DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for
ISSUANCE OF 10-YEAR TERM GRAZING PERMITS
for
CATTLE ALLOTMENTS
on the
DIXIE NATIONAL FOREST
CEDAR CITY RANGER DISTRICT
IRON, GARFIELD AND KANE COUNTIES, UTAH

INTRODUCTION

The Cedar City Ranger District of the Dixie National Forest has completed an Environmental Assessment (EA), documenting the analysis for issuance of expiring cattle grazing permits. The objective of the proposals are to 1) respond to permittees' requests for the continuation of livestock grazing on allotments located on the Cedar City Ranger District, 2) to incorporate and implement applicable Dixie National Forest Land and Resource Management Plan (LRMP) Standards and Guidelines, and 3) to meet USDA Forest Service multiple-use goals of obtaining proper utilization of available forage on suitable rangelands.

The cattle allotments on the Cedar City Ranger District cover approximately 150,000 acres on the North and South Markagunt Plateaus in Iron, Garfield, and Kane Counties in southern Utah. The Markagunt Plateau is a gently sloping, eastward tilting earth block that has been modified by erosion, volcanism, and some glaciation. Elevations range from approximately 6,500 feet in the valleys to over 11,000 feet at Brian Head. Vegetation types range from pinyon-juniper and sagebrush, through ponderosa pine, aspen, and spruce-fir forests, to the subalpine meadows of Brian Head Peak. Riparian ecosysytems may occur within any or all of these vegetative types. Watersheds draining the allotments to the east and south are tributary to the Virgin River; watershed draining to the east and north are tributary to the Sevier River; Parowan and Coal Creek watersheds drain to the west and the Cedar/Beaver closed basin. Communities located adjacent to the Markagunt Plateaus are Cedar City, Enoch, Summit, Parowan, Paragonah, Panguitch, Hatch, Alton, Glendale, and Orderville.

The Environmental Assessment for the Issuance of 10-year Term Grazing Permits documents the analysis and discloses effects of implementing the Proposed Action and a No Action alternative. The environmental effects were determined by an interdisciplinary team made up of Dixie National Forest resource specialists. The analysis is documented in the EA, and is supported by the project file and the October 1995 document - Effects of Livestock Grazing At Proper Use On The Dixie National Forest.

The EA was developed under the implementing regulations of the National Environmental Policy Act (NEPA); Council on Environmental Quality Title 40, Code of Federal Regulations, Parts 1500-1508; the National Forest Management

Act; and Title 36, Code of Federal Regulations, Part 2. Further direction is provided in the Dixie National Forest LRMP.

DECISION

Based on the analysis documented in the EA and the supporting project file, Biological Assessments (BAs), State Historical Preservation Office (SHPO) concurrence, and U.S. Fish & Wildlife Service (USF&WS) concurrence, it is my decision to implement the Proposed Action alternative, as modified with the corrections/clarifications noted below. A complete description of the Proposed Action alternative, as well as the mitigation measures that will be required can be found in Chapter 2 of the EA.

Proposed Action Alternative Modifications

The EA was released for a 30-day pre-decisional notice and comment period on October 11, 1995. Comments on the EA were received through November 9, 1995. During this review, comments were received which point out errors in the grazing system identified for the Harris Flat Allotment:

Error:
Harris Flat Allotment grazing system was listed as season-long.
Correction:
Harris Flat Allotment grazing system is Deferred Rotation

Additional review and comments require clarification of the proper use criterion described in Table 2:

1. In the EA, these criterion are preceded with this statement: "Any one of these standards will indicate the proper time to remove livestock from that pasture or allotment". Rather, the intent is to redistribute livestock away from the monitoring site and not necessarily to remove livestock from the pasture. This wording is corrected on the following revised Table 2.

2. In Table 2, proper use criteria for streambanks is listed as <20% disturbance. For clarification, wording is added to the following revised Table 2 to indicate methods for determining streambank disturbance.

3. In Table 2, criterion for Goshawk post-fledgling family areas and foraging areas is described in terms of openings of "up to" 1 to 4 acres in size. This does not adequately describe at what size forest open space becomes an opening. In addition, it is not explained that the use criteria applies not to just key species, but to total species composition including forbs, grasses, and shrubs. In addition, I agree with comments received that suggest that in order to comply with these criterion, permittees need to know if they have Goshawk PFAs or foraging habitat and what areas will be monitored on their allotments. These clarifications are added to the following revised Table 2.

Table 2
Proper Use Criteria

Vegetation Type	Utilization By Seral Stage: Very Early	Early	Mid	Late	Comments
Hydric species in riparian areas	6" SH*	6" SH	4" SH	4" SH	Remaining at end of growing season
Riparian Management Area 9B	6" SH	6" SH	6" SH	6" SH	Remaining at end of growing season.
Hydric species in wet meadows not influenced by streams	6" SH	6" SH	4" SH	4" SH	Remaining at end of growing season
Non-hydric species in riparian areas	2" SH	2" SH	2" SH	2" SH	Remaining at end of growing season.
Streambanks	---------- <20% disturbance----------				Sloughing/trampling/tracks
	Disturbance will be determined by establishing a statistically reliable number and location of 100-foot green-line transects within the entire stream reach confined within the pasture. Percent disturbance will be measured along each transect, totaled, and averaged for the entire confined stream reach. An average exceeding 20% disturbance will indicate the proper time to remove livestock from this stream section.				
Riparian browse	----------≤50%----------				New leader production.
Upland	50%	50%	50%	50%	Varying in specific unit from 40-60%.
Crested wheatgrass	60%	60%	60%	60%	Mgmt option to intensively graze at higher level to maintain healthy seeding.

Goshawk post-fledgling family areas (PFAs)

Ponderosa Pine/Mixed species--use criteria applies in 1 to 2-acre openings in 600-acre area ,as mapped and identified with grazing permittee (openings larger than 2 acres are not considered within the PFA):

Spruce-Fir--use criteria applies in 1/2 to 1-acre openings in 600-acre area ,as mapped and identified with grazing permittee (acres larger than 1 acre are not considered within the PFA):

Grass,Forb	---average 20% by weight--all species----------	Not exceed 40%.
Shrub	---average 40% by weight--all species----------	Not exceed 50%.

Goshawk foraging areas

Ponderosa Pine/Mixed Species--use criteria applies in 1 to 4-acre openings in 6000-acre area, as mapped and identified with grazing permittee (openings larger than 4 acres are not monitored foraging areas):

Spruce-Fir--use criteria applies in 1/2 to 1-acre openings in 6000-acre area, as mapped and identified with grazing permittee (openings larger than 1 acre are not monitored foraging areas):

Grass,Forb	---average 20% by weight--all species----------	Not exceed 40%.
Shrub	---average 40% by weight--all species----------	Not exceed 50%.

Exceeding any one of these standards in a monitoring area will indicate the proper time to distribute livestock away from that monitoring site onto available feed in other areas of the pasture or allotment. If distribution efforts are unsuccessful at maintaining proper use criterion within the monitoring site, then livestock may be required to be removed from the pasture or allotment.

*SH= Stubble Height

Permitted Use Under 10-Year Term Permits

Allotment Name	Total Acres	Permitted Livestock #	Permitted Season of Use	Grazing System
Asay Bench	14,409	266	6/16 - 9/30	Dfrd - rotat
Butler Creek	8,599	100	6/16 - 9/30	Dfrd - rotat
Dry Lake/Bunker	12,143	105	6/16 - 9/30	Dfrd - rotat
Harris Flat	10,453	106	7/1 - 9/15	Dfrd - rotat
Little Valleys	18,701	303	6/1 - 10/15	Rest - rotat
Lone Pine	1,086	100	7/26 - 9/25	Dfrd - rotat
North Fork	1,967	16	7/1 - 9/30	Season - long
Red Creek	53,334	690	6/16 - 10/15	Rest - rotat
Red Desert	5,396	118	7/6 - 9/20	Dfrd - rotat
Shingle Mill	10,691	110	7/16 - 9/15	Season - long
Sidney Valley	1,169	60	7/11 - 9/20	Season - long
Spencer	3,604	25	9/1 - 9/30	Dfrd - rotat
Strawberry	5,466	75	7/1 - 9/30	Season - long
Seaman Canyon	1,015	20	7/1 - 9/30	Season - long

Structural Improvements
Additional interior fences and water developments will be constructed on the Asay Bench, Butler Creek, Red Desert, Sidney Valley, and Strawberry Allotments. These are listed in Chapter 2 of the EA. The cost for these improvements will be equally shared by the Forest Service and grazing permittees on each allotment.

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, including mitigation measures:

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.

Proper use criterion as revised in Table 2 and included herein.

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. If monitoring results

differ substantially from those discussed in the EA, a determination of the cause will be made and corrective actions will be identified and implemented.

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, 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 compared the details of my decison 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 these allotments.

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 Dixie National Forest 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, describing details of the analysis and permit issuance process, 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. For the Dixie National Forest, twenty-six individuals or organizations responded with comments. Permittee responses were in favor of the proposed actions and provided discussion regarding the need for range improvements. 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. The analysis of scoping comments 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 64 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. One government organization responded during the review. Favorable comments were received relative to issuance of permits and retention of permitted livestock numbers. These comments and my response to them are included in the attached Appendix C.

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. 104-19), 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 these allotments 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 these allotments will directly affect livestock grazing permittees who reside in the Southern Utah area of influence. No significant effects are expected to occur within or outside of this area, 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 System 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 these allotments, 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 these allotments 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 29, 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 David R. Grider, Range Staff Officer, Dixie National Forest, P.O. Box 580, Cedar City, UT 84721 (801) 865-3700.

Implementation of this decision may occur no sooner than January 5, 1996.

RESPONSIBLE OFFICIAL

Hugh C. Thompson

HUGH C. THOMPSON
Forest Supervisor

Nov. 14, 1995
DATE