

**DECISION NOTICE**  
and  
**FINDING OF NO SIGNIFICANT IMPACT**  
for  
**TEASDALE RANGER DISTRICT**  
**SHEEP ALLOTMENTS**

**DIXIE NATIONAL FOREST**  
**WAYNE COUNTY**

**INTRODUCTION**

The following sheep allotment on the Teasdale Ranger District have been 1) Analyzed to determine existing resource conditions, desired resource conditions, and prescriptions to move from existing to desired conditions (National Forest Management Act analysis--project file) and 2) Analyzed to determine the effects of livestock grazing, which are disclosed in an Environmental Assessment, pursuant to the requirement of the National Environmental Policy Act (NEPA) of 1969:

Donkey Meadows  
Government Point  
Surveyor Lake

The Boulder Top Sheep allotments on the Teasdale Ranger District cover approximately 17,000 acres of the Boulder Mountain Section in Garfield and Wayne counties in southern Utah (see location vicinity map). Communities located adjacent to the Aquarius Plateau include Loa, Lyman, Bicknell, Teasdale, Torrey, Grover, Boulder, and Teasdale.

The Boulder Mountain is recognized as the highest plateau in the state of Utah with the highest elevation at 11,322 feet. Plant community types include stands of Engelmann spruce, dry meadows of sheep fescue and alpine forbs, and several wet meadows including open lakes. Watersheds draining from the allotments generally to the north and west are tributary to the Fremont River and eventually the Colorado River drainage. The Southern part of the allotments are drained to the south and are tributary to the Escalante River and the Colorado River drainage too.

There is no designated wilderness within the Teasdale Ranger District. These sheep allotments provide a scenic view-shed of the Capitol Reef National Park which is approximately 15 miles from the nearest allotment boundary.

Livestock currently graze National Forest System lands on the Teasdale Ranger District through the issuance of ten-year term grazing permits in compliance with the Dixie National Forest Land and Resource Management Plan (LRMP).

In addition, applicable standards and guidelines of the LRMP (including compliance with applicable laws, regulations and policies) are incorporated in the grazing permits authorizing livestock use on the Teasdale Ranger District allotments.

It is the intent of the Teasdale Ranger District to meet Forest Service multiple use objectives for obtaining proper utilization of available forage on suitable rangelands.

A comparison of the desired future condition for the range lands of these allotments and the existing range condition indicated that there is a need to develop and implement a vegetation management program including prescribed fire. In addition the following needs were identified:

There is a need to improve vegetation conditions by changing the grazing management to a deferred-rotation grazing system through range management stewardship practices.

**DECISION**

Based on the analysis documented in the Environmental Assessment, (supported by project file analyses, Biological Assessments, State Historical Preservation Office concurrence, and U.S. Fish & Wildlife Service concurrence), I have selected the Proposed Action. For a complete description of the Proposed Action and mitigation measures which will be required, refer to Chapter 2 of the EA.

**Permitted Use**

<u>Allotment Name</u>	<u>Total Acres</u>	<u>Proposed Livestock #</u>	<u>Season of Use</u>	<u>Grazing System</u>
Donkey Meadows	6,346	1437	6/21 - 9/15	Deferred-rotation
Government Point	5,163	1393	6/26 - 9/3	Deferred-rotation
Surveyor Lake	5,485	1312	6/26 - 9/15	Deferred-rotation

**Structural Improvements**

No additional structural improvements have been identified as needed for appropriate management of these allotments.

**Stipulations to Implementation of the Selected Activity**

In addition to the General terms and conditions which are standard to Part 2 of the Term Grazing Permit, Part 3 of the permits will include the following additional terms and conditions:

Land and Resource Management Plan Standards and Guidelines (S&G's) for utilization, streambanks and channel restoration, riparian area management, Threatened & Endangered Species, wildlife, plant and fish habitat.

Structural range improvement maintenance assignments.

Non-structural range improvement maintenance assignments.

Requirements for livestock distribution, including herding and salting.

Allotment Management Plans and Annual Operating Plans.

Requirements for cultural resource and Threatened, Endangered, Proposed and Sensitive plants, wildlife and fish clearances for any proposed range projects.

### **Monitoring**

Monitoring requirements identified in the EA, Appendix A, will be implemented as part of this decision. The purpose of all monitoring activities will be to ensure that management objectives are being achieved as predicted in the EA. If monitoring results differ substantially from those discussed in the EA, a determination of the cause will be made and corrective actions identified and implemented following the appropriate NEPA documentation.

### **REASONS FOR THE DECISION**

The Forest Service mission is to provide a sustained flow of renewable resources while promoting a healthy and productive environment for the Nation's forests and rangelands. Objectives of the range management program include providing for livestock forage, while maintaining or improving environmental quality. It is National Forest System policy to 1) Use appropriate methods, including livestock grazing, for managing range vegetation; and 2) Issue term permits, generally for ten-year periods with appropriate terms and conditions, to allow use of range vegetation.

#### **Accomplishment of the Purpose and Need**

The Purpose and Need, as described in Chapter 1 of the EA, is met with the Proposed Action (Selected Action).

#### **Consistency with the Dixie National Forest Land and Resource Management Plan**

I have evaluated details of my decision with the Dixie National Forest Land and Resource Management Plan (LRMP) goals and objectives, as well as standards and guidelines (S&Gs), for consistency with the LRMP. This decision is consistent with the LRMP. More specifically, the Proposed Action (Selected Action) perpetuates the achievement of the Desired Condition of the Forest as described in LRMP, IV 18-23.

#### **Effects on the Environment and Responsiveness to Issues**

The detailed analysis in Chapter 4 of the EA discloses how the Proposed Action (the Selected Action) responds to the issues and affects the resources. The Selected Action will:

1. Provide proper use criterion for riparian and wet meadow forage utilization that will protect the multiple benefits of riparian habitat and associated vegetation.
2. Maintain habitats and populations for all threatened, endangered, and sensitive wildlife, fish, and plant species.
3. Result in a determination of "No Effect" to any historic or prehistoric sites within this allotment.
4. Result in a) Positive net economic benefits to permittees and rural communities, b) No adverse social effects, and c) No adverse effects to rural lifestyles.

5. Provide forage utilization by the appropriate class of livestock as determined by suitability characteristics of soil, vegetation, topographic, and climatic characteristics.
6. Provide levels of stocking and proper forage utilization that ensure the achievement of identified future conditions of forest rangeland resources.
7. Provide seasons of use that utilize the range during the proper season; and, where sensitive resources occur, protect and perpetuate species populations.
8. Provide grazing systems that are compatible with topographic and vegetation landscapes and that a) Promote utilization of suitable rangelands with uniform and proper distribution and, b) Reduce frequency and intensity of use on key areas and key species.
9. Provide range improvements to improve livestock management effectiveness, efficiency, and intensity.
10. Provide an emphasis on adaptive management which directs a) Proactive monitoring by the Interdisciplinary (resource) Team (IDT) to evaluate progress toward meeting management objectives, and b) Implementation of "adapted management" strategies until the desired outcome is achieved.

#### **PUBLIC INVOLVEMENT**

The scoping effort for issuance of term grazing permits expiring on December 31, 1995 began with notification in the Dixie National Forest March-May NEPA Report of Activity for 1995. During March, each Ranger District forwarded copies of an information letter to each grazing permittee on their respective districts. During Annual Operating Plan meetings, which were generally concluded prior to March 31, processes for issuance of permits were again reviewed with each permittee. The June-August NEPA Report of Activity for 1995 once again reiterated notification of the pending NEPA process. On July 11, a 23-page Grazing Scoping Notice was mailed to over 400 interested publics; including permittees, special interest groups, other agencies, congressional offices, and interested citizens; whose names are maintained on the Forest NEPA mailing list. This scoping notice identified the allotments requiring NEPA analysis, showed their location on a map, described the proposed action and the decision to be made, included a specific request for public comment, and provided a response form.

The period for receiving scoping comments ended on August 11. However, comments received before July 11 and after August 11 were included in the scoping response analysis. All comments received during scoping are a matter of public record and are included in the project file for issuance of term grazing permits.

Twenty-six individuals or organizations responded with comments. Specific allotment comments were received from 14 permittees. Four organizations provided discussion they wanted applied to all allotments. Two local government agencies responded with concerns specific to the Pine Valley Ranger

District, and the Governor's Office of Planning and Budget provided constructive comments for resource management. Comments received from five concerned citizens were both allotment specific and general.

Overall, permittee responses were in favor of the proposed actions and provided discussion regarding connected actions. Organizations asked for reviews of range suitability, a full range of alternatives, and the preparation of an EIS. Generally, their discussions revolved around the need for the Dixie National Forest to follow correct NEPA procedures rather than supporting or opposing the proposed actions.

This scoping analysis did not reveal the identification of any issues significant enough to drive the creation of any alternatives other than the Proposed Action and the No Grazing alternative.

The EA was released for a 30-day pre-decisional review on October 11, 1995. The document was mailed to over --- individuals and organizations who had specifically commented during the scoping process or who had indicated an interest in receiving EA's on this or similar topics. ----- individuals or organizations responded during the review. --- of those comments was opposed to the Proposed Action.

#### OTHER ALTERNATIVES CONSIDERED

In order to consider a reasonable range of alternatives, the ID Team developed seven potential alternatives to the Proposed Action and a No Action alternative. These seven alternatives were considered, but eliminated from detailed study. These are described in Chapter 2 of the EA.

The No Action alternative was considered in detail in the EA. Under this alternative, no permits with term status would be issued to allow grazing of livestock. Existing range improvements and land treatments would be maintained only if considered beneficial to other uses. This alternative did not meet the Purpose and Need nor did it comply with the provisions of the 1995 Rescission Bill (P.L. 119-105), which directs the re-issuance of all expiring permits.

#### COMPLIANCE WITH THE FOREST PLAN, OTHER LAWS AND REGULATIONS

Based on my review of the analysis presented in the EA, Chapter 4, and the supporting project file documentation, Biological Assessments, and concurrence from the SHPO and USF&WS; I have determined that the Selected Action is in compliance with the Dixie National Forest Land and Resource Management Plan, the National Forest Management Act of 1976, the Clean Water Act of 1948 (as amended in 1972 and 1987), the American Antiquities Act of 1906, the Historic Preservation Act of 1966, and the Endangered Species Act of 1973, as amended. In addition, no floodplains or wetlands will be affected as defined in Executive Orders 11988 and 11990.

I have determined that the analysis process was consistent with Section 8 of the Public Rangelands Improvement Act of 1978. Ample opportunity for consultation, cooperation, and coordination occurred throughout the analysis process.

I have also determined that my decision is consistent with Section 504 of the 1995 Rescission Bill (P.L. 104-19) which directs that term grazing permits, which expire before the NEPA analysis is complete, be re-issued on the same terms and conditions and for the full term of the expired or waived permit. The permits issued to graze livestock on this allotment do not expire prior to December 31, 1995 and the NEPA analysis, concluded with this decision, is completed prior to term permit expirations. As instructed by the law, upon completion of the scheduled NEPA analysis and decision for the allotment, the terms and conditions may be modified or re-issued, if necessary to conform with the NEPA analysis.

Finally, I have determined that my decision is consistent with the Administrative Procedures Act. My decision is neither arbitrary nor capricious, but is based on careful review of the analysis process, findings for this project, public comment, and the purpose and need for action.

#### **FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed the Council on Environmental Quality Regulations for significance (40 CFR 1509.27) and have determined that this action is not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement pursuant to Section 102(2)(c) of the National Environmental Policy Act is not required. This determination is based on the following factors:

##### **Context of the Proposed Project**

The project will occur on a local level. Decisions made relative to this allotment will directly affect livestock grazing permittees who reside in Washington County, Utah. No significant effects are expected to occur within or outside of this county, as defined in 40 CFR 1508.27 (EA, Chapter 4, Social/Economic section).

The prescribed management practices are specific to meeting the stated purpose and need of livestock management on these grazing allotments. They are not part of any larger decisions at the Regional or National level.

##### **Intensity of the Proposed Project**

"Intensity" refers to the severity of impact. The following ten factors were evaluated in determining the intensity of the effects of the proposed project:

1. Beneficial and adverse effects from the Selected Alternative are not significant. The effects described in the EA, Chapter 4, support this conclusion.
2. Public health and safety are not adversely affected by the Selected Alternative. To prevent spread of contagious animal diseases, all grazing permittees are required to conform to livestock laws and quarantine regulations of the State and Secretary of Agriculture while their livestock are on Forest Service administered lands.

3. There are no areas within these grazing allotments, or cumulative effects areas, with unique geographic characteristics such as historic or cultural resources, parklands, prime farmlands, wild and scenic rivers, or ecological critical areas that are significantly affected by the Selected Alternative. This is documented in the EA in Chapter 3, and in Table 4 of the EA.
4. The effects of the Selected Alternative on the quality of the human environment are not highly controversial. These effects are disclosed in detail in the EA, Chapter 4, by resource area, and in the paper entitled "Effects of Livestock Grazing at Proper Use on the Dixie National Forest", incorporated in the EA by reference.
5. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. All known effects are adequately discussed or referenced in the EA, Chapter 4, and were determined from professional experience, education, and/or scientific literature.
6. These actions do not set a precedent for other projects that may be implemented to meet the goals and objectives of the LRMP. The Selected Alternative was specifically designed for these grazing allotments, and addressed the site-specific purpose and need for this project. Prescribed livestock management practices are relative to this allotment, only, and do not set a precedent for these types of actions on other grazing allotments.
7. There are no known significant cumulative effects between this project and other projects implemented or planned in the area. This is substantiated in the cumulative effects discussion for each resource area in Chapter 4 of the EA.
8. There are no known historic resources affected (EA, Chapter 3, Table 4; Chapter 4). While each site-specific structural improvement has not yet been reviewed by the Forest Archeologist, structural improvements have not been proposed in areas of known sites. Surveys will be completed prior to construction, and the improvement will be moved, or the site mitigated, if conflicts with historic resources arise (EA, Chapter 2; Chapter 4).
9. There are no known federally listed (or proposed for listing) endangered or threatened plant or animal species within this allotment which will be adversely affected by the Selected Alternative (EA, Chapter 3, Table 4; EA, Chapter 4; Biological Assessment located in the Project File; Paper, "Effects of Livestock Grazing at Proper Use on the Dixie National Forest"--incorporated by reference).
10. The actions do not threaten a violation of Federal, State, or local laws or requirements imposed for the protection of the environment. My conclusion is based on a review of the EA, Chapter 4; concurrence with the Selected Action by the Utah SHPO and the USF&WS; and based on the input from other federal, state, and county agencies which we have received to date on this project.

**IMPLEMENTATION AND ADMINISTRATIVE REVIEW**

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215.7. Any written appeal must be postmarked or received by the Appeal Deciding Officer, Regional Forester Dale N. Bosworth, Intermountain Region Office, 324 25th Street, Ogden, UT 84401, by December 31, 1995, which is 45 days following the date that the legal notice of this decision was published in the Daily Spectrum newspaper, St. George, Utah.

Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Marvin R. Turner, District Ranger, Teasdale Ranger District, P.O. Box 99, 138 East Main, Teasdale, UT 84773 (801) 425-3702.

If no appeal is received, 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 not occur for 15 days following the date of appeal disposition.

**RESPONSIBLE OFFICIAL**

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MARVIN R. TURNER  
District Ranger

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DATE