.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the ***Herald Democrat***, the newspaper of record. Attachments received after

the 45 day appeal period will not be considered. The publication date in the ***Herald Democrat***, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Appeals filed under 36 CFR Part 251 Subpart C

Appeals filed under 36 CFR Part 251 Subpart C (including attachments) must be in writing and filed with the Reviewing Officer within 45 days following the date on the notice of the written decision (§251.88). Attachments received after the 45 day appeal period will not be considered.

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Deciding Officer's decision should be reversed (§251.90). The Deciding Officer is willing to meet with applicants and holders to hear and discuss any concerns or issues related to the decision (§251.93). Appeals filed under 36 CFR 251 Subpart C must have a copy of the appeal simultaneously sent to the Deciding Officer (§251.88).

An appellant may also include in the notice of appeal a request for oral presentation (§251.97) or a request for stay of implementation of the decision pending decision on the appeal (§251.91).

Where to File a 36 CFR 215 AppealUSPS

USDA, Forest Service, Region 2
Attn: Appeal Deciding Officer
POB 25127
Lakewood, CO 80225-25127

UPS/FedEx/hand-carry

USDA Forest Service, Region 2
Attn: Appeal Deciding Officer
740 Simms St.
Golden, CO 80401-4790

Fax: 303-275-5134

Email: appeals-rocky-mountain-regional-office@fs.fed.us

Simultaneously send a copy of the appeal to the:

Deciding Officer, Pike - San Isabel National Forest, Leadville RD
Attention: Jon Morrissey, District Ranger
810 Front St.
Leadville, Colorado 80461
Phone (719) 486-0749

FOR ADDITIONAL INFORMATION

A copy of the EA is available for review at the Pike San Isabel National Forest, Leadville Ranger District, 810 Front St., Leadville, CO 80461. The EA is also posted on the Pike San Isabel National Forest web site:

<http://www.fs.fed.us/r2/psicc/projects/>