

Decision Notice and Finding of No Significant Impact

**MOORES FLAT CATTLE AND HORSE**

**“ON-OFF” ALLOTMENT**

USDA Forest Service, Intermountain Region  
Mountain Home Ranger District, Boise National Forest  
Elmore County, Idaho

May 2009



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Mountain Home Ranger District, Boise National Forest  
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#### **DECISION**

Based on my review of the information documented in the Moores Flat Cattle and Horse "On-Off" Allotment Environmental Assessment (EA) (May 2009), the Finding of No Significant Impact documented below, public comments, and other documents contained in the project file, I have decided to implement a modified proposed action alternative.

My decision is to authorize grazing within the "on" portion of the Moores Flat Allotment at a rate of 425 head-months (HMs). Specifically, the selected alternative will authorize 105 cow/calf pairs on the "on" portion for a grazing season of July 1 to October 31 in a deferred rotation<sup>1</sup> on the Moores Flat Allotment. There will also be 228 cow/calf pairs continuing to graze the "off" portion of the allotment for the same season. There will be some flexibility in allotment administration allowed for weather conditions, range readiness, and livestock needs. If the forage is fully utilized or if the Forest Service determines that further grazing would damage resources, the permittee may be required to remove livestock early.

This decision modifies the proposed action by reducing the permitted stocking rate. The preliminary capability analysis was based on the availability of two water developments that were subsequently determined by field inspection to be non-functional. It was determined that these developments could not be brought to functioning condition due to lack of water at the spring source. This lack of water effectively reduced the amount of capable range on National Forest System (NFS) land by 323 head-months or 67 cow/calf pairs, which results in the need to modify the proposed action.

My decision authorizes continued livestock grazing consistent with standards and guidelines specified in the Term Grazing Permit, as supplemented by Annual Operating Instructions (AOIs), the 2003 Revised Boise National Forest Land and Resource Management Plan (Forest Plan), management prescriptions, and monitoring requirements. These standards may be modified to accelerate attainment of the desired conditions, and include:

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<sup>1</sup> There are two pastures in the Moores Flat Allotment. "Deferred rotation" refers to the order in which the two pastures are grazed each year. In one year, one pasture is grazed first before the herd is rotated to the other pasture. In the next year, the order of rotation is reversed.

- Maximum forage utilization of representative areas within each pasture containing NFS lands do not exceed the values shown below at the end of the growing season. Those utilization levels are as follows:
  - Riparian Areas: Maximum 45 percent use or retain a minimum 4-inch stubble height of hydric greenline species whichever occurs first (Forest Plan Standard RAST01, p.III-45).
  - Upland Vegetative Cover Types:
    1. Vegetative slow growth, after seed ripe conditions, or late season pastures – 50 percent use (Forest Plan Standard RAST01, p.III-45).
- Livestock salting is prohibited in Riparian Conservation Areas (RCAs) (Forest Plan Standard RAST04, p. III-45). Salt is placed no closer than ¼ mile from water and not within 100 feet of designated roads. Salt is moved from areas where utilization standards have been met (Terms and Conditions in the grazing permit).
- All water developments provide access and escape to and from water for all types of wildlife (this requirement is a part of the Terms and Conditions for the allotment that exceeds the requirements of Forest Plan Standard RAST09, p. III-45).
- Bulls must test negative for Trichomoniasis before entering NFS lands (This requirement is in the AOIs).
- Only certified noxious weed-free hay, straw, or feed is allowed on NFS lands (Forest Plan Standard NPST01, p. III-36).
- On all lands outside of designated travelways, motorized use is prohibited, unless otherwise authorized (Forest Plan Standard REST04, p. III-64).

The Forest Plan directs that in areas where vegetation management projects and range management actions occur, rangeland forage quality is maintained or improved. This direction makes riparian areas the focal point for providing vegetative diversity, landscape capability, soil productivity, wildlife habitat, and proper stream channel function and water quality important to sustaining beneficial uses. The direction also insures that riparian areas are functioning properly and/or have improving trends in vegetative composition, age class structure, and vigor. Upland range vegetation is contributing to proper hydrologic function. The composition and densities of shrubs, grasses and forbs are variable and dynamic across the landscape.

The selected alternative includes continued monitoring of the allotment through grazing permit administration, which includes monitoring unit rotation and forage utilization, and inspections of range improvements (water developments, fences, corrals, etc.) as needed.

The Moores Flat Allotment is located within the Sawtooth National Forest, but is within the administrative boundaries of the Mountain Home Ranger District of the Boise National Forest. It encompasses 8,078 acres, including 5,474 acres of NFS land and 2,604 acres of private land within the Moores Creek and Lime Creek drainages. It is located in Elmore County, Idaho, about 9 miles southeast of the town of Pine. The allotment is located within lands legally described as T1N, R10E, Section 36; T1S, R10E, Section 1; T1N, R11E, sections 7, 8, 16 to 21, and 27 to 34; and T1S, R11E, sections 3 to 6, Boise Meridian (Figure 1).

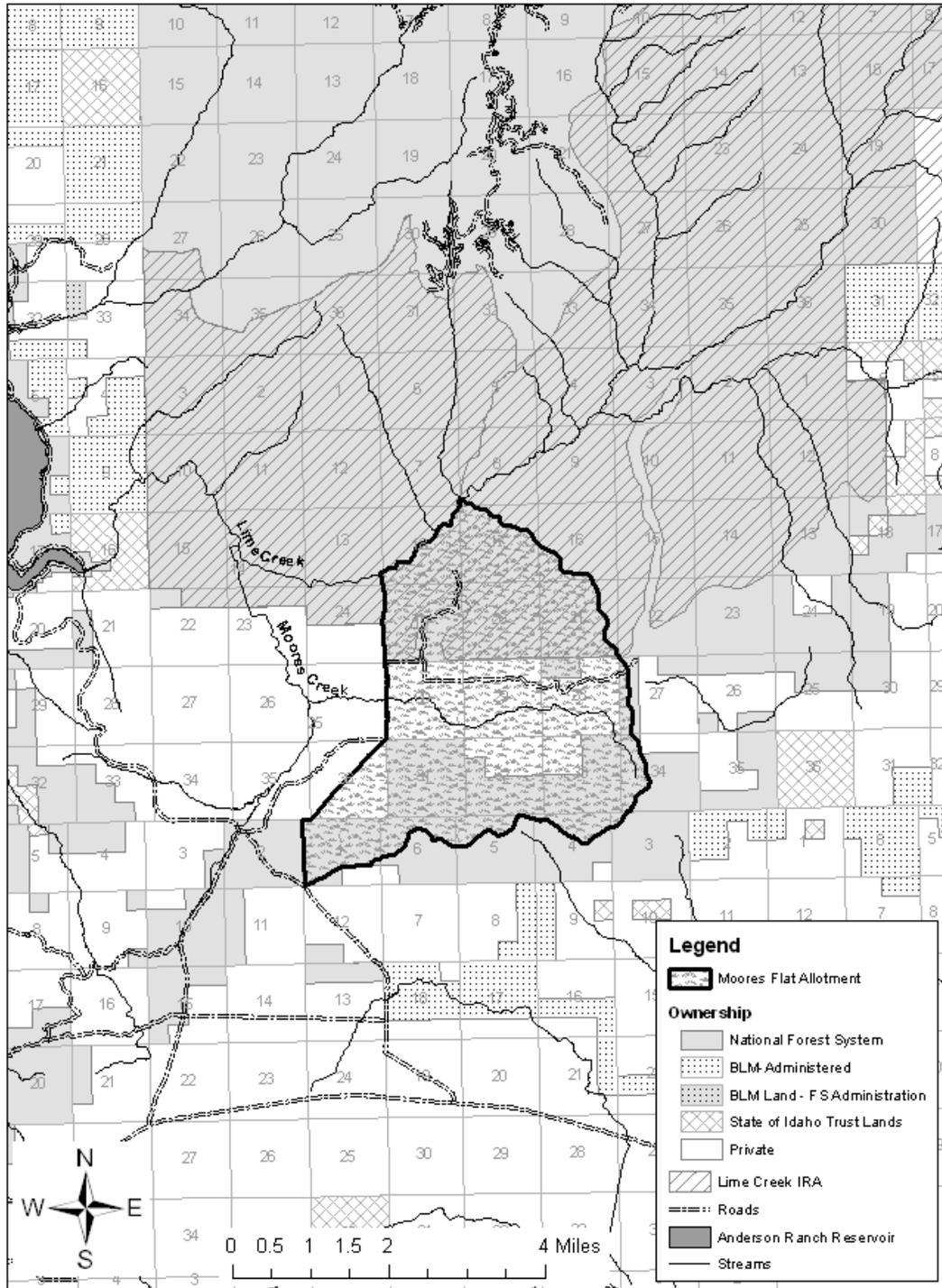


Figure 1. Location of the Moore's Flat Allotment, about five miles east of Anderson Ranch Reservoir, Elmore County, Idaho.

## PURPOSE AND NEED

As discussed in Section 1.4 of the EA, the need for action on the Moores Flat Allotment is to accomplish the following:

1. Comply with Section 504(a) of the Rescission Act of 1995 (P.L. 104-19), which directs the Forest Service to complete NEPA analyses and decisions on all allotments where needed to incorporate relevant management direction to meet agency objectives. Live-stock grazing on this allotment has no prior NEPA analysis. While relevant management direction has been incorporated into the grazing permits and AOIs over the years, a site-specific analysis and decision on the Moores Flat Allotment and its grazing activities is needed.
2. Authorize continued livestock use within the allotment under updated management direction to achieve management objectives and move existing resource conditions toward desired conditions.

## DECISIONS TO BE MADE

As discussed in Section 1.5 of the EA, I am making the following decisions for the Moores Flat Allotment:

1. Whether to authorize continued grazing on the Moores Flat Allotment.
2. If grazing is allowed to continue, whether management changes would likely be necessary to address the Forest Plan's goals, objectives, and desired future conditions for the NFS land in this allotment; and
3. Whether the resulting action would likely result in significant impacts necessitating the preparation of an environmental impact statement.

## RATIONALE FOR DECISION

This decision best meets the purpose and need for the project. My reasons for proceeding with this action are as follows:

1. Authorizing continued grazing will address goals and objectives in the Boise National Forest Land and Resource Management Plan (see page 12 of this Decision Notice and Section 1.6.2 of the EA).
2. This decision adequately addresses the concerns expressed in public comments.
  - a. **Disclosure of the efficacy of the selected alternative's utilization rates in meeting resource objectives.** As a result of the 2006 North Sheep decision (*Western Watersheds Project v. USFS*, Case No. CV-05-189-E-BLW, District Court of Idaho), Forest Plan capability analyses and site-specific capability analyses are required for all allotments. These analyses have been completed for the Moores Flat Allotment and both determined that there is sufficient capable rangeland to support numbers to be permitted under this decision. Capability analysis shows sufficient capacity to support the number of livestock to be permitted under this decision, and the Forest Service has met the capability definition in the Forest

Plan. Therefore, no issues related to livestock grazing are expected (EA, Section 3.2.1). Under these conditions, by definition, the allotment is meeting or moving toward desired conditions. This allotment will continue to be administered to Forest Plan Standards, which have been established to allow the attainment of desired conditions over time. Forest Plan Standards contain direction for proper management of livestock grazing within the allotment area.

- b. **Disclosure of the effects of the selected alternative on native bunchgrass diversity and production.** This allotment is being administered to Forest Plan Standards, which have been established to allow the attainment of desired conditions over time. Forest Plan Standards contain direction for proper management of livestock grazing within the allotment area which will ensure native bunchgrass diversity and production. Site visits, photos and data collected in 2004 indicate that bunchgrasses are present and appear to be in vigorous condition on the allotment. The upland utilization standard set for the allotment allows sufficient recovery to prevent long-term detrimental impacts to bunchgrasses. In addition, the deferred rotation on this allotment provides the opportunity for bunchgrasses to set seed and reproduce every other year (EA, page 45).
- c. **Disclosure of the effects of the selected alternative on native plant diversity.** This allotment is being administered to Forest Plan Standards, which have been established to allow the attainment of desired conditions over time. Forest Plan Standards contain direction for proper management of livestock grazing within the allotment area which will likely insure native plant diversity (EA, section 3.3).
- d. **Disclosure of the selected alternative's effects on browse utilization.** The selected alternative is designed to improve wildlife habitat towards the desired future condition as stated in the Forest Plan. Wildlife habitat is not being over-utilized and likely still supports a healthy number of wildlife species (EA, Section 3.8.3).
- e. **Disclosure of the effects of the selected alternative on wildlife habitat and habitat connectivity.** Habitat connectivity is being maintained and is not an issue (EA, Section 3.8.3).
- f. **Disclosure of the effects of the selected alternative on threatened, endangered, Sensitive species and management indicator species (wildlife, plants, and fish).** The District Wildlife Biologist considered effects to listed wildlife species with the potential to exist on the Mountain Home Ranger District. After considering the effects of continued grazing on the allotment on Canada lynx (*Lynx canadensis*), and yellow-billed cuckoo (*Coccyzus americanus*), it was determined that no habitat for these species exists on the allotment (Project Record, Biological Assessment). Both the continued grazing alternative, and the no grazing alternative will have "no effect" on threatened Canada lynx or candidate yellow-billed cuckoo.

The District Wildlife Biologist considered whether habitats for Sensitive wildlife species were present on the Moore's Flat Allotment and determined that only habitats for greater sage-grouse (*Centrocercus urophasianus*), spotted bat (*Euderma maculatum*), Townsend's big-eared bat (*Corynorhinus townsendii*), spotted frog

(*Rana luteiventris*), bald eagle (*Haliaeetus leucocephalus*), and gray wolf (*Canis lupus*) are present on the allotment. Of those species, the Wildlife Biologist determined that only greater sage-grouse and gray wolf will likely be affected by the continuation of grazing on the allotment (EA, Section 3.8.1.1). After considering the likelihood of effects to these species, the Wildlife Biologist determined that the selected alternative "may impact individuals but is not likely to cause a trend to federal listing or loss of viability" of sage grouse and gray wolf (EA, Sections 3.8.1.2 and 3.8.1.3).

Consideration of the effect of the alternatives on threatened bull trout (*Salvelinus confluentus*) are disclosed in Section 3.7.1 of the EA. The Fisheries Biologist determined that continued grazing will likely have "no effect" on bull trout because the Moores Flat Allotment does not occur within any potential or existing bull trout population, or designated critical habitat (EA, Section 3.7.1). The Anderson Ranch Reservoir (approximately six miles downstream of the allotment) has been identified as bull trout migratory and overwintering habitat. However, any effects to streams within the allotment would not be expected to influence conditions within the reservoir. The Fisheries Biologist considered likely effects to Sensitive west-slope cutthroat trout (*Oncorhynchus clarki lewis*) and determined that the selected alternative would have "no impact" to westslope cutthroat trout or their habitat within their historical range.

The Zone Botanist considered effects to rare plants. There is a low likelihood that suitable habitat is present within the Moores Flat Allotment for slickspot peppergrass (*Lepidium papilliferum*) (Proposed for ESA listing), and the selected alternative will not likely jeopardize continued existence or adversely modify proposed critical habitat (EA, Section 3.4.2.1). The Botanist considered effects to Sensitive slender-leaf moonwort (*Botrychium lineare*), beautiful bryum (*Bryum calobryoides*), small (least) phacelia (*Phacelia minutissima*), and bugleg/wholeleaf goldenweed (*Pyrrocoma insecticruris* syn. *Happlopapus insecticruris*) and determined that the selected alternative "may impact individuals, but will not likely contribute to a trend towards federal listing or loss of viability to the populations or species."

- g. **Disclosure of the effects of the selected alternative on sage-brush-obligate and riparian-dependent bird species habitat.** Migratory birds are present during the implementation period (normally present from end of June to October). Project activities could displace individuals any time during this period. Unintentional take could occur through destruction of nests and nestlings. However, activities associated with grazing on this allotment will have little potential to influence migratory birds. Most migratory bird species are finished with the nesting period by July 1, and young have reached the fledged stage, allowing them to fly out of harm (EA, Section 3.10.9).
- h. **Disclosure of how the selected alternative might potentially affect soils, wetlands, riparian habitats and water quality and how these resources would be protected in the future.** The Forest Soils Scientist estimated cumulative detrimental disturbance and cumulative total soil resource commitment likely to result

from the selected alternative as 7.4 percent, and 1.7 percent, respectively. Both of these estimates are within Forest Plan standards (EA, Section 3.5.2.1). The Forest Hydrologist determined that the temperature and sediment/turbidity watershed condition indicators (WCIs) for water quality would likely be maintained or show no measurable change in the temporary, short, and long term under the selected alternative. Negligible or non-measurable improvements in stream temperature would occur as RCA conditions continue on an improving trend (EA, Section 3.6.2). The selected alternative would result in no net loss of wetlands (EA, Section 3.10.4). With Forest Plan standards functioning as intended, the overall condition of the riparian conservation area (RCA) WCIs would show negligible improvements in the temporary, short, and long term (EA, Section 3.6.2.1).

- i. **Disclosure of the amount of detrimental soil conditions that exist, including effects on microbiotic crusts that might potentially result from the selected alternative.** Continued implementation of current grazing strategies is not expected to change the amount of biological soil crusts that may be present on the allotment or alter the current trend (EA, Section 3.5.2.1.3).
- j. **Disclosure of the consistency of the selected alternative with the Clean Water Act.** The selected alternative is consistent with the Clean Water Act (EA, Section 3.10.2).
- k. **Disclosure of the effects of the selected alternative on cultural resources.** Implementation of the selected alternative will likely result in "no effect" to historic properties (EA, Section 3.9.2).

## **PUBLIC INVOLVEMENT**

As required by 36 Part 215, a 30-day Notice and Comment period for the Moores Flat Allotment analysis occurred in 2004. A "Legal Notice of Proposed Action" was published in *The Idaho Statesman*, the newspaper of record, on November 5, 2004, and Proposed Action Reports were mailed to several interested agencies, groups, and individuals. This solicitation also served as scoping as required by NEPA (40 CFR 1501.7). All comments received, regardless of whether they were submitted during the 30-day Legal Notice and Comment Period, were considered for scoping. The Forest Service's consideration of comments received that expressed opposition or concern with the proposed action is included as Appendix A to the EA (EA, page 43).

A vast majority of the comments recommended that the Forest Service analyze the effects of grazing on particular resource elements, without including a description of a site-specific, cause-effect relationship between an action and an effect that might demonstrate the need for such an analysis.

The IDT considered each comment received. Supportive comments are not included in Appendix A of the EA, but are in the project record.

## ALTERNATIVES CONSIDERED

### Alternatives Considered in Detail

Based on public input, the IDT identified no unresolved conflicts to analyze in depth that would result in the need to develop and consider alternatives to the proposed action (36 CFR 220.7(b)(2)(i)). Based on its consideration of public input, the IDT recommended and I approved the proposed action and a no grazing alternative to the proposed action.

The proposed action for the Moores Flat Allotment was "Continued Grazing." This was also the no action alternative, because the Forest Service proposed no changes to existing management of the allotment. The proposed action is described in detail in Section 1.3 of the EA.

I also considered the no grazing alternative. Under the no grazing alternative, grazing on NFS land would be eliminated no sooner than two years after the implementation of the decision selecting this alternative. Under this alternative two water troughs on NFS land would be removed, but six existing ponds on NFS land would be retained. Two miles of fence entirely on NFS land would also be removed by the Forest Service.

It is assumed the private landowner would continue to graze their private property under the no grazing alternative at the same intensity and duration that it is currently grazed. In order for the private landowner to effectively graze their private property and to prevent livestock trespass on NFS land, the landowner would need to construct 8.2 miles of fence on their private land boundary.

## FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Council on Environmental Quality (CEQ) regulations for significance (40 CFR §1508.27) and have determined that this decision is not a major federal action that will significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an Environmental Impact Statement (EIS) pursuant to Section 102(2)(c) of the NEPA is not required. This determination is based on the following factors, as outlined in 40 CFR §1508.27:

*a. The decision to continue to authorize grazing will be limited in geographic application (40 CFR §1508.27(a)).*

The amount of land affected by this decision is a small subset of the public and private land within the proclaimed boundaries of the Boise National Forest in Elmore County, Idaho. The Moores Flat Allotment encompasses 8,078 acres, including 5,474 acres of NFS land and 2,604 acres of private land within the Moores Creek and Lime Creek drainages on a Ranger District of about 540,000 acres and in a county of about 1.9 million acres.

*b. The decision to continue to authorize grazing does not cause significant beneficial or adverse impacts (40 CFR §1508.27(b)(1)).*

The selected alternative continues to authorize the appropriate level of livestock use within the allotment under updated management direction to achieve management objectives and move existing resource conditions toward desired conditions. Specifically, the selected alternative will authorize 105 cow/calf pairs on the "on" portion for a grazing season of July 1 to October 31 in a deferred rotation on the Moores Flat Allotment. This yields a utilization of 425 head-months. There will also be 228 cow/calf pairs continuing to graze the "off" portion of the allotment for the same season. There will be some

flexibility in allotment administration allowed for weather conditions, range readiness, and livestock needs. There will be no need for significant changes to allotment boundaries or construction of fences by the permittee to keep cattle off NFS lands as would be required under the no grazing alternative.

Under management direction currently in effect on the allotment, vegetative, soil, and hydrologic conditions will continue to change toward desired levels. There will be no effect to Threatened bull trout or any other listed species (EA, Section 3.10.1). The selected alternative may impact Sensitive sage grouse and gray wolf, but will not likely cause a trend toward federal listing or loss of viability of these populations (EA, Section 3.8.1). My decision will have little influence on sagebrush-obligate and riparian-dependent species habitat (EA, Section 3.10.9) or management indicator species (EA, Section 3.8.3).

Cumulative detrimental soil disturbance and cumulative total soil resource commitment likely to result from the selected alternative are likely to be about 7.4 percent, and 1.7 percent, respectively. Both of these estimates are within Forest Plan standards (EA, Section 3.5.2.1). The Forest Hydrologist determined that the temperature and sediment/turbidity watershed condition indicators (WCIs) for water quality will likely be maintained or show no measurable change in the temporary, short, and long term under the selected alternative. Negligible or non-measurable improvements in stream temperature will likely occur as RCA conditions continue on an improving trend (EA, Section 3.6.2). The selected alternative will likely result in no net loss of wetlands (EA, Section 3.10.4). With Forest Plan standards functioning as intended, the overall condition of the riparian conservation area (RCA) WCIs will show negligible improvements in the temporary, short, and long term (EA, Section 3.6.2.1). There will likely be no effect to microbiotic soil crusts (EA, Section 3.5.2), wetlands, riparian areas, water quality (EA, Section 3.6), or cultural resources (EA, Section 3.9.2).

*c. The decision to continue to authorize grazing will not significantly affect public health or safety (40 CFR §1508.27(b)(2)).*

The public raised no concerns about the effect continued grazing on the allotment might have on public health and safety. My decision to continue to authorize grazing on the allotment does not, on its own, authorize any new ground-disturbing activities or direct changes to the environmental status quo.

*d. The decision to continue to authorize grazing will not significantly affect any unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (40 CFR §1508.27(b)(3)), does not adversely affect anything listed or eligible for listing in the National Register of Historic Places, nor does it cause loss or destruction of significant scientific, cultural, or historic resources (40 CFR §1508.27(b)(8)).*

Continued grazing will not affect historic properties. The Forest Archeologist reviewed the project under the terms of the Programmatic Agreement that the Forest Service has with the State Historic Preservation Officer regarding the Rangeland Management Program (FS Agreement No.: 06-MU-11040218-059). Adverse effects to historic properties have not been identified and are not likely to occur (EA Section 3.10.2).

Continued grazing will not increase flood hazards or result in a loss of wetlands. There are no prime farmlands, rangeland, or forest lands located on the Boise National Forest (Boise National Forest Revised Land and Resource Management Plan FEIS, p. 3-979). Continued grazing will not potentially affect the IRA characteristics of capability, availability, or need of the Lime Creek IRA (EA Section 3.11).

There are no congressionally designated areas, Research Natural Areas, protected caves, or parklands on the Moores Flat Allotment (EA Section 3.11).

*e. There is no scientific controversy surrounding the effects this decision will produce.*

There are differing opinions in the community on the importance of maintaining grazing opportunities on public land. While some have disagreed with the proposal or its need, there has been little controversy about the *effects* disclosed in the analysis. In other words, although some may not support the continued authorization of grazing on the allotment, the public comments did not materially question the effects analysis on scientific grounds.

*f. The decision to continue to authorize grazing does not establish any highly uncertain, unique, or unknown risks (40 CFR §1508.28(b)(5)).*

There are no unique, highly uncertain, or unknown environmental risks associated with the continued authorization of grazing on the allotment. The effects of grazing will be similar to the effects of grazing on other allotments where analyses have been completed, both on the Boise National Forest and at a broader scale. The Moores Flat Allotment will continue to be used primarily for agricultural purposes.

*g. The decision to continue to authorize grazing does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration (40 CFR §1508.27(b)(6)), nor is it related to other actions with individually insignificant but cumulative significant impacts (40 CFR §1508.27(b)(7)).*

This is a project-level decision. The nature of this decision is not precedent setting, nor does it represent a precedent for any future decisions, as livestock grazing has been and will continue to be permitted on the Boise National Forest and other National Forests under standards and guidelines designed to achieve management objectives and move existing resource conditions toward desired conditions. Any future designation of grazing allotments would be subject to the appropriate level of NEPA analysis and public involvement, and considered on their own merits.

The EA discloses the projected cumulative effects of authorizing continued grazing on the allotment (EA, Chapter 3). The discussion considers the effects of other past, present, or reasonably foreseeable future actions on these lands that might accumulate with the likely direct and indirect effects of continued grazing. As documented in Chapter 3, few direct and indirect effects are likely to result from the continued grazing of the allotment, and none would combine with the effects of other past, present, or reasonably future actions to a significant extent.

*h. The decision to continue to authorize grazing would not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR §1508.27(b)(9)).*

I have reviewed the analysis in Chapter 3 of the EA and a biological assessment evaluating impacts to threatened and endangered species that has been prepared for this analysis. The District Wildlife Biologist considered effects to listed wildlife species with the potential to exist on the Mountain Home Ranger District. After considering the effects of continued grazing on the allotment on Canada lynx (*Lynx canadensis*), and yellow-billed cuckoo (*Coccyzus americanus*), it was determined that no habitat for these species exists on the allotment (Project Record, Biological Assessment). The selected alternative will have "no effect" on Threatened Canada lynx or candidate yellow-billed cuckoo.

Consideration of the effect of the alternatives on Threatened bull trout (*Salvelinus confluentus*) are disclosed in Section 3.7.1 of the EA. The Fisheries Biologist determined that continued grazing will have "no effect" on bull trout because the Moore's Flat Allotment does not occur within any potential or existing bull trout population, or designated critical habitat (Project Record, Biological Assessment). The Anderson Ranch Reservoir (approximately six miles downstream of the allotment) has been identified as bull trout migratory and overwintering habitat. However, any effects to streams within the allotment are not expected to influence conditions within the reservoir.

The Zone Botanist considered effects to rare plants. There is a low likelihood that suitable habitat is present within the Moore's Flat Allotment for slickspot peppergrass (*Lepidium papilliferum*) (Proposed for ESA listing), and the selected alternative will not likely jeopardize continued existence or adversely modify proposed critical habitat (refer to Section 3.4.2.1 of the EA).

*i. The decision to continue to authorize grazing does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment (40 CFR §1508.27(b)(10)).*

The selected alternative will not significantly affect the following elements of the human environment, which are specified in statute, regulation, or executive order: listed species under the Endangered Species Act (EA, Section 3.10.1); water quality under the Clean Water Act (EA, Section 3.10.2); floodplains under Executive Order 11988, Floodplain Management (EA, Section 3.10.3); wetlands under Executive Order 11990, Protection of Wetlands (EA, Section 3.10.4); historic or cultural properties under the National Historic Preservation Act (EA, Section 3.10.5); prime farmland, rangeland, and forest land under USDA Regulation 9500-3 (EA, Section 3.10.6); the Federal Land Policy and Management Act (EA, Section 3.10.7); minority and low-income populations under Executive Order 12898, Environmental Justice (EA, Section 3.10.8); migratory birds under Executive Order 13186, Protection of Migratory Birds (EA, Section 3.10.9); inventoried roadless areas under the Idaho Roadless Rule (EA, Section 3.10.10); and there are no congressionally designated areas, Wild and Scenic Rivers, Research Natural Areas, protected caves, or parklands on the Moore's Flat Allotment (EA, Section 3.10.11).

## **CONSISTENCY WITH THE FOREST PLAN, LAWS, REGULATIONS, AND POLICY**

I have reviewed this decision for compliance with laws, regulations, and policies. To the best of my knowledge, this decision is in compliance with all applicable laws, regulations, and policies.

### **National Forest Management Act**

This decision is consistent with the National Forest Management Act (NFMA)(16 USC §§1600-1614). There are no project level determinations in the NFMA that need to be made as part of this decision. This decision does not involve the approval of any timber harvest. Since the Forest Plan was prepared under the NFMA, see also "Consistency with the Forest Plan" below.

### **Consistency with the Forest Plan**

Management of the Boise National Forest, including the project area, is guided by the 2003 Forest Plan. Chapter III of the Forest Plan describes management direction to guide Forest personnel to achieve desired outcomes and conditions for both land stewardship and public service. This direction is presented in two sections: (1) Forest-wide Management Direction, and (2) Management Area Description and Direction. The Forest-wide management direction provides general direction for all Forest re-

sources and the foundation for more specific direction at the management area level. The management area description and direction describes these areas in detail, highlights resource areas of importance or concern, and prescribes specific management direction to address these concerns. This EA has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR §§1500-1508, 2007), the National Forest Management Act (36 CFR Part 219, 2007), and the 2003 revised Boise National Forest Land and Resource Management Plan (USDA Forest Service, 2003)(Forest Plan).

The EA for the Moores Flat Cattle and Horse "On-Off" Allotment is tiered to the Final Environmental Impact Statement (FEIS) and planning record supporting the 2003 revised Forest Plan, including documentation related to the Continuous Assessment and Planning (CAP) process described in Chapters III and IV of the Forest Plan. This documentation includes monitoring reports implementation guides, and errata and corrections to the 2003 FEIS and Forest Plan. Documented analyses in the Forest Plan FEIS have been referenced rather than repeated in some instances. Analyses pertaining to the FEIS for the 2003 Forest Plan are contained in the Forest Planning record located at the Boise National Forest Supervisor's Office in Boise, Idaho.

### **Agency-Level Direction**

The objectives of the range management program in the National Forest System are:

- To manage the range vegetation to protect basic soil and water quality resources, provide for ecological diversity, improve or maintain environmental quality, and meet public need for interrelated resource use [FSM 2202.1(1)].
- To integrate management of range vegetation with other resource programs to achieve multiple use objectives contained in Forest land and resource plans [FSM 2202.1 (2)].
- To provide livestock forage, wildlife food and habitat, outdoor recreation, and other resource values dependent on range vegetation [FSM 2202.1(3)].
- To contribute to the economic and social well being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood [FSM 2202.1(4)].
- To provide expertise on range ecology, botany, and management of grazing animals [FSM 2202.1(4)].

Authorization to graze the specific area is needed through a project level NEPA decision (FSH 2209.13 Chapter 91). If the decision is made to authorize livestock grazing, Allotment Management Plans (AMPs) implement the applicable management direction from the NEPA decision.

### **Forest Plan Management Direction**

The Forest Plan provides for the multiple-use and sustained yield of goods and services from the Forest. Forest plans determine the capability and suitability of the plan area and establish programmatic direction including goals, objectives, standards, guidelines, and monitoring requirements. Forest Plan management direction for rangeland resources includes the following goals:

- Provide for livestock forage within existing open allotments, in a manner that is consistent with other resource management direction and uses.

- Manage rangelands using controlled livestock grazing, range structural and non-structural improvements, vegetative and ground rehabilitation, fire, and timber management in various combinations to meet desired conditions.
- Manage upland vegetation on suitable rangelands to maintain or restore hydrologic function and soil productivity of watersheds containing allotments.
- Manage herbaceous and shrub vegetation on suitable rangelands to meet resource objectives in an efficient manner.
- Manage livestock grazing within riparian areas to accommodate the maintenance or restoration of aquatic and riparian processes and functions.
- Coordinate livestock grazing to address conflicts with other resource uses in a manner that is consistent with Forest Plan management direction.

The selected alternative was designed to comply with the Forest Plan and the livestock grazing standards and guidelines that it promulgates as a means of eventually achieving the Forest Plan's goals.

The Forest Plan at the programmatic level identified the NFS lands within this allotment as suitable for livestock grazing. The Forest Plan also contains direction for proper management of livestock within the allotment. That direction provides desired conditions for rangeland resources, for which the long-term goals are

A sustainable level of forage, consistent with other resource management direction, is available for use through the Forest Service grazing permit system. Rangeland forage quality is maintained or improved in areas where vegetation management projects and range management actions occur. Riparian areas continue to be a focal point for providing vegetative diversity, landscape capability, soil productivity, wildlife habitat, proper stream channel function and water quality important to sustaining beneficial uses. Riparian areas are functioning properly and/or have improving trends in vegetative composition, age class structure and vigor. Upland range vegetation is contributing to proper hydrologic function. The composition and densities of shrubs, grasses and forbs are variable and dynamic across the landscape (Forest Plan, p. III-44).

The proposed action authorizes continued grazing within Management Area 1, Lower South Fork Boise River (MA1), and within the following Forest Plan Management Prescription Categories (MPCs):

- 4.1c – Undeveloped Recreation: Maintain Unroaded Character with Allowance for Restoration Activities. Inventoried Roadless Areas (IRAs) are included in this MPC. The Moores Flat Allotment includes about 2,500 acres within the Lime Creek IRA. The Lime Creek IRA encompasses about 97,000 acres on the Boise and Sawtooth National Forests and is designated as Primitive by the Idaho Roadless Rule (36 CFR Part 294, 73 FR 61456, *et seq.*, 10/16/08).
- 6.1 -- Restoration and Maintenance Emphasis within Shrubland and Grassland Landscapes.

The project record contains a checklist documenting each interdisciplinary team (IDT) resource specialist's consideration of the proposed action's consistency with Forest Plan standards and guidelines.

### Findings Required by Other Laws and Regulations

I find the selected alternative to be consistent with the other laws, regulations and policies governing the management of NFS lands, including:

- **National Historic Preservation Act of 1966 (refer to Section 3.9.2 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative will have no effect to historic properties. The State Historic Preservation Officer (SHPO) has concurred with the Forest Service's determination that the Moores Flat Allotment has no adverse effect to historic properties. This concurrence is included in the project record.

- **Endangered Species Act (refer to Section 3.10.1 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative is consistent with the Endangered Species Act. The District Wildlife Biologist considered effects to listed wildlife species with the potential to exist on the Mountain Home Ranger District. After considering the effects of continued grazing on the allotment on Canada lynx (*Lynx canadensis*), and yellow-billed cuckoo (*Coccyzus americanus*), it was determined that no habitat for these species exists on the allotment (Project Record, Biological Assessment). Both the continued grazing alternative, and the no grazing alternative would have "no effect" on threatened Canada lynx or candidate yellow-billed cuckoo.

Consideration of the effect of the alternatives on threatened bull trout (*Salvelinus confluentus*) are disclosed in Section 3.7.1 of the EA. The Fisheries Biologist determined that continued grazing would have "no effect" on bull trout because the Moores Flat Allotment does not occur within any potential or existing bull trout population, or designated critical habitat (Project Record, Biological Assessment). The Anderson Ranch Reservoir (approximately six miles downstream of the allotment) has been identified as bull trout migratory and overwintering habitat. However, any effects to streams within the allotment would not be expected to influence conditions within the reservoir.

The Zone Botanist considered effects to rare plants. There is a low likelihood that suitable habitat is present within the Moores Flat Allotment for slickspot peppergrass (*Lepidium papilliferum*) (Proposed for ESA listing), and neither alternative would likely jeopardize continued existence or adversely modify proposed critical habitat (refer to Section 3.4.2.1 of the EA).

- **Clean Water Act (refer to Section 3.10.2 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative is consistent with the Clean Water Act (CWA). The analyses disclosed in the EA showed that there would either be no effect or a negligible beneficial effect to the WCIs, thus meeting the intent of the Act (Project Record, Fisheries and Watershed Specialists' Report, Tables 7 and 8).

- **Executive Order 11988, Floodplain Management (refer to Section 3.10.3 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative will not increase flood hazards.

- **Executive Order 11990, Protection of Wetlands (refer to Section 3.10.4 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative will not result in net loss of wetlands.
- **Departmental Regulation 9500-3, Prime Farmland, Rangeland, and Forest Land (refer to Section 3.10.6 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that there are no prime farmlands, rangeland, or forest lands located on the Boise National Forest (Boise National Forest Revised Land and Resource Management Plan FEIS, p. 3-979).
- **Executive Order 12898, Environmental Justice (refer to Section 3.10.8 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative is in compliance with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations." Continued grazing would not place any burden or disproportionate impact which could be considered an environmental injustice on any segment of the population. The proposal would not result in unequal protection of any part of the population of Elmore County, Idaho.
- **Executive Order 13186 and the Migratory Bird Treaty Act of 1918 (refer to Section 3.10.9 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that migratory birds will not be significantly affected by the selected alternative. Migratory birds are present during the implementation period (normally present from end of June to October). Project activities could displace individuals any time during this period. Unintentional take could occur through destruction of nests and nestlings. However, activities associated with grazing on this allotment will have little potential to influence migratory birds. Most migratory bird species are finished with the nesting period by July 1, and young have reached the fledged stage, allowing them to fly out of harm (Project Record, Wildlife Specialist's Report and Biological Evaluation).
- **Idaho Roadless Rule (refer to Section 3.10.10 of the EA)**

After reviewing the Moores Flat Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative will not affect Inventoried Roadless Areas. The Moores Flat Allotment includes about 2,500 acres within the Lime Creek IRA. The Lime Creek IRA encompasses about 97,000 acres on the Boise and Sawtooth National Forests and is designated as Primitive by the 2008 Idaho Roadless Rule (36 CFR Part 294, 73 FR 61456, *et seq.*, 10/16/08). Neither the proposed action, nor its no grazing alternative, would have the potential to affect the IRA characteristics of capability, availability, or need of the Lime Creek IRA.

## **IMPLEMENTATION DATE**

This decision will be implemented at the start of the 2010 grazing season for this allotment, on July 1, 2010.

## **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR Part 215. Appeals must meet the content requirements of 36 CFR §215.14. Only individuals or organizations who

submitted comments or otherwise expressed interest in the project during the comment period may appeal under this regulation.

The Appeal Deciding Officer is Cecilia R. Seesholtz, Forest Supervisor, Boise National Forest. Appeals filed by regular mail or express delivery must be sent to: Appeal Deciding Officer; Intermountain Regional Office; 324 25th Street; Ogden, UT 84401. Incorporation of documents by reference is not allowed.

Appeals may also be hand-delivered to the above address between the hours of 8:00 AM and 4:30 PM Mountain Time, Monday through Friday, excluding holidays. Appeals may also be submitted via fax at (801)625-5277.

Electronic appeals must be submitted in a rich text format (.rtf) or Microsoft Word (.doc) format as an email message to: appeals-intermtn-regional-office@fs.fed.us. E-mailed appeals must include the project name in the subject line. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of a "Legal Notice of Decision" in *The Idaho Statesman*, the newspaper of record, Boise, Idaho. Attachments received after the 45-day appeal period will not be considered. The publication date in *The Idaho Statesman*, 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.

If no appeals are filed within the 45-day time period, the appeal regulations allow implementation of the decision to occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, the appeal regulations allow implementation to occur on, but not before, the 15th business day following the date of the last appeal disposition.

**CONTACT PERSON**

For further information concerning this decision, or for a copy of the Moores Flat Cattle and Horse "On-Off" Allotment EA, and this Decision Notice/Finding of No Significant Impact, contact Tina Ruffing, Range Management Staff Officer, Mountain Home Ranger District, 2180 American Legion Blvd., Mountain Home, ID 83647 (208) 587-7961.

  
LARRY TRIPP  
District Ranger  
Mountain Home Ranger District

  
Date

