

Decision Notice and Finding of No Significant Impact
MOORES CREEK CATTLE AND HORSE
"ON-OFF" ALLOTMENT

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

August 2009



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"ON-OFF" ALLOTMENT

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

May 2009

DECISION

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

My decision is to continue current allotment management with no changes. It authorizes continued livestock grazing at current permitted numbers and season, consistent with standards and guidelines specified in the Term Grazing Permit, the Forest Plan, management prescriptions, and monitoring requirements. Specifically, the selected alternative continues to authorize 10 cow/calf pairs on the "on" (NFS) portion of the allotment for a grazing season of June 15 to October 31 in a deferred rotation. This results in a utilization of 46 head-months (HMs) on NFS land per year. Grazing by 490 cow/calf pairs on the "off" (non-NFS land) portion of the allotment would continue for the same season.

There would continue to be some flexibility in allotment administration allowed for weather conditions, range readiness, and livestock needs. If the forage is fully utilized or the Forest Service determines that further grazing would damage resources, the permittee may be required to remove livestock early.

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:

- Maximum forage utilization of representative areas within each pasture containing NFS land will 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: 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, III-45). Place salt no closer than ¼ mile from water and not within 100 feet of designated roads. Move salt from areas where utilization standards have been met (Terms and Conditions).
- All water developments must 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 land (This requirement is in the Annual Operating Instructions).
- Only certified noxious weed-free hay, straw, or feed is allowed on NFS land (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).

This allotment is being administered to Forest Plan Standards, which have been established to allow the attainment of the following desired conditions over time:

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 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.

There is one water development and approximately one mile of fence on NFS land. These improvements are required to be brought to properly functioning condition each grazing season prior to livestock entering the allotment (or unit within the allotment), as defined in the Term Grazing Permit (see Project Record). There are no additional improvements proposed for the allotment.

In addition to cattle grazing, sheep will continue to trail across the northwestern corner of the allotment twice per year on the ridge dividing Casey and Louse Creeks. Approximately 2,500 to 4,000 head of ewes with lambs are trailed through in late May to early June to access sheep allotments on the Boise National Forest. This trailway is used again in the fall, typically mid- to late-October.

The Moore's Creek Cattle and Horse "On-Off" Allotment (Moore's Creek Allotment) encompasses about 8,140 acres, including about 1,820 acres of National Forest System (NFS) land, 80 acres of federal land administered by the USDI Bureau of Land Management (BLM), 350 acres of land held in trust by the State of Idaho, and 5,890 acres of private land. The allotment is located within the boundary of the Sawtooth National Forest, but is under the administrative authority of the District Ranger of the Mountain Home Ranger District of the Boise National Forest.

The allotment is located in Elmore County, Idaho, about 46 miles east of Mountain Home. It is located in T. 1 N., R. 10 E., sections 10, 13 to 15, 20 to 28, and 33 to 35; and in T. 1 N., R. 11 E., sections 18 and 19, Boise Meridian (Figure 1).

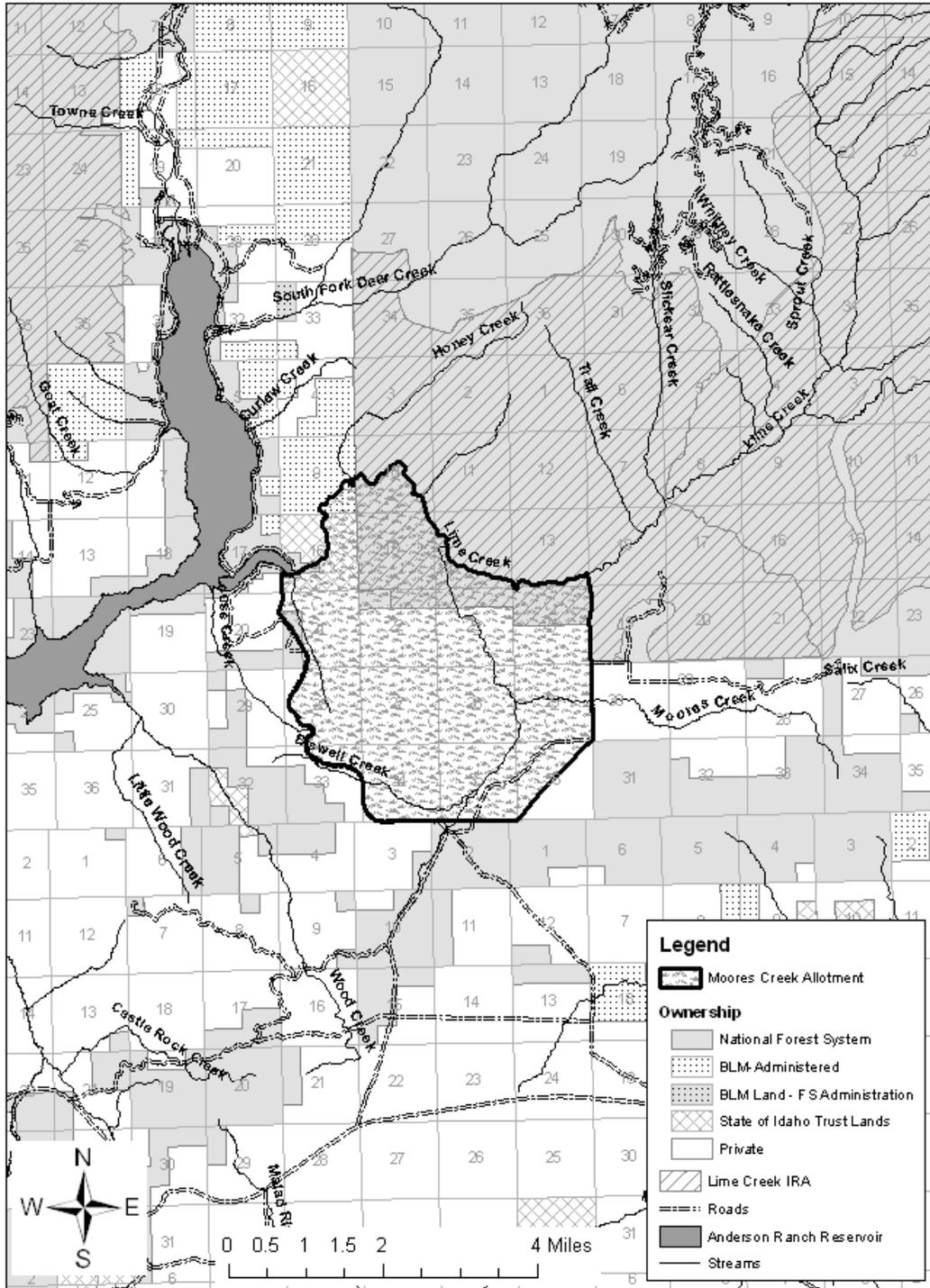


Figure 1. Location of the Moore's Creek Allotment

PURPOSE AND NEED

As disclosed on pages 4 and 5 of the EA, the need for action on the Moore's Creek Allotment is to authorize the appropriate level of livestock use within the allotment under updated management direction designed to achieve management objectives and move existing resource conditions toward desired conditions.

DECISIONS TO BE MADE

As disclosed on pages 5 and 6 of the EA, I am making the following decisions for the Moore's Creek Allotment:

1. Whether to authorize continued grazing on the Moore's Creek 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 the objectives of the range management program in the National Forest System and the goals and objectives in the Boise National Forest Land and Resource Management Plan.
 - a. 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.

- b. 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.

The allotment lies in Forest Plan Management Area 1 – Lower South Fork Boise River, as designated by the revised Boise National Forest Land and Resource Management Plan (Forest Plan, USDA Forest Service, 2003) and within three management prescription categories (MPCs) (Forest Plan, pp. III-92-93):

- MPC 4.1c – Undeveloped Recreation: Maintain Unroaded Character with Allowance for Restoration Activities;
- MPC 4.2 – Roaded Recreation; and
- MPC 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 selected alternative's consistency with Forest Plan standards and guidelines.

2. This decision adequately addresses the concerns expressed in public comments.

- a. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on bull trout and other native trout populations' watersheds.** The selected alternative would have little effect on fish populations. Lime Creek and Moores Creek are likely not measurably affected by grazing activities. The banks and slopes along Lime Creek and lower Moores Creek are steep and cliffy. Therefore livestock are rarely found in this portion of the allotment (Ruffing pers. comm. with Fisheries Biologist, 2009).

The majority of streams within the allotments are first- and second-order intermittent streams, and due to the intermittent nature of the streams, waters within the allotment boundary would not generally be capable of supporting substantial fish populations.

Columbia River bull trout (*Salvelinus confluentus*) are the only fish management indicator species in the Forest Plan (USDA Forest Service 2003, Vol. 2, p. E3) and are also listed as Threatened under the Endangered Species Act (ESA). However the continued grazing alternative would have "no effect" on bull trout because the Moores Creek Allotment does not occur within any potential or existing bull trout population, or designated critical habitat (Project Record, Biological Assessment – Effects of the Moores Creek On/Off Allotment on Canada Lynx, Yellow-billed Cuckoo, and Bull Trout). Anderson Ranch Reservoir has been identified as bull trout migratory and overwintering habitat. However, since livestock use of the RCAs on federal land is limited or non-existent, no measurable effects to Lime Creek or Moores Creek are expected. Therefore no influence to reservoir conditions is expected (EA, page 16).

- b. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on forage.** The Range Management Specialist completed a capability analysis for the Moores Creek Allotment that determined that there is enough capacity to support the permitted number of livestock while still providing sufficient forage for wildlife. These calculations were based on the Forest Plan's riparian and upland use standards.
- c. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on soils and on microbiotic crusts, if they are likely to occur.** The potential that microbiotic crusts, or biological soil crusts (BSC), exist on the allotment is very low because of the well-developed soils, the low amount of bare soil, and the annual precipitation for NFS lands. No BSC were observed during site visits. Therefore, the selected alternative has no potential to affect BSC.
- d. **Disclosure of the management prescription categories on the Moores Creek Allotment.** The EA discloses the management prescription categories (MPCs) on the Moores Creek Allotment (page 1). The allotment lies in Forest Plan Management Area 1 – Lower South Fork Boise River, as designated by the revised Boise National Forest Land and Resource Management Plan (Forest Plan, USDA Forest Service, 2003) and within three management prescription categories (MPCs) (Forest Plan, pp. III-92-93):

MPC 4.1c – Undeveloped Recreation: Maintain Unroaded Character with Allowance for Restoration Activities;

MPC 4.2 – Roaded Recreation; and

MPC 6.1 – Restoration and Maintenance Emphasis within Shrubland and Grassland Landscapes.

- e. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on native plants.** The Forest Service's goal has been to administer this allotment 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, page 9).
- f. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on rare plant communities (EA, pages 8 and 9).** The Botanist considered effects to all Threatened, Endangered, Proposed, Candidate, and USDA Forest Service Region 4 Sensitive plant species with known populations or suitable habitat in the Moores Creek and Lime Creek fifth-field subwatersheds and with suitable habitat for that species in or near the allotment. The botanist's determinations are shown on the following table:

Effects determinations of the continued grazing alternative on rare plants

Species (Status)	Determination
Slickspot Peppergrass (P) <i>Lepidium papilliferum</i>	NLTJ
Slender-leaf moonwort (S) <i>Botrychium lineare</i>	MII
Beautiful Bryum (S) <i>Bryum calobryoides</i>	MII
Small Phacelia (S) <i>Phacelia minutissima</i>	MII
Bugleg goldenweed (S) <i>Pyrrcoma insecticruris</i>	MII

P = Proposed Endangered

S = Sensitive

NLTJ = Not likely to jeopardize continued existence or adversely modify proposed critical habitat.

MII = May impact individuals, but would not likely contribute to a trend towards Federal Listing or cause a loss of viability to the population or species.

There are likely to be cumulative impacts of continued grazing with the residual effects of past grazing under previous management regimes on rare plants and their habitat. These cumulative effects include soil compaction, change in species composition and abundance, and introduction and spread of non-native plants and weeds (EA, page 9 and Project Record, Biological Assessment/Evaluation - Botany, p. 30). Grazing of cattle in the sheep driveway may decrease native plant diversity and coverage, and increase the area open for weed colonization in this one-mile long area.

- g. **Disclosure of the selected alternative's cumulative impacts with sheep trailing on the allotment (EA, pages 9, 11, 12, and 19).** A sheep trail crosses

less than a mile of NFS land in the northwest corner of the Moores Creek Allotment and is used to move sheep twice per year. Although grazing of cattle in the sheep driveway may decrease native plant diversity and coverage, increase the area open for weed colonization in this one-mile long area, and remove effective ground cover, the effects would be localized, cattle would avoid the area due to lack of forage, and the effects would not accumulate with other measurable effects of cattle grazing on the allotment.

- h. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on soils (EA, pages 9 to 12).** The Soils Resource Specialist considered effects of the selected alternative on detrimental soil disturbance (DD), total soil resource commitment (TSRC), effective ground cover (EGC), and susceptibility to landslides within the allotment. The potential DD estimate of 4.4 percent represents the direct and indirect effects continued livestock grazing activities to soils. This value is attributed to the current livestock grazing strategy for the allotment and is consistent with Forest Plan Standard SWST02 which limits DD to 15 percent. The potential direct and indirect effects of the selected alternative on TSRC are estimated to be less than one percent. This value is attributed to the current livestock grazing strategy for the allotment and is consistent with Forest Plan Standard SWST03 which limits TSRC to five percent. With limited livestock grazing on landslide prone areas, there is a very low probability for the selected alternative or other current land uses in the analysis area to influence soil-hydrologic processes and increase the potential for landslides. Current EGC averages about 80 percent. This value represents the potential effect of the selected alternative and is above the range for desired conditions of the representative soil types-vegetation communities and meets the intent of Forest Plan Guideline SWGU05.
- i. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on vegetative communities (EA, pages 7 and 8).** The Rangeland Management Specialist considered the selected alternative's effects on ground cover, sagebrush canopy, and aspen and determined it would not result in a downward trend in desired conditions for upland vegetation. A field review concluded that streambanks are well-vegetated and in stable condition. Floodplains are also well-developed and in stable condition. There are no known populations of noxious weeds within the project area, but it is assumed that scattered rush skeleton weed plants occur on the allotment. Maintenance of the road system would likely result in soil disturbance, the effects of which would accumulate with the direct and indirect effects of grazing. This would increase the area susceptible to noxious weeds.
- j. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on general watershed conditions and trends (EA, pages 12 to 15).** The Watershed Specialist considered effects of the selected alternative to all watershed condition indicators (WCIs) identified in Appendix B of the Forest Plan and determined that six WCIs would be affected. However those effects would be minimal. Based on field reviews, the condition of the NFS land within the

allotment is in large part at or near desired conditions as compared to other ownerships. The effects of the selected alternative on the upland soil-hydrologic, and riparian conservation area functions and processes should be maintained where currently functioning appropriately, and trend toward desired conditions where currently not at desired conditions.

- k. **Disclosure of the potential direct, indirect, and cumulative effects of the selected alternative on wildlife (EA, pages 17 to 20).** The District Wildlife Biologist considered effects of continued grazing on listed wildlife species with habitats on the Mountain Home Ranger District. Continued grazing of the Moores Creek Allotment would likely have no effect on Canada lynx (*Lynx canadensis*) (Threatened) or yellow-billed cuckoo (*Coccyzus americanus*) (Candidate) (EA, page 17 and Project Record, Biological Assessment – Effects of the Moores Creek On/Off Allotment on Canada Lynx, Yellow-billed Cuckoo, and Bull Trout).

Continued grazing of this allotment may impact individual greater sage-grouse (*Centrocercus urophasianus*) but is not likely to cause a trend to federal listing or loss of viability to this species. About 64 percent of the allotment is identified as key sage-grouse habitat. Less than one percent of the key sage-grouse habitat within the allotment is on NFS land.

Continued grazing of the Moores Creek Allotment may impact individuals but is not likely to cause a trend to federal listing or loss of viability to gray wolf (*Canis lupus*). Gray wolf populations have been increasing on the Boise National Forest and within the Central Idaho Recovery Area (CIRA). As of 2008, 88 wolf packs have been documented in the CIRA with an estimated population of 846 wolves.

Continued grazing of the Moores Creek Allotment may impact individuals but is not likely to cause a trend to federal listing or loss of viability to spotted frogs (*Rana luteiventris*). Grazing in the Lime Creek drainage is limited to occasional use, cattle avoid these areas on the allotment due to steep slopes down to the creek and timber stands containing high levels of jackstraw and downed wood. Waterholes may also provide habitat for spotted frogs. The on date limits cattle presence at these sites until after June 15 when the tadpole stage is completed.

Habitat connectivity is being maintained and is not an issue. The Moores Creek Allotment is within a migration route for elk during the spring and fall seasons. Continued grazing of the Moores Creek Allotment would not restrict movement of big game species during spring and fall migrations.

PUBLIC INVOLVEMENT

This allotment analysis was originally scoped with a letter that was mailed to several interested agencies, groups, and individuals in 2005 with the intent of determining issues that might have required the development of alternatives. Comment letters were received from the Idaho Conservation League and the Western Watersheds Project. The Forest Service's consideration of comments received that expressed opposition or concern with the proposed action is attached to the EA as Appendix A.

As required by 36 CFR 215.5(b), the Forest Service published a "Legal Notice of Proposed Action" in *The Idaho Statesman*, the newspaper of record, on March 9, 2009. About this same time, proposed action letters that included specific instructions for establishing appeal eligibility were also sent out to interested groups who had previously submitted scoping comments in 2005. The 30-day legal notice and comment period for this analysis expired at 11:59 p.m. on April 8, 2009.

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 Moore's Creek 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 beginning on page 3 of the EA and on pages 1 and 2 of this decision notice.

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. The no grazing alternative would require a minimum of two years' notice to the permittee before being implemented. Once implemented, the no grazing alternative would eliminate livestock grazing on 1,820 acres of NFS land. This alternative would eliminate 46 head months of grazing opportunity on NFS land for the permittee's herd.

The no grazing alternative would also require the removal of approximately one mile of fence on NFS land once livestock grazing on NFS land is phased out. A pond that exists on NFS land would remain in place, but would no longer be available to the permittee's livestock after two years.

The no grazing alternative included the assumption that the private landowner would continue to graze cattle on the non-NFS land at the same intensity and duration for which it is currently grazed – 490 cow/calf pairs from June 15 to October 31. 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 6.5 miles of fence at the National Forest 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 Moore's Creek

Allotment encompasses 8,140 acres, including about 1,820 acres of National Forest System (NFS) land, 80 acres of federal land administered by the USDI Bureau of Land Management (BLM), 350 acres of land held in trust by the State of Idaho, and 5,890 acres of private land in 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 continues to authorize 10 cow/calf pairs on the "on" (NFS) portion of the allotment for a grazing season of June 15 to October 31 in a deferred rotation. This results in a utilization of 46 head-months (HMs) on NFS land per year. Grazing by 490 cow/calf pairs on the "off" (non-NFS land) portion of the allotment will continue 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, pages 15 and 17). The selected alternative may impact Sensitive sage-grouse, gray wolf, and spotted frog, but will not likely cause a trend toward federal listing or loss of viability of these populations (EA, pages 18 and 19).

Cumulative detrimental soil disturbance and cumulative total soil resource commitment likely to result from the selected alternative are likely to be about 5.1 percent, and 1.1 percent, respectively. Both of these estimates are within Forest Plan standards (EA, pages 10 and 11). 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, pages 16 and 17). The selected alternative will likely result in no net loss of wetlands (EA, page 21). 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, pages 16 and 17). There will likely be no effect to wetlands, riparian areas, water quality (EA, page 12 to 15), or cultural resources (EA, pages 20 and 21).

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, pages 20 and 21).

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, page 22).

There are no congressionally designated areas, Research Natural Areas, protected caves, or parklands on the Moores Creek Allotment (EA, page 22).

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 Creek 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, pages 6 to 22). 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 the EA, 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 the EA (pages 8, 9, 15, 16, and 17) and a biological assessment evaluating impacts to threatened and endangered species that has been prepared for this analysis (Project Record). The District Wildlife Biologist considered effects of continued grazing to listed wildlife species with habitats on the Mountain Home Ranger District. Continued grazing of the Moores Creek Allotment would likely have no effect to Canada lynx (*Lynx canadensis*) (Threatened) or yellow-billed cuckoo (*Coccyzus americanus*) (Candidate) (EA, page 17, and Project Record, Biological Assessment – Effects of the Moores Creek On/Off Allotment on Canada Lynx, Yellow-billed Cuckoo, and Bull Trout).

Columbia River bull trout (*Salvelinus confluentus*) are listed as Threatened under the Endangered Species Act (ESA). However the continued grazing alternative would have "no effect" on bull trout because the Moores Creek Allotment does not occur within any potential or existing bull trout population, or designated critical habitat (Project Record, Biological Assessment – Effects of the Moores Creek On/Off Allotment on Canada Lynx, Yellow-billed Cuckoo, and Bull Trout). Anderson Ranch Reservoir has been identified as bull trout migratory and overwintering habitat. However, since livestock use of the RCAs on federal land is limited or non-existent, no measurable effects to Lime Creek or Moores Creek are expected. Therefore no influence to reservoir conditions is expected (EA, page 16).

The Zone Botanist considered effects to rare plants. There is a low likelihood that suitable habitat is present within the Moores Creek Allotment for sickspot peppergrass (*Lepidium papilliferum*) (Proposed for ESA listing), and the selected alternative will not likely jeopardize continued existence or adversely modify proposed critical habitat (EA, pages 8 and 9).

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 (EA, pages 21 and 22): water quality under the Clean Water Act; floodplains under Executive Order 11988, Floodplain Management; wetlands under Executive Order 11990, Protection of Wetlands; prime farmland, rangeland, and forest land under USDA Regulation 9500-3; the Federal Land Policy and Management Act; minority and low-income populations under Executive Order 12898, Environmental Justice; migratory birds under Executive Order 13186, Protection of Migratory Birds; inventoried roadless areas under the Idaho Roadless Rule; and there are no congressionally designated areas, Wild and Scenic Rivers, Research Natural Areas, protected caves, or parklands on the Moores Creek Allotment. The selected alternative will also not significantly affect listed species under the Endangered Species Act (EA, pages 8, 9, 15, and 16) or historic or cultural properties under the National Historic Preservation Act (EA, pages 20 and 21).

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 resources 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.

The EA for the Moore's Creek 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 allotment lies in Forest Plan Management Area 1 – Lower South Fork Boise River, as designated by the revised Boise National Forest Land and Resource Management Plan (Forest Plan, USDA Forest Service, 2003) and within three management prescription categories (MPCs) (Forest Plan, pp. III-92-93):

- MPC 4.1c – Undeveloped Recreation: Maintain Unroaded Character with Allowance for Restoration Activities;
- MPC 4.2 – Roaded Recreation; and
- MPC 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 selected alternative'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 pages 20 and 21 of the EA)**

After reviewing the Moores Creek 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 Creek Allotment has no adverse effect to historic properties. This concurrence is included in the project record.

- **Endangered Species Act**

After reviewing the Moores Creek 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 (refer to page 17 of the EA and the Project Record, Biological Assessment – Effects of the Moores Creek On/Off Allotment on Canada Lynx, Yellow-billed Cuckoo, and Bull Trout). 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 on page 16 of the EA. The Fisheries Biologist determined that continued grazing would have "no effect" on bull trout because the Moores Creek Allotment does not occur within any potential or existing bull trout population, or designated critical habitat (Project Record, Biological Assessment – Effects of the Moores Creek On/Off Allotment on Canada Lynx, Yellow-billed Cuckoo, and Bull Trout). Anderson Ranch Reservoir has been identified as bull trout migratory and overwintering habitat. However, since livestock use of the RCAs on federal land is limited or non-existent, no measurable

effects to Lime Creek or Moores Creek are expected. Therefore, no influence to reservoir conditions is expected.

The Zone Botanist considered effects to rare plants. There is a low likelihood that suitable habitat is present within the Moores Creek Allotment for slickspot peppergrass (*Lepidium papilliferum*) (Proposed for ESA listing), and the selected alternative would not likely jeopardize continued existence or adversely modify proposed critical habitat (refer to pages 8 and 9 of the EA).

- **Clean Water Act (refer to page 21 of the EA)**

After reviewing the Moores Creek 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 Clean Water Act (CWA) is a federal statute that requires states and tribes to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The watershed and fisheries analyses were focused on effects to six WCI's that serve as surrogates for the chemical, physical, and biological integrity of the water potentially affected by the Moores Creek Allotment. The analyses showed that there would either be no effect or a negligible beneficial effect to the WCI's, thus meeting the intent of the Act (Project Record, Fisheries and Watershed Specialists' Report, Tables 5 to 8, and Appendix E, p. 62).

- **Executive Order 11988, Floodplain Management (refer to page 21 of the EA)**

After reviewing the Moores Creek 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 page 21 of the EA)**

After reviewing the Moores Creek 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 page 21 of the EA)**

After reviewing the Moores Creek 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 page 22 of the EA)**

After reviewing the Moores Creek 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 page 22 of the EA)**

After reviewing the Moores Creek 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. They are normally present from the end of June to October. Continued grazing on NFS land could displace individuals any time during this period. Unintentional take could occur through destruction of nests and nestlings. Activities associated with grazing on this allotment would have little influence on 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. The two week period between turn-on and the end of the nesting period would not noticeably change the effects to migratory birds. Additionally, the Moore's Creek Allotment is on a deferred rotation, allowing for half the allotment to be rested until mid-August of each year (Project Record, Wildlife Specialist's Report and Biological Evaluation).

• **Idaho Roadless Rule (refer to page 21 of the EA)**

After reviewing the Moore's Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative will not affect Inventoried Roadless Areas. The Moore's Creek Allotment includes about 1,687 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 selected alternative, 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 June 15, 2010.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is not subject to appeal pursuant to Forest Service regulations at 36 CFR Part 215. As required by 36 CFR 215.5(b), the Forest Service published a "Legal Notice of Proposed Action" in *The Idaho Statesman*, the newspaper of record, on March 9, 2009. About this same time, proposed action letters that included specific instructions for establishing appeal eligibility were also sent out to interested groups who had previously submitted scoping comments in 2005. The 30-day legal notice and comment period for this analysis expired at 11:59 p.m. on April 8, 2009. No timely comments were received in response to the 30-day comment solicitation.

CONTACT PERSON

For further information concerning this decision, or for a copy of the Moore's Creek 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.

THOMAS WHITFORD
Acting District Ranger
Mountain Home Ranger District

Date