

West Paradise Range Allotments

Decision Notice & FONSI

**Gallatin National Forest
Livingston Ranger District
Park County, Montana**

August 2008

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USDA Forest Service

Responsible Official:

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I. Introduction

This Decision Notice documents my decision and the “finding of no significant impact” (FONSI) for continuation of livestock grazing on National Forest System lands on the Bald Knob, West Pine, and Eightmile Allotments. Upon thorough review of the Environmental Assessment (EA) and the effects analysis conducted by the various specialists, I have decided to leave the Rock Creek South Allotment vacant with recommendation for closure. The actual closure of this allotment would be an administrative decision under the authority of the Forest Supervisor.

The allotments are located on the west side of the Paradise Valley southwest of Livingston, Montana (See General Area Map 1). The Gallatin Forest Plan provides management direction for these areas, which I have considered in arriving at my decision for this project.

The project analysis was prepared in compliance with the National Environmental Policy Act (NEPA), Council of Environmental Quality (CEQ) regulations, and the Gallatin National Forest Land and Resource Management Plan (1987). I used the information and analysis contained in the EA and Project File to determine whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI) (40 CFR 1508.9).

The Rescission Act of 1995 gave the Forest Service the ability to re-issue grazing permits pursuant to an assigned NEPA schedule. Therefore the framework for this analysis was focused on the management of livestock grazing on National Forest allotments in an effort to characterize existing stream and vegetative conditions and to assign management sideboards for which to hold livestock permit holders accountable and to assess the long-term effectiveness of these sideboards in achieving desired future conditions for the allotments.

After careful consideration of the impacts of the alternatives disclosed in the West Paradise Allotments Environmental Assessment (EA), July 2008, I have selected Alternative 3, adaptive management, for implementation. In summary, this alternative would continue permitted livestock grazing under management designed to meet Desired Future Conditions (DFCs), as described in Chapter 1 of the EA, that are consistent with Forest Plan Standards for the Bald Knob, West Pine, and Eightmile Allotments. The Rock Creek South Allotment, which is currently vacant with the permit having been waived back to the Forest Service, would remain vacant and recommended for closure. This alternative focuses on DFC rather than specific seasons of use, permitted livestock numbers, or grazing rotations. Alternative 3 is based on the principle of applying Adaptive Management Strategies (FSH 2209.13) that utilize monitoring data to determine if management changes are needed to improve resource conditions within each of the allotments, and if so, what changes, and to what degree. Adaptive management establishes the limits of what livestock grazing practices are allowed, including timing, intensity, frequency, and duration. These limits are represented as standards that are monitored to ensure that prescribed actions are followed. Results of monitoring data determine if management changes are needed. Building adaptive management flexibility into the Allotment Management Plans (AMP) allow for decisions that are responsive to needed adjustments in permitted actions. Future administrative actions that adhere to this decision notice can then be implemented without additional analysis.

II. Background

Livestock grazing has been an important use of lands within and around the Gallatin National Forest since the 1800's. Grazing has been authorized since the formation of the Gallatin Forest in the early 1900's and it continues to be an important part of the Region's economy today. The Gallatin National Forest Land and Resource Management Plan (1987) set goals for management of rangeland habitats and livestock grazing. Overall goals are to maintain or improve the forage resource and provide for a small increase in livestock grazing (Forest Plan, p. II-1). Management applications of the Bald Knob, West Pine, and Eightmile Allotments associated with the selected alternative (Alternative 3) were designed to be consistent with these goals by incorporating Adaptive Management Strategies.

Bald Knob Allotment

The Bald Knob Allotment is located approximately 18 miles southwest of Livingston, Montana in the Gallatin Mountain Range (See Map 2). This allotment consists of approximately 2,658 acres, 16 percent Forest Service lands (approximately 438 acres) and 84 percent private lands (approximately 2,220 acres). These lands included Sections 26, 27, 34 and 35, T3S, R7E. Elevation ranges from approximately 6,200 to 7,746 feet. This allotment includes Trail Creek and Browns Gulch.

Originally, the Bald Knob area was included in the Trail Creek Allotment. By 1983 a BSL Land Exchange (LEX) had been completed, changing the Trail Creek Allotment boundary to exclude the Bald Knob area. In May 1999, a Term Grazing Permit¹ was issued for 10 head on the National Forest System lands and up to 150 head on private lands from 7/1 to 9/30 (an approximate total of 453 head months (HM) for the allotment). There are no specific grazing rotations for this allotment.

West Pine Allotment

The West Pine Allotment is located approximately 15 miles southwest of Livingston, Montana in the Gallatin Mountain Range (See Map 3). This allotment consists of approximately 1,993 acres (approximately 1,510 Forest Service and 483 Private) in Sections 5, 6, and part of 8, T4S, R8E and portions of Sections 31 and 32, T3S, R8E. Elevation ranges from approximately 5,800 to 7,800 feet. This allotment includes West Pine Creek, North Fork Pine Creek and several other unnamed tributaries.

In 1987 two grazing permits were issued for this allotment. A Term On/Off grazing permit was issued for 28 head on National Forest System lands with up to 44 head on private lands and a Term Grazing Permit² for 28 head with variable seasons not to exceed 92 days

1 Term On/Off Grazing Permit is one permit issued to a qualified candidate when a logical grazing area contains both Forest controlled and private lands. This type of permit is usually issued when a minor portion of the logical grazing area, normally less than 1/3 is controlled by the Forest Service.

2 Term Grazing Permit is one issued for livestock grazing on National Forest Lands for up to 10 years.

(approximately a total of 220 HM). The dates would range between July 1st and October 15th. Both of these permits run as one herd in a deferred rotation grazing system³.

In 1998, the Term On/Off grazing permit was modified to 48 head on National Forest System lands with up to 72 head on private lands not to exceed 92 days while the Term Grazing Permit stayed the same (approximately a total of 306 HM).

In 2001 the Fridley Fire burned most of the West Pine Allotment. This allotment was rested for two years after the burn. Several fences were replaced and a one new section was constructed since the natural barrier was burned.

Eightmile Allotment

The Eightmile Allotment is located approximately 15 miles southwest of Livingston, Montana in the Gallatin Mountain Range (See Map 4). This allotment encompasses both private land and Forest Service System lands. There are approximately 6,181 acres (4,945 FS and 1,236 private) within 8 sections in T4S, R8E and 4 sections in T4S, R7E. Elevation ranges from 5,900 to 8,700 feet. This allotment includes Eightmile (which runs through the southern border of the allotment), Shingle Mill Draw, Big Draw, Dry Creek and several unnamed tributaries to Dry Creek.

This allotment has two units, the Eightmile Unit and the Dry Creek Unit. The Eightmile Unit consists of Sections 24, 25 and 36, T4S, R7E and Sections 19, 20, 30, 31 and part of 18, T4S, R8E. The Dry Creek Unit consists of Sections 7, 8, 17 and part of 18, T4S, R8E (See Map 4). The estimated carrying capacity for the entire allotment varied between 120-206 head between the dates of 6/16 and 10/15 on Forest Service System lands and to 50- 65 head on private lands over the past 90 years.

The Eightmile Unit has two permits, a Term Grazing Permit for 37 head and a Term Private Land Grazing Permit for 19 head from not to exceed 92 days within 6/1 to 9/30 (approximately 169 HM).

The Dry Creek Unit has been vacant for approximately eight years; it was waived back to the Forest Service in 2001. There were two permits issued for this unit, a Term Grazing Permit for 99 head and a Term Private Land Grazing Permit⁴ for 50 head from 8/1 to 9/30. In May of 1999, the permit was then modified because the private land portion of the permit was acquired by the Forest Service, therefore terminating the Private Land Grazing Permit and adding the 50 head to the Term Grazing Permit (149 head from 8/1 to 9/30, 294 HM).

3 Deferred rotation grazing system is to delay grazing until the range plants have had time to set seed. For a two pasture grazing allotment, cattle start early in one pasture the first year and late in the same pasture the next year, allowing for the plants to recover.

4 Term Private Land Grazing Permit is one issued to a qualified applicant who owns or controls at least 1/3 of the land within the grazing permit. The applicant waives exclusive grazing use of the private lands to the Forest Service.

In 2001 the Fridley Fire burned portions of the Eightmile Allotment. The fire burned areas considered to be unsuitable range within the allotment; therefore it did not affect the permit holder.

Rock Creek South Allotment

The Rock Creek South Allotment is located approximately 40 miles southwest of Livingston, Montana in the Gallatin Mountain Range (See Map 5). This allotment consists of approximately 8,146 acres (approximately 4,567 FS and 3,579 Private) within 4 Forest Service Sections and 2 private sections in T6S, R6E, approximately 7 Forest Service section and 3 private sections in T7S, R6E. The elevation ranges from 7,200 to 8,400 feet. This includes Rock Creek, Fisher Creek, Stoughten Creek, Donahue Creek, North Fork Donahue Creek and several unnamed tributaries.

The Rock Creek South Allotment carrying capacity was 170 head from 6/20 to 10/5 (approximately 604 HM). In 1979, the allotment implemented a two pasture a deferred rotation grazing system. Eventually this was turned into a four pasture deferred rotation grazing system. With this system, the permit was changed to 191 head from 7/1 to 10/15 (approximately 671 HM). The Rock Creek Grazing Permit was waived back to the Forest Service in October of 1994 and is still vacant today.

III. Purpose and Need for Action

The purpose and need for my decision is to continue allowing livestock grazing (where appropriate) on National Forest System (NFS) lands within these allotments in order to utilize the forage resource and provide opportunities for business ventures in livestock production.

The purpose of doing NEPA is to comply with the Multiple-Use Sustained Yield Act (16 USC 528) and the Rescission Act (PL 104-19, Sec 504a). Adaptive Management Strategies, as described in Forest Service Handbook 2209.13, Chapter 90 (effective 2005), were incorporated into the Selected Alternative (Alternative 3) as a means to continue meeting Forest Plan Standards for maintenance of vegetation, wildlife, riparian, and other resource values, while also maintaining or improving rangeland conditions within the allotments. With my decision, Adaptive Management Strategies will also be incorporated into the allotment management plans.

IV. Scope of the Decision

I am the Responsible Official for this project. The scope of actions addressed by my decision is limited to the management of livestock grazing within the project areas. Portions of the project area consist of intermixed National Forest and private lands that would be managed by the Forest Service. Private lands managed separately from National Forest System lands are not included within the allotments and were not analyzed.

Range and vegetation management practices are addressed together because the timing and geographic location represent a similar action under 40 CFR 1508.25(a)(3). Range improvement construction, reconstruction, vegetation treatment, and protecting or improving upland and riparian habitats represent connected actions under 1508.25(a)(1)(iii). The scope of my decision is site-specific to range and vegetative management practices. While environmental effects were disclosed in the EA for other past, present, and reasonably foreseeable actions, the scope of Alternative 3 is the limit of my decision.

V. Detailed Description of the Decision

Alternative 3-Adaptive Management Alternative (Selected Alternative)

I selected Alternative 3 because it provides for the continued use of available forage for livestock maintenance, while incorporating changes in grazing practices that will maintain or improve vegetative conditions and better maintain ecological functions. Permitted grazing will also facilitate continued operations on adjacent livestock ranches and will allow efficient grazing use of land having intermingled ownership.

Based on information provided in the EA and Project File, I have concluded that continued livestock grazing under Alternative 3 (Adaptive Management Alternative) is consistent with Forest Plan Standards by achieving or moving towards desired future conditions (DFCs) in all of the allotments, as described in Chapter 1 of the EA. The Adaptive Management Alternative focuses on DFC rather than specific seasons of use, permitted livestock numbers, or grazing rotations and is based on the principle of applying Adaptive Management Strategies (FSH 2209.13). Adaptive Management is the process of utilizing monitoring data to determine if management changes are needed to improve resource conditions within allotments, and if so, what changes, and to what degree. Adaptive management establishes the limits of what livestock grazing practices are allowed including timing, intensity, frequency, and duration. These limits are represented as standards that are monitored to ensure that prescribed actions are followed. Building adaptive management flexibility into allotment management allows for decisions that are responsive to needed adjustments in permitted actions.

Alternative 3, the Adaptive Management Alternative, would re-authorize the grazing permits on Bald Knob (Map 2), West Pine (Map 3), and Eightmile (Map 4) Allotments. The Rock Creek South Allotment (Map 5) grazing permit would not be re-issued and would remain vacant until such time it can be closed administratively. With adaptive management, a course of action is chosen as a starting point that is believed to best meet or move towards desired resource objectives. The starting points for the grazing systems on these allotments will be as follows:

- Bald Knob Allotment would have no specific grazing rotation.
- West Pine Allotment would be grazed utilizing a deferred rotation grazing system.
- Eightmile Allotment would be grazed utilizing a deferred rotation grazing system. The Dry Creek unit would remain available for grazing pending completion of Phase 1 adaptive management requirements.
- Rock Creek South Allotment would remain vacant and would be recommended for closure.

The starting points for stocking levels on these allotments are outlined in Table 1.

Table 1- Permitted Livestock Numbers Alternative 3-Selected Alternative

Allotment	Cow/Calf pair	Season of Use	Head Months	Allotment Size (Ac)
Bald Knob	10 FS 150 PVT	7/1-9/30	453	438 FS 2122 Pvt
West Pine	76 FS 24 PVT	7/1-9/30	306	1,710 FS 582 Pvt
Eightmile	37 FS 19 PVT	7/1-9/30	169	4,391 FS 1,120 Pvt
Rock Creek South	0	0	0	0

Grazing will be allowed to continue at these levels provided that implementation of the riparian guidelines and upland utilization standards are meeting DFC. The DFC for streambank stability, riparian vegetation, and upland vegetation resource elements are as follows:

- Streambanks:** Maintain all streams within the allotments in a proper functioning condition. Reduce the excessive utilization and trampling that has been occurring along some stream reaches. The desired conditions are for adequate vegetation, landform, or large woody debris to be present to allow the stream and floodplain to function within its inherent range as determined by its landform and geologic context.
- RiparianVegetation:** Desired conditions for riparian vegetation are for plant communities associated with springs and riparian areas to exhibit dominance of desired native sedges, grasses and forbs. Desired woody species are vigorous and reproducing successfully as demonstrated by an unaltered growth form and representation of all age classes. Introduced and native species usually associated with long term, intense grazing may be present but at relatively low levels. Riparian vegetation expands to the fullest extent possible.
- Upland Vegetation:** Maintain good to excellent upland vegetation condition through improved livestock distribution, proper utilization levels, and management of grass and forbs to decrease invasive weed species including spotted knapweed, bull thistle, musk thistle, Canada thistle, and houndstongue.

Implementation of the Adaptive Management Alternative is presented in various phases. These phases correspond to increasing levels of complexity and financial investment allowing for a progression of management intensity. The need for implementation of further phases will be determined by the monitoring results. Monitoring is a critical component of adaptive management.

Monitoring will occur over time, with the results used by the permittee, range specialist and District Ranger to make adjustments to management as needed. Monitoring and management adjustments will help ensure adequate progress toward defined resource objectives. All adaptive management actions will be within the scope of effects documented in the Environmental Assessment. If different actions are considered necessary, then a new analysis under NEPA will be conducted before a decision is made.

Actions Common to All Phases of Bald Knob, West Pine, and Eightmile Allotments

- Annual utilization measurements throughout each pasture will be taken to ensure that upland utilization standards are not exceeded.
- Once utilization standards are met (Table 2), livestock will be moved to another pasture, another area of the pasture, or off the allotment for the grazing season.
- Utilize introduced invasive grass species (i.e. Timothy) and provide for maintenance of native perennial grass species by grazing as early as June 1st when range readiness conditions allow. Timing of use will be prescribed annually, in consideration of climatic variability, to meet plant phenological and physiological needs for maintaining or enhancing vegetative condition.
- Manage invasive weed sites by mapping and treating them according to the Final Noxious and Invasive Weed Treatment Project, Environmental Impact Statement (EIS) and Record of Decision (ROD) released in June 2005.
- Riparian vegetative utilization measurements and streambank stability standards for the allotment vary by stream and are discussed in detail in Chapter 3. Critical parameters to be measured are included by specific allotment and affected stream reach (See Tables 3 & 4)
- Distribute cattle by riding and use of mineral supplements to promote desired forage utilization. Utilize appropriate upland and riparian utilization guidelines.

Table 2 Percent Allowable Utilization for Upland Vegetation

Pasture Type	Dry Range	Moist Range
Early Pasture	55%	65%
Late Pasture	35%	45%

Table 3 Percent Allowable Utilization for Riparian Vegetation (Forest Plan Standards) for Streams Currently Meeting DFC

Riparian Vegetative Type	Allowable Utilization	Stubble Height Following Grazing
Grass/grasslike/forb	40%	3-4 inches
Willow/grass/grasslike	40%	3-4 inches

Table 4 - Percent Allowable Utilization for Riparian Vegetation (Streams Currently Not Meeting DFC Due to Grazing Related Impacts)

Stream	DFC Objective	Critical Parameters	Use levels to meet DFC						Allowable Streambank Alteration	
			End season stubble height (in) by month		Allowable % woody utilization by month		Allowable % forage utilization by month			
			Early (J,J,A)	Late (S,O)	Early (J,J,A)	Late (S,O)	Early (J,J,A)	Late (S,O)		
<i>West Pine Allotment</i>										
West Pine Cr	Increase bank stability by reducing trampling	Streambank Alteration	NA	NA	NA	NA	NA	NA	NA	20%
North Fk West Pine Cr	Increase vigor and age class diversity of woody shrubs	Shrub Utilization	NA	3 inches	15%	10%	50%	40%	NA	NA
<i>Eightmile Allotment</i>										
Dry Cr (lower reach)	Increase vigor and age class diversity of woody shrubs	Shrub Utilization	NA	3 inches	15%	10%	50%	40%	NA	NA

Bald Knob Allotment

Phase 1

- The existing permit for 10 cow/calf pairs on FS and up to 150 cow/calf pairs on private land will be re-issued with a season of use consisting of 7/1 through 9/30 (approximately 453 HM).

Overall this allotment is currently meeting Forest Plan Standards and DFC. No specific Phase 2 actions are being proposed at this time. All streams in this allotment are considered to be at DFC and are in properly functioning condition. If after three years, monitoring shows that any stream reach begins to deviate from DFC or properly functioning condition, then phases may be implemented.

If Phase 1 proves unsuccessful in maintaining Gallatin Forest Plan standards and long-term resource goals after five years of monitoring, then the allotment will be re-evaluated with the permittee to consider further actions necessary to achieve DFC, including a possible reduction in livestock numbers and/or a reduction in the season of use.

West Pine Allotment

Phase 1

- The existing permits for 100 cow/calf pairs (approximately 306 HM) will be re-issued with a season of use consisting of 7/1 through 10/1.
- Explore opportunities and locations for new water developments and repair or improve existing structures. Install water development in Chimney Rock area for better distribution of cattle.
- Exclude a small pond in Chimney Rock pasture by installing jack and rail fence.

Currently, West Pine Creek and the North Fork of West Pine Creek are considered to be functioning at risk with an upward trend. The primary reason for the functioning at risk determination is related to post fire response to elevated streamflows and sediment, and because of low frequencies of LWD. The functioning at risk determination is only partially related to grazing impacts along two short reaches near the forest boundary. A short segment of West Pine Creek has some bank trampling that should be reduced. A short reach of the North Fork of West Pine Creek will benefit from a higher density of shrubs and aspen regeneration. If after three years of monitoring these conditions are still of concern, then Phase 2 actions will be implemented.

Phase 2

- Install additional water developments for better distribution of cattle if needed.
- Evaluate construction of riparian fencing in problematic reaches of West Pine Creek and North Fork of West Pine Creek.

Monitoring will be conducted throughout both phases to determine if grazing management of upland and riparian vegetation meet LRMP goals and objectives and DFC's. No other phases will be established, unless monitoring results define the need for additional actions.

If Phase 2 proves unsuccessful in meeting Gallatin Forest Plan standards and long-term resource goals after five years of monitoring, then the allotment will be re-evaluated with the permittee to consider further actions necessary to achieve DFC, including a reduction in livestock numbers and/or a reduction in the season of use.

Eightmile Allotment

Phase 1

- The existing permits for 56 head (approximately 169 HM) between the dates of 6/1 to 9/30 not to exceed 92 days will be re-issued.
- Native shrub/tree planting in sensitive riparian areas along reaches of Dry Creek.
- Explore opportunities and locations for new water developments and/or repair or improvement of existing structures.

If after three years, monitoring shows the above practices were not sufficient to maintain DFC and continue meeting Forest Plan Standards then Phase 2 will be implemented. Monitoring will be conducted through all phases to determine if grazing management of upland and riparian vegetation meet LRMP goals and objectives and DFC's. No other phases will be established, unless monitoring results define the need for additional actions.

Phase 2

- Install additional water developments for better distribution of cattle if needed.
- Change fencing configuration to protect riparian areas near new water developments.
- Fence riparian tree/shrub plantings along Dry Creek.

Monitoring will be conducted throughout both phases to determine if grazing management of upland and riparian vegetation meet LRMP goals and objectives and DFC's. No other phases will be established, unless monitoring results define the need for additional actions.

If Phase 2 proves unsuccessful in meeting Gallatin Forest Plan standards and long-term resource goals after five years of monitoring, then the allotment will be re-evaluated with the permittee to consider further actions necessary to achieve DFC, including a reduction in livestock numbers and/or a reduction in the season of use.

Rock Creek South Allotment

The Rock Creek Allotment prior to becoming vacant had a carrying capacity of 671 HM. This allotment has been vacant for approximately 12 years when the grazing permit was waived back to the Forest Service.

Originally, this allotment was easily accessible by road and trail. The Rock Creek road provided primary access and other roads in Fisher Creek, Stoughten Creek, and Donahue Creek provided additional access. Today, the primary access to the allotment is through the Donahue Trail (#183) which only accesses part of the allotment.

The adjacent landowner owns a majority of the private land within the allotment. Since they do not have a cattle operation they have no need to graze on National Forest System lands.

Without the private land included in the allotment, there are only a few National Forest System sections that are suitable for grazing; only one of which has improvements (Section 14, T7S, R6E). These improvements have not been maintained for approximately 12 years and would have to be repaired and/or replaced before the cattle could be turned on.

The Forest Service sets standards for administering grazing allotments, one of which is lower limits⁵. Section 14 has very little suitable grazing and would not support the lower limits for range administration.

For the reasons listed above, it is recommended that this allotment be closed permanently. However, this does not eliminate grazing on private lands. Monitoring will be conducted to determine if grazing trespass is occurring, and to determine whether upland and riparian vegetation are continuing to meet LRMP goals and objectives.

Mitigation and Monitoring

Various mitigation measures have been incorporated into my decision to reduce the probability of any adverse impacts to resources from implementing Alternative 3. These mitigation measures are described in detail below

General Wildlife Mitigation

- 1) Any fences constructed would incorporate wide gates at appropriate locations to allow wildlife passage when livestock are not present, use construction techniques that are wildlife friendly (wood vs. wire or adjusting wire spacing); any fence that is no longer needed for allotment management would be removed.

⁵ Lower limits are 25 cattle or 175 sheep.

- 2) Spring developments for livestock watering sites would include an overflow system which returns the unused water to the source, and a shut-off valve for increased management flexibility, allowing the spring to continue to exhibit its full extent. The development would also include the construction of an enclosure to protect the spring site.
- 3) The grizzly bear, peregrine falcon, wolf and bald eagle are now listed as Forest Service sensitive species. Any action taken by a permittee or his/her employee against a grizzly, peregrine falcon or bald eagle that results in bodily harm or death to the bear, falcon or eagle may be cause for administrative action against the grazing permit and legal action against the individual(s). The only aggressive action that may be appropriate is where threat to personal life is imminent by the grizzly. However, the individual may be required to stand trial in a court of law to determine if the action was justified.
- 4) A Forest permittee or their employee should contact MFWP and/or Wildlife Services if they are having depredation caused by gray wolves or grizzly bears.

Gray Wolf Mitigation

- 5) Livestock producers with an active federal use permit that includes livestock use may kill a wolf that is seen biting, wounding, or killing, or a wolf that is seen actively chasing, molesting or harassing livestock or livestock herding or guarding animals or domestic dogs on their active allotment:
 - No permit is required
 - Report the incident to FWP within 24 hours
 - Physical evidence of the wolf attack or that an attack was imminent is required (injured or dead livestock, broken fences, trampled vegetation and wolf sign); wolves can not be intentionally baited, fed or deliberately attracted.
- 6) Anyone can kill a wolf in self defense or defense of others. Report the incident to FWP within 24 hours.

Grizzly Bear Mitigation

- 7) Livestock losses, regardless of cause, are to be reported to the Livingston Ranger District within 24 hours of discovery. Once reported, the permittee and Forest Service representative will jointly determine whether and how to treat the carcass to eliminate the attractant and avoid potential conflicts with bears.
- 8) Livestock carcasses located within 1/2 mile of any open public road, trail or developed recreation site will be treated or relocated to remove the attractant for bears.

- 9) On all Gallatin National Forest lands, livestock feed, human food, garbage and other attractants will be properly stored in compliance with the Food Storage Order (Occupancy and Use Order # 07-11-00-01).
- 10) Wildlife Services will be the lead agency dealing with livestock depredations by black or grizzly bears.

Recreation/Wilderness/Roadless Mitigation

- 11) Coordinate necessary access with road and trail manager to ensure damage does not occur to soft, wet road and trail surfaces. Ensure access is obtained consistent with current Forest Travel Plan restrictions.
- 12) Placement of mineral supplements should be at least 300 feet from roads and trails and ¼ mile from rental cabins or campgrounds.
- 13) Water developments should be located away from roads, trails, rental cabins and/or campgrounds as coordinated with the recreation staff.
- 14) New fences, which bisect trails, should include gates for foot and horse users and ATV cattle guards for motorized users if the trail is a motorized trail.
- 15) New improvements, such as water tanks and fences would not be located within the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area.

Heritage

- 16) If there is a need for any type of excavation within the National Forest portion of the allotments, such as constructing an alternative watering site, a heritage survey will be conducted prior to any ground disturbing activity. Any sites found would be protected

Soils

- 17) Restrict access to livestock grazing on all allotments when soils are wet. Normally a July 1 turn on date should work for all allotments.

My decision also incorporates various monitoring methods used to check maintenance and/or improvement of Desired Future Conditions (e.g., riparian and upland utilization, and streambank stability) over the long term. The AMPs and Annual Operating Instructions (AOI) are the administrative tools that implement the monitoring decisions made in the EA. Monitoring will be conducted and documented by the range specialist, fisheries biologist, wildlife biologist, and/or their staff. Monitoring results will be used to determine whether objectives are being met. Sampling frequency of the required monitoring will vary somewhat from year to year. Permittees will also be responsible to check each pasture for compliance with allowable use guidelines. The riparian monitoring schedule is described in Table 5 and the upland utilization monitoring schedule is described in Table 6. This schedule is subject to change depending on available monitoring resources and monitoring results.

Any change in the scheduled monitoring will be documented in the annual operating plan (AOP) or in a letter to the file.

Table 5 Riparian Monitoring Schedule by Stream (Selected Alternative)

Stream Reach	PFC	Riparian Utilization* Bank Alteration	Photo Points	Priority/*Rational
Browns Gulch	Every 5-10 Years	As Needed	As Needed	L – No Existing Problems
Tributary to Browns Gulch	Every 5-10 Years	As Needed	As Needed	L – No Existing Problems
West Pine Creek	Every 3 Years	Annually	Every 3 Years	H – Critical Parameters to Meet DFC
North Fork West Pine	Every 5-10 Years	Annually	Every 3 Years	L – Shrub utilization/Vigor
Eightmile Cr	Every 5-10 Years	As Needed	Every 3 Years	L – No Existing Problems
Dry Cr	Every 3 Years	Annually	Every 3 Years	M- Riparian Shrub Condition
Rock Cr Stoughten Cr Fisher Cr Donahue Cr Unamed Trib to Donahue Cr Little Donahue Cr	Every 3 Years	As Needed	As Needed	L-Allotment Currently Vacant (Alternative 2) Allotment Recommended for Permanent Closure (Alternative 3)

*Riparian Utilization includes: Forage utilization, woody species utilization and stubble height.

**Priorities are classified as: Low, Medium and High.

Table 6-Upland Utilization Monitoring Schedule by Allotment (Selected Alternative)

Allotment	Range Utilization (Grazed Plant)/Ocular Estimate	Photo Points
Bald Knob	As Needed	As Needed
West Pine	Annually	As Needed
Eightmile	Annually	As Needed
Rock Creek	As Needed (Alternative 2)	As Needed (Alternative 2)

If monitoring results determine that standards, objectives, and desired future conditions are not being met with application of adaptive management measures, then administrative actions will be invoked. The three key areas of concern in achieving desired future conditions for the allotments are defined as:

- Moving impacted stream reaches towards properly functioning conditions.
- Maintaining and/or improving riparian vegetation diversity.
- Maintaining upland conditions, while managing invasive species.

Administrative actions could include early removal of the cattle for the season, reductions in permitted livestock numbers and/or season of use. These actions could continue until demonstrated progress towards the meeting the standards, objectives, and desired future condition is made. Administrative actions will be reflected in the AMPs and in the term grazing permits.

VI. Other Alternatives Considered in Detail

The ID Team developed and analyzed three alternatives in detail for the West Paradise Allotments. Alternative 1 is the No Action/No Grazing Alternative, Alternative 2 reflects current management, and Alternative 3 (the selected alternative) incorporates Adaptive Management Strategies (FSH 2209.13) into the management of the allotments

In coming to my decision to select Alternative 3 (adaptive management), which is fully described on (pp. 5-12) above, I also considered two other alternatives that are described below:

Alternative 1: No Action-No Grazing

The National Environmental Policy Act (NEPA) requires consideration of a No Action Alternative in any NEPA environmental document. Alternative 1 is the “No Action” Alternative, where the grazing of domestic livestock on the Bald Knob, West Pine, Eightmile, and Rock Creek South Allotments would be discontinued. This is also considered to be the No Grazing Alternative, where grazing permits for these allotments would not be re-issued after a two-year phase out period. The permittees would be allowed to graze at the current stocking levels in year one, and 50 percent stocking levels in year two following the date of this decision.

Alternative 1 is an option that would address any resource issues related to livestock effects on stream channels, fish habitat, and riparian vegetation because grazing would be terminated and the natural recovery process would occur without the influence of livestock use on National Forest System lands. However, the permittees may continue grazing on adjacent private land. With the termination of grazing permits, the National Forest and private lands would no longer be managed as one unit, thus reducing the potential for improving resource conditions in a cooperative manner. Alternative 1 does not meet Federal Land Policy and Management Act of 1976 (FLPMA) direction for providing livestock forage on National Forest System Lands (Refer to EA p. 1-11) or Gallatin Forest Plan direction regarding

livestock grazing (EA pp. 1-12 through 1-15).

Alternative 2 – Current Management

Under Alternative 2, permits for livestock grazing on the Bald Knob, West Pine, and Eightmile Allotments would be re-issued for the same numbers and season of use that are currently allowed. The Rock Creek South Allotment would remain vacant, unless necessary improvements (fencing) are completed by a qualified permittee. Permits would then adhere to the same terms and conditions as apply to the existing permits.

Monitoring as outlined in Tables 5 & 6 would occur over time for all allotments within the analysis area. Results from the monitoring would be used by the ID Team and District Ranger to determine the effectiveness of the allotment management plan (AMP) objectives. Failure to meet or exceed management objectives could result in an amendment or revision of the AMP.

With Alternative 2, Adaptive Management Strategies would not be utilized. Stream reaches that are currently at proper functioning condition (PFC) would be maintained, however, impacted reaches would not likely progress toward meeting PFC. Upland vegetation would remain within Forest Plan standards, and noxious weed populations would continue to be present and would likely increase in disturbed areas, such as along cattle trails and salting areas. For a full summary of effects to various resources by alternative, see Table 7 on p. 16.

VII. Alternatives Considered But Eliminated From Detailed Study.

Throughout the analysis process, a number of other alternatives were presented and explored to address certain issues. However, for one reason or another, these alternatives did not merit detailed analysis or further consideration in the process. Four alternatives that were considered but eliminated from detailed study are listed below and further described in the EA (pp. 2-24 & 2-25).

Alternative 4 – Reissue the Rock Creek South Allotment Permit

Alternative 5 – Keep the Rock Creek South Allotment as a Forage Reserve

Alternative 6 – Forest Service Fencing of FS/PVT Boundaries

Alternative 7 – Keep the Dry Creek Unit of the Eightmile Allotment Vacant

VIII. Decision Criteria

Based on a comparison of the alternatives with the three criteria described below, I have decided to implement Alternative 3 (the Adaptive Management Alternative). The criteria are:

1. Achievement of the project purpose and need as described on p. 4 of this document.
2. Responsiveness to public comments (Decision Notice, Appendix A) and environmental issues (EA, pp. 2-3) identified in association with this project.
3. Consistency with laws, regulations, and policy as described in detail on (pp. 21-27) of this Decision Notice.

The EA for this project addresses in detail the potential effects of grazing or not grazing on a variety of National Forest resources for each of the alternatives considered. I conclude from this information that the predicted effects of implementing Alternative 3 are well within acceptable limits. After careful evaluation of the following decision criteria, I strongly believe that Alternative 3 best meets overall public interest.

1) Achievement of the Purpose and Need

Alternative 1 would discontinue grazing on these allotments after a two-year phase out. Resource conditions related to livestock effects would likely improve because grazing would be terminated and the natural recovery processes would occur without the influence of livestock use on the National Forest System Lands. However, the permittee may continue grazing on adjacent private land. With the termination of grazing permits, the Forest Service and private lands would no longer be managed as one unit, thus reducing the potential for improving resource conditions in a cooperative manner. Alternative 1 does not meet Forest Plan direction for providing livestock forage.

Alternative 2 would issue permits for livestock grazing with the same numbers and seasons of use that are currently allowed. The existing conditions of some stream reaches and riparian vegetation utilization are outside of the standards required by the Forest Plan and the desired future conditions that were identified in the EA (pp. 1-6 & 1-7). Continuation of current management would not address any disparities between existing and desired future conditions. In fact, continuance of current management could further deteriorate these affected stream reaches and riparian vegetation over time. Alternative 2 would not meet PFC for all stream reaches.

Alternative 3 (Selected Alternative) will continue providing for the grazing of domestic livestock on the National Forest, while improving rangeland and riparian conditions over the long-term by utilizing adaptive management strategies that allow for adjustments in management in order to address disparities between existing conditions and desired future conditions that are consistent with Forest Plan standards.

2) Responsiveness to Environmental Issues and Public Comments

In making my decision, I considered internally generated issues, public issues, comments submitted during the scoping phase of this analysis (Project File), and those comments submitted during the EA comment period (Decision Notice, Appendix A). The Interdisciplinary Team thoroughly studied the resource issues and developed a range of

alternatives and mitigation measures that addressed the most critical issues (EA, Chapter 2). I reviewed the resource issues outlined in Table 7 below and compared the implications of each alternative.

Table 2-7 - Summary of the Effects of Alternatives by Relative Resource Issue

Resource Issue	Alternative 1- No Grazing	Alternative 2- Current Management	Alternative 3- Adaptive Management
Water Quality/ Fisheries	Un-impacted streams would continue to meet resource goals (PFC). Impacted stream reaches would improve through time and eventually would approach proper functioning condition (PFC).	Un-impacted streams would continue to meet resource goals. Streams reaches impacted due to livestock grazing would likely not progress towards meeting resource goals (PFC).	Un-impacted streams would continue to meet resource goals. Impacted stream reaches due to livestock grazing would improve through time to meet resource goals. And reach PFC.
Riparian Vegetation	No grazing would be beneficial for the affected reaches of riparian vegetation from cattle grazing. This would allow for plant communities to fully develop structural layers.	Stream reaches that are currently at proper functioning condition (PFC) would be maintained, however the affected reaches from cattle grazing would continue to decline.	Meeting the desired future conditions for riparian vegetation with any or all of the adaptive management practices would improve the structural layers within the plant communities and a larger number of desired plant species would be present.
Upland Vegetation	An overall increase in vegetative biomass and plant density in the short run, however permittees would likely fence the National Forest boundary and continue grazing. This could result in additional impacts to private land streams and riparian areas.	Would provide for some improvement in vegetative biomass. Impacts to vegetation from cattle would remain within Forest Plan Standards and guidelines.	An overall increase in vegetative biomass and plant density Adaptive management allows for the flexibility to install range improvements as monitoring shows appropriate.

Resource Issue	Alternative 1- No Grazing	Alternative 2- Current Management	Alternative 3- Adaptive Management
Noxious Weeds	Noxious weeds would continue to be present in various areas. Soil disturbance from cattle grazing would not be present; susceptibility to invasion by certain weed species may be less.	Noxious weeds would continue to be present in various areas and would increase in areas of disturbance, such as along trails and salting areas	Noxious weeds would continue to be present in various areas. Native vegetative conditions improve through livestock distribution, proper utilization levels, and management of grass and forbs to decrease invasive weed species
Wildlife Species	No grazing would eliminate any habitat alteration attributed by cows. However, this is not expected to have any measurable effect on terrestrial species or their habitat. This alternative would be beneficial for those migratory bird species dependent on complex riparian vegetation through increased niche space for nesting and cover. The risk of cowbird parasitism would decrease or be eliminated.	Current management would continue to alter structure and function in isolated areas. This is not expected to have any measurable effect on terrestrial species or their habitat. Those migratory bird species dependent upon riparian areas would have slightly less habitat available. Other migratory bird species would respond favorably to continued livestock grazing. The risk of cowbird parasitism would persist at current low levels.	With the Adaptive Management Alternative, habitat alteration would decrease. This is not expected to have any measurable effect on terrestrial species or their habitat. By improving degraded areas yet still allowing some level of grazing, the Adaptive Management Alternative should benefit a larger array of bird species.
Soils	Would not detrimentally affect soils. Closing the allotments may benefit soils by reducing compaction in impacted areas	July 1 on-dates should adequately protect soils. There would be no measurable impacts on soils	With mitigation restricting access when soils are wet, there should be no measurable impacts on soils

Resource Issue	Alternative 1- No Grazing	Alternative 2- Current Management	Alternative 3- Adaptive Management
Recreation	The removal of livestock grazing would have no negative effects on the recreational uses and facilities	Current livestock grazing practices have had no negative effects on recreational uses and facilities.	Adaptive MGMT practices would have a beneficial effect on recreation facilities and the recreating public's enjoyment of these areas by closely monitoring utilization standards and moving cattle when standards are met
Roadless/WSA	There are no portions of the HPBH Wilderness Study area or any designated roadless areas within the Bald Knob or West Pine Allotments so there would be no direct or indirect effects Removal of livestock grazing could increase the natural integrity within the portions of the Eightmile and Rock Creek South Allotments that lie within the HPBH Wilderness Study Area.	There are no portions of the HPBH Wilderness Study Area or any designated roadless areas within the Bald Knob or West Pine Allotments so there would be no direct or indirect effects Current management would not decrease the wilderness character of areas in the Eightmile and Rock Creek South Allotments nor degrade the potential for future Wilderness designation or affect any designated roadless areas.	There are no portions of the HPBH Wilderness Study Area or any designated roadless areas within the Bald Knob or West Pine Allotments so there would be no direct or indirect effects. The Eightmile Allotment would be managed with an Adaptive Management strategy which could have a beneficial effect on roadless areas over current mgmt. Removal of livestock grazing could increase the natural integrity within the p Rock Creek South Allotments

Resource Issue	Alternative 1- No Grazing	Alternative 2- Current Management	Alternative 3- Adaptive Management
Heritage	Cessation of grazing would have no adverse effects to heritage resources on any of the allotments.	Continuation of the current management would have no adverse effect on heritage resources in any of the allotments.	Any future ground disturbing actions would be cleared with the Forest Archaeologist. This mitigation would be sufficient for no adverse effect to heritage resources
Socio- Economics	Would reduce public land available for grazing by 3,592 acres. No monetary benefits would be gained by the Forest Service and monetary benefits would be lost by the permittees.	Would provide the highest total monetary value for both the Forest Service and permittees while maintaining longterm range conditions	Would provide a positive net benefit for the permittees and the Forest Service while also improving longterm range conditions

3) Consistency with laws, regulations, and policy

Laws, regulations, and policies that pertain to this project include the Gallatin National Forest Land and Resource Management Plan 1987, Gallatin National Forest Travel Plan 2006, National Environmental Policy Act of 1969 (NEPA) as amended, National Forest Management Act of 1976 (NFMA), Adaptive Management (FSH 2209.13), Endangered Species Act of 1973, Migratory Bird Treaty Act of 1918 as Amended, Multiple Use Sustained Yield Act of 1960, Clean Water Act of 1977, State of Montana Water Quality Act (1969, 1975, 1993, 1996), Executive Order 12898, Federal Land Policy and Management Act of 1976, Federal Noxious Weed Act of 1974 (as amended), National Historic Preservation Act of 1966, American Indian Religious Freedom Act of 1994, Forest Service Manuals (FSM 1970 & 2203), and Forest Service Handbook (FSH) 1909.17. More detailed descriptions can be found on (pp. 3-103 through 3-114) of the EA. A comparison of compliance between the three alternatives is summarized below:

Alternative 1 (no grazing) would eliminate grazing on the allotments after a two-year phase out period. Since the allotments would no longer be active, most laws, regulations and policies would no longer pertain. However, closing the allotments would not be consistent with Forest Plan goals for range management (FP, II-1, 13 & 14), which are to maintain or improve the forage resource and to provide for a small increase of livestock grazing. Alternative 1 would not be consistent with the Sustained Yield Act of 1960 which states “it is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife purposes”.

Based on a discrepancy between the existing and desired future conditions of some riparian areas and stream reaches within the allotments, Alternative 2 (current management) would not be in compliance with wildlife standards for Management Area 7- Riparian (FP, III-20, Range). Alternative 2 would comply with the other laws, regulations, and policies that are listed above.

Alternative 3 (Selected Alternative) will comply with all laws, regulations, and policies listed above. Adaptive management has been incorporated into this alternative in order to assure continued compliance. How my decision (Alternative 3) complies with all laws, regulations, and/or policies is outlined on (pp. 21-27) of this document.

IX. Public Involvement

On April 20, 1995 a letter describing all current livestock grazing proposals on the Gallatin Forest and soliciting comments and concerns was sent to over 100 agencies, groups, and individuals, including those showing an interest in the Quarterly Listings. During this scoping period, seven letters were received with general forest-wide comments concerning the effects of livestock grazing. None of the seven letters provided comments specific to the Bald Knob, West Pine, Eightmile, or Rock Creek South Allotments.

On January 13, 1998 the Gallatin Forest sent out a scoping letter for analyzing grazing on 17 separate areas, including the four West Paradise Allotments to over 40 interested and/or affected organizations and individuals. Six comment letters were received in response to this mailing, some of which spoke specifically to the Rock Creek South Allotment, but not to any of the other three allotments. General comments received were either in support of or against livestock grazing on public lands, or concerned with potential effects to water quality, riparian areas, wildlife, and threatened and endangered species, wherever livestock are grazed. Comments addressing the potential economic ramifications of grazing or not grazing on public lands were also received. After scoping, the analysis on these allotments was postponed because of other work priorities.

The analysis of the West Paradise Allotment analyses was again announced in the fall of 2007 and the winter and spring 2008 Gallatin Forest Quarterly Proposed Project Listings.

On January 8, 2008, the Livingston Ranger District sent a scoping letter regarding the proposals to permittees, local residents, and other potentially interested and/or affected members of the public. It was sent to 59 interested and/or affected organizations and individuals. Two comment letters were received. The two letters contained comments concerning the effects of livestock grazing in the Rock Creek South Allotment on noxious weeds, the Northern Yellowstone elk herd, and to private property adjacent to the allotment. The Project File contains the actual comment letters and a comment summary matrix, as well as additional information on the scoping and issue development process.

Numerous consultations (both phone and personal) were conducted between the current permittees and the district range specialist to keep them informed on the proposal, as well as to obtain their ideas and perspectives on management of the allotments.

The West Paradise Allotment EA was announced in the fall & winter 2007 and again in the spring & summer 2008 in the Gallatin National Forest's Quarterly Proposed Project Listings.

A legal notice was published in the Bozeman Daily Chronicle (the paper of record) on July 8, 2008 stating that the EA was available for public review and comment. Copies of July 2008 EA were mailed to eleven individuals, permittees, and organizations that expressed an interest in the project. The mailing list for the EA was compiled of the current permittees, those who commented on the scoping document, and those who asked to be sent an EA. No comments pertaining to the project were received.

X. Consistency With Other Laws, Regulations, and Policies

The Gallatin National Forest Land and Resource Management Plan (1987)

The EA tiers to the Final Environmental Impact Statement (FEIS) and Land and Resource Management Plan (Forest Plan) for the Gallatin National Forest (USDA Forest Service 1987 PF 206 & 206(a)). The Forest Plan provides direction for all resource management programs, practices, uses, and protection measures for the Gallatin National Forest.

Management Area Direction

The Forest Plan subdivided the forest into 26 management areas (MA's). These areas are described in detail in Chapter 3 of the Forest Plan (FP, pp. III-2 through III-73). Livestock grazing associated with my decision would occur within six Management Areas (MAs) 7 (riparian), 8 (timber management), 10 Range/Timber), 11 (Forested Big Game Habitat), 12 (Wildlife/Dispersed Recreation), and 17 (Range/Big Game). Additional direction can be found in the Forest Plan on (pp. III-17-18, 24-39, and 50-53). Specific resource management direction is given in Chapter 1 (pp. 1-12 through 1-15) of the EA.

Standards for Management Area 7 are the most applicable to resource issues identified. These standards would be met with implementation of practices identified for riparian areas in the adaptive management strategy. The Adaptive Management Alternative includes management activities to repair and/or construct water developments or fence (particularly exclusion fencing) and/ or plant shrubs/ trees to further discourage overuse by livestock, based on monitoring and progress toward the desired future condition.

For other management areas, no potential conflicts were identified in the West Paradise Allotment project area. There is nothing in my decision (Alternative 3) that is incompatible with the direction for any of the management areas (See EA pp. 3-106 & 3-107)

General Direction

The Gallatin Forest Plan provides overall management direction in the form of objectives, guidelines and standards. The objectives for range resources include: Improved forage management will be used to maintain or enhance the range environment and to provide for increased animal unit months (AUMs); Development and use of available forage will depend upon the livestock industry's ability and desire to make the necessary investments and the Plan calls for continuing to administer about 15,000 AUMs of grazing use on private lands that are intermingled with National Forest lands within grazing allotments. Guidelines and standards from the Forest Plan (FP, p. II-20) include the following (See EA pp. 3-104 & 3-105):

Forest Plan Standard for Wildlife and Fish, page II-18, section 6.a.6 – Allotment management plans will coordinate livestock grazing use with big game habitat needs. No potential conflicts with big game have been identified in this project area on the West Paradise allotments.

Forest Plan Standard for Wildlife and Fish, page II-18, section 6.a.8 – Emphasis will be given to the management of special and unique wildlife habitats such as wallows, licks, talus, cliffs, caves, and riparian areas. The adaptive management alternative identified practices to maintain or improve riparian or aspen habitats where they occurred. Currently, these habitats exhibit the desired future condition and are meeting these standards.

Forest Plan Standard for Wildlife and Fish, page II-18, section 6.a.12 – Habitat that is essential for species identified in the Sensitive species list developed for the Northern Region will be managed to maintain these species. Sensitive species were addressed as part of the analysis for livestock grazing on the West Paradise allotments. All of the species were dismissed or eliminated from detailed analysis.

Forest Plan Standard for Threatened and Endangered Species, page II-18, section 6.b.all. Threatened and endangered species were addressed as part of the analysis for livestock grazing on the West Paradise allotments.

The Gallatin National Forest Plan directs the Forest to provide for a broad spectrum of recreation opportunities in a variety of Forest settings (FP, pg. II-1). The Forest Plan recognizes objectives for recreation settings by incorporating the Recreation Opportunity Spectrum (ROS), which provides a framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities (FP, pg. II-2). Furthermore, the Plan specifically identifies as objectives activities that will be managed 1) to provide for users' safety, 2) that existing recreational hunting opportunities will be maintained, 3) that recreation trails will provide safe public access, and 4) to continue the cabin rental program (FP, pg. II-2-3).

Gallatin Forest Travel Plan Direction

The Gallatin National Forest Travel Plan (December 2006) contains language updating and further defining the forest-wide goals, objectives and standards for recreation. The Travel Plan recognizes the goal of “providing for a variety of recreation opportunities on the road and trail system that allows for the enjoyment of the Forest’s backcountry, wilderness, rivers, lakes, topography, wildlife, snow and historical assets” (TP, Detailed Description of the Decision, I-1).

Goals, objectives, and standards are further defined in the Travel Plan by Travel Planning Area. The Yellowstone Travel Planning Area includes the West Pine Creek Allotment and the eastern portions of the Eightmile Allotment. The Tom Miner/Rock Creek Travel Planning Area includes the eastern portions of the Rock Creek South Allotment. The Gallatin Crest Travel Planning Area includes the higher elevation western portions of the Eightmile Allotment and the Rock Creek South Allotment. Standards and objectives for all three travel planning areas were considered and applied in the development of Alternative 3.

Water quality and aquatic life standards for the GNF have recently been revised as part of the Travel plan EIS Record of Decision. These new standards complement Forest Plan direction, and provide more specific guidance. There are no applicable Travel Plan standards for wildlife. There are no new roads, reconditioned roads, or changes in the road and/or trail system proposed for this project. Open road densities would remain the same. From a wildlife and aquatic species perspective, the project would be consistent with our Travel Plan direction (EA pp. 3-107 & 3-108).

Legal Requirements

My decision adheres to all of the following legal requirements:

National Environmental Policy Act of 1969, as amended (NEPA)

The National Environmental Policy Act (NEPA) of 1969 requires an assessment of the impacts of human activities upon the environment. NEPA establishes the format and content requirements of environmental analysis and documentation. The entire process of preparing this EA was undertaken to comply with NEPA (See EA, p. 3-108).

National Forest Management Act of 1976 (NFMA)

The National Forest Management Act (NFMA) requires that Forest plans "preserve and enhance the diversity of plant and animal communities...so that it is at least as great as that which can be expected in the natural forest" (36 CFR 219.27). Furthermore, implementation regulations for the NFMA specify that, "Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area".

There are currently 10 terrestrial species identified as "Sensitive" that are known or suspected to occur on the Gallatin National Forest (USFS 2004). The implementation of Alternative 3, livestock grazing on the West Paradise Allotments would have “no impact” on bald eagle,

grizzly bear, peregrine falcon, trumpeter swan, harlequin duck, black-backed woodpecker, Yellowstone cutthroat trout, western toad or northern leopard frog. The determination for flammulated owl, goshawk, Townsend big-eared bat, and wolverine for my decision would be “*may impact individuals or habitat, but will not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species*” (EA pp 3-60 through 3-78).

There will be “*no impact*” to sensitive plants within the treatment areas due to lack of potential suitable habitat or absence of plants based on completed surveys (EA pp. 3-70 & 3-71). The wildlife and sensitive plants report is in the project file. My decision was developed to comply with NFMA.

Adaptive Management (FSH 2209.13)

Adaptive management prescribes allowable limits for the timing, intensity, frequency, and duration of livestock grazing practices. These limits are represented as standards that are monitored to ensure that prescribed actions are being followed. Monitoring also determines if management changes are needed. Future administrative actions that adhere to the decision notice can be implemented without additional analysis.

Building adaptive management flexibility into allotment management allows for decisions that are responsive to needed adjustments in permitted actions. Historically, decisions have been narrowly focused, such as deciding to authorize the number, kind, or class of livestock with specific on-and off-dates under a certain type of grazing system. These kinds of decisions restrict management flexibility in meeting desired conditions and project objectives. Alternative 3 was designed to incorporate adaptive management strategies and techniques into the management of the West Paradise Allotments.

Endangered Species Act (ESA) of 1973

The Endangered Species Act (ESA) of 1973 mandates that the effects of land uses and management activities be evaluated as part of the biological assessment (BA) process for listed species. Under Section 7 of the Endangered Species Act, each Federal agency must ensure that any action authorized, funded or carried out is not likely to jeopardize the continued existence of any threatened or endangered species. The selected alternative would have “*no effect*” on Canada lynx (EA pp. 3-57 through 3-60), and is “*not likely to jeopardize*” the gray wolf (EA pp. 3-65 & 3-66). There are no plants listed as threatened or endangered in the project area. No concurrence is needed from the US Fish and Wildlife Service for “*no effect*” determinations or for 10J rule non-essential experimental species (gray wolf).

Migratory Bird Treaty Act of 1918, as Amended

Migratory bird species are protected from harm under the Migratory Bird Treaty Act (16 USC 703-711). On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of federal agencies to protect migratory birds. On January 17, 2001, the USDA Forest Service and the USDI Fish and Wildlife Service signed a Memorandum of Understanding to complement the Executive Order. Upon review of the information regarding neotropical migratory birds in the wildlife report and Project File, implementation of my decision to allow livestock grazing on the West Paradise Allotments with adaptive

management would not result in a loss of migratory bird habitat or be an extirpation threat to any migratory birds (See EA, p. 3-71 through 3-78).

Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C 528)

The Multiple Use Sustained Yield Act of 1960 states "it is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes". My decision (adaptive management) would provide for continued grazing opportunities and range improvement through adaptive management practices (See EA, p. 3-111).

Clean Water Act of 1977

The objective of this act is to restore and maintain the integrity of the nation's waters. This objective translates into two fundamental goals: (1) eliminate the discharge of pollutants into the nation's waters; and (2) achieve water quality levels that are fishable and swimmable. This act establishes a non-degradation policy for all federally proposed projects. My decision incorporates adaptive management in order to assure continued compliance with the Clean Water Act, which provides overall direction for protection of water from both point and non-point sources of water pollution (see EA, p. 3-52).

The State of Montana Water Quality Act (1969, 1975, 1993, 1996)

The State of Montana Water Quality Act requires the state to protect, maintain, and improve the quality of water for a variety of beneficial uses. Section 75-5-101, MCA established water quality standards based on beneficial uses. The Montana DEQ 303(d) list in the 2006 Montana Integrated Water Quality Report <http://www.deq.state.us/CWAIC/default.aspx> for the Paradise TMDL (Paradise Valley) planning area lists 3 streams on the 303(d) list including Bear Creek, Billman Creek, Six Mile Creek, as impaired segments in need of a TMDL. None of the stream segments in any of the West Paradise Allotments are included on the 2006 303(d) list. No TMDL's are required for any of the streams on the 2006 303(d) list.

The HUC6 watersheds within the West Paradise Allotments include Middle Trail Creek 100700020407, Eightmile Creek 100700020208, and Rock Creek 100700020201. R1R4 sediment modeling for the 2001 Fridley Fire estimated high potential sediment yield effects from the Fridley Fire in West Pine Creek and Eightmile Creek. The Gallatin NF Travel Plan and associated R1R4 analysis documented substantial sediment yield recovery in the 2 Travel Plan areas in the West Paradise Valley Allotments area including Tom Minor Rock and Yellowstone. Sediment levels in West Pine Creek are still elevated due to sediment deposition in the stream from the 2002 stormflow events and residual instability in some of the West Pine Creek tributaries from the Fridley Creek Fire. R1R4 sediment modeling analysis indicates that all drainages within the West Paradise Allotments are in compliance with the Gallatin NF sediment standards.

No areas within the allotments are currently known or suspected to have sufficient concentrations of livestock along or through streams to result in any type of water quality violations. Water quality standard violations by livestock grazing in Montana are usually

associated with feedlots or corrals where livestock are heavily concentrated near streams. These situations do not occur on the allotments. See pp 3-6 through 3-24 for a complete description of stream conditions.

My decision would utilize adaptive management practices throughout the allotments (private and National Forest land) in order to improve streambank stability in the problematic reaches; as well, as improve overall riparian vegetative conditions (See EA, p. 3-28 through 3-30).

Executive Order 12898 – Environmental Justice

Executive Order 12898 directs each Federal agency to make achievement of environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The actions taken with my decision would not adversely affect any disadvantaged or minority groups because of the project area's distance from large population centers and the diffuse level of adverse impacts on any social group. A project such as this would not produce hazardous waste or conditions that might affect human populations (See EA, p. 3-112).

Federal Land Policy and Management Act of 1976 (FLPMA)

FLPMA authorizes the Secretary of Agriculture to issue permits for various uses on National Forest System lands. An allotment management plan (AMP) is defined in The Federal Land Policy and Management Act as a document, prepared in consultation with lessees or permittees that applies to livestock operations on public lands, and (1) prescribes the manner in and extent to which livestock operations are to be conducted in order to meet multiple use, sustained-yield, economic, and other needs and objectives, (2) describes range improvements to be installed and maintained, and (3) contains such other provisions relating to livestock grazing and other objectives found to be consistent with provisions of FLPMA. My decision, the Adaptive Management Alternative, was developed to comply with FLPMA (see EA, p. 3-112 & 3-113).

Federal Noxious Weed Act of 1974, as Amended

This act provides for the control and management of non-indigenous weeds that injure or have the potential to injure the interests of agriculture and commerce, wildlife resources, or the public health. Implementation of my decision (adaptive management) would likely reduce the rate of spread of invasive species within the allotments over time through the use of adaptive management and intensive monitoring procedures (See EA, Noxious Weeds pp. 3-44 through 3-49).

National Historic Preservation Act of 1966 (NHPA)

The Forest Service is mandated to comply with the National Historic Preservation Act (as amended 1993) [Public Law 89-665]. Section 106 of the NHPA requires that federal agencies with direct or indirect jurisdiction over undertakings afford the Advisory Council on Historic Preservation (ACHP) reasonable opportunity for comment on such undertakings that

affect properties included in or eligible for inclusion to the National Register of Historic Places (NRHP) prior to the agency's approval of any such undertaking (36CFR800.1).

Historic use included early mineral exploration, tourism, grazing, and federal management. There is also a historic trail partially within one of the allotments. The potential for additional sites within the project area is low to moderate with much of the area characterized by slopes not conducive to high site densities. Mitigation as outlined on (EA pp. 2-18) will ensure protection of these historic sites.

American Indian Religious Freedom Act of 1994 (AIRFA), Native American Graves Protection Act of 1990 (NAGPRA)

The Gallatin Forest Plan incorporates the requirements under the following statutes: the National Historic Preservation Act (1966) and the American Indian Religious Freedom Act (1978). Forest Plan standards applicable to this project reflect the mandates under the above statutes include inventory procedures, evaluation procedures, protection/preservation procedures, and coordination/consultation procedures (see FP II-14 and II-17). A scoping letter regarding the project was sent to the Crow Tribe. No comments were received from the tribe. The area has been subject to cultural use by hunter-gatherer populations from approximately 14,000 years ago up to about the 1870's. Seven prehistoric sites are known within the project area. Alternative 3 is consistent with AIRFA and NAGPRA (EA p. 3-114)

Forest Service Manuals (FSM) 1970 & 2203

Economic and social analyses are described in Forest Service Manual (FSM) 1970. This guidance considers costs, benefits, and effects of proposed actions on the public. It also considers economic efficiency, along with other factors, in making decisions and in implementing and reviewing projects, programs and budgets. Forest Service Manual (FSM) 2203 (1), (2), and (3) outlines cost-effectiveness in range vegetation management and direction for operating the permit system to best serve the public's long-term economic and social needs. The economic analysis provided in the EA (pp. 3-96 through 3-103) was completed utilizing the guidance provided in these manuals.

Forest Service Handbook (FSH) 1909.17

Forest Service Handbook (FSH) 1909.17 – Economic and Social Analysis, Chapter 10, measures costs and outputs to consider for economic efficiency, ranking for alternatives. The direction provided in this handbook was used to complete the economic analysis for this project (See EA pp. 3-96 through 3-103).

XI. Finding of No Significant Impact (40 CFR 1508.27)

I have determined from thorough review of the West Paradise Allotments EA and Project File that my decision is not a major federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not needed. This determination is based upon review of the following criteria:

1. Impacts that may be both beneficial and adverse.

Implementation of the Adaptive Management Alternative (Alternative 3) would continue grazing opportunities on intermingled National Forest and private land within the West Paradise Allotments. My decision incorporates adaptive management direction to address changing livestock management concerns. Alternative 3 has been designed to be responsive to the effects of grazing on the various resources present within the allotment boundaries. Provisions are included to adjust management requirements/strategies to be responsive to the needs of the resources affected. As discussed in the EA, (Chapter 3, p. 3-119) there are no anticipated adverse impacts associated with this decision. This decision will allow cattle grazing to continue, having benefits to livestock operations that make use of this forage, while protecting ecological conditions on the allotment.

2. The degree to which the proposed action affects public health or safety.

Grazing has previously occurred on all of the West Paradise Allotments included in my decision. During this time, there have been no documented accounts of any injury or illness to the public due to these uses. The allotments have checkerboard ownership consisting of both National Forest and private lands. Portions of the allotments are adjacent to sub-divisions, however, there have not been any major permittee/landowner conflicts. For these reasons, I conclude that continuing cattle grazing on the allotments under the conditions stated in my decision will not have a significant impact to public health or safety.

3. Unique characteristics of the geographic area.

The West Paradise Allotments do not contain any ecologically unique or critical areas. However, the geology and spectacular beauty of the area is thought by many people to be very special. The allotments are located on the west side of the Paradise Valley, approximately 15 - 40 miles south west of Livingston, Montana. To a traveler on US Highway 89 South, none of the allotments are highly visible. The West Paradise analysis area is moderately used for recreation, mainly by local residents.

Portions of the Eightmile Allotment and Rock Creek South Allotments are within the Hyalite-Porcupine-Buffalo Horn Wilderness Study. The Eightmile Allotment includes approximately 1890 acres of the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area within its boundary. Wilderness study area lands make up 31% of the total 6040 acres within the allotment (public and private land). Most of the roadless lands are in the higher elevations of the allotment. The Rock Creek South Allotment includes

approximately 3,000 acres of the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area within its boundary. Wilderness study area lands make up 38% of the total 7950 acres within the allotment (public and private land). Most of the roadless lands are in the higher elevations of the allotment

Livestock have been a fixture on this landscape for 100 years. With the Selected Alternative, the Rock Creek South Allotment would be recommended for closure. Since portions of this allotment are in the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, this closure would have a beneficial effect on the Wilderness Study Area by increasing the natural integrity of the landscape.

There are no Wild & Scenic Rivers or ecologically critical areas known to occur within the allotment boundaries. From the analysis completed, I conclude there are no unique characteristics of the geographic area that will be affected by this decision.

4. The degree to which the effects of the decision on the quality of the human environment are likely to be controversial.

Observations of past grazing, past and current monitoring, and utilization measurements over time, lead me to my decision that the effects of this decision are likely to be predictable and consistent with the conclusions reached in the EA. There is no professional or scientific disagreement on the scope and effects of the selected alternative on the various resources. For these reasons, I conclude that there is not likely to be significant controversy over the degree to which this decision affects the quality of the human environment.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects of past grazing on the allotment have been monitored. The actions proposed under my decision have been used in the past and have proven effective. Grazing within estimated carrying capacity, removing cattle when prescribed use levels are met, and riding, salting and fencing as tools to improve livestock distribution will all allow for vigorous plant growth and opportunity for recovery after grazing. Implementation of my decision includes grazing within Forest Plan standards in mid-elevation areas of known plant communities and capability. The grazing techniques and mitigation have proven effective in similar situations on other allotments (EA, Chapter 3). For these reasons, I conclude this decision will not present highly uncertain, unique, or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

My decision would allow grazing within the West Paradise Allotments under the conditions specified. The conditions of this decision allow for modifications in grazing in order to accommodate specific conditions unique to each of the allotments on a year-to-year basis. Monitoring range conditions is a routine part of permit administration. Continuation of grazing on the allotments in the future will depend on the site-specific conditions achieving desired future conditions (DFCs) and will be assessed through

monitoring. I do not foresee that this decision establishes a precedent for any other future actions, nor does it represent a decision in principle about any other future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The reasonably foreseeable cumulative effects of this decision are detailed in the EA (Chapter 3). From this analysis, I conclude that neither the effects of this decision itself, nor cumulative or linked effects of past, current, or reasonably foreseeable future actions appear likely to lead to any significant cumulative impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in, or eligible for listing in, the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The West Paradise Allotments were reviewed for effects to cultural and historic properties related to the re-issuance of grazing permits for these allotments. The area has been subject to cultural use by hunter-gatherer populations from approximately 14,000 years ago up to about the 1870's. Historic use included early mineral exploration, tourism, grazing, and federal management. Seven prehistoric sites are known within the project area. There is also a historic trail partially within one of the allotments. The potential for additional sites within the project area is low to moderate with much of the area characterized by slopes not conducive to high site densities.

Site monitoring has determined that past livestock grazing has had no impact on heritage resources and is not likely to have any future effects. My decision to utilize adaptive management consists of a series of successive phases of increasing complexity, cost, and intensity. This allows for allotment management flexibility by allowing for an increasing number of treatment strategies within each phase. Each phase is designed to build on the previous management strategy in order to comply with the Forest Plan Standards and meet the Desired Future Conditions. A move to a successive phase can be taken if monitoring of current management indicates Forest Plan Standards and/or DFCs are not being met. Should ground disturbing actions be prescribed within a phase, they will be assessed for impact to cultural resources and appropriate mitigation implemented as necessary to meet the Forest Plan Standards. Though no current issues exist, should some arise, such as disturbance at an identified or newly discovered site, this can be addressed with the adaptive grazing practices discussed in the management plans..

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The Canada lynx was listed as a threatened species under the ESA in March 2000. Management direction for lynx is now guided by the Northern Rockies Lynx Management Direction Record of Decision (NRLA) (USDA 2007b). This decision amended all Region 1 Forest Plans to incorporate this direction and applies to occupied, mapped lynx habitat. The amendment contains goals, objectives, standards (management

requirements), and guidelines (management actions normally taken) for project and activity decision making. The NRLA application of standards and guidelines are meant to substantially reduce the potential for adverse effects on lynx.

The new direction (USDA 2007b) determined that management direction for livestock grazing in lynx habitat should be in the form of guidelines because there was no evidence that grazing adversely affects lynx, i.e. there are no required standards. The guidelines provide project design criteria and are designed to minimize potential adverse effects to individual lynx and improve habitat conditions. The FWS found that with the application of these measures there would be no or discountable effects to lynx.

As explained in the Canada Lynx effects analysis (EA pp. 3-57 through 3-60), the majority of the vegetation on the West Paradise Allotments either do not provide lynx habitat or are not considered suitable for livestock. My decision includes utilization standards for uplands and riparian areas, as well as potential range improvement structures designed to maintain or improve rangelands through better livestock distribution. Where livestock grazing occurs within or near lynx habitat, these proposals will ensure regeneration of shrubs and trees where fire or logging has occurred, provide for aspen sprouting and survival sufficient to perpetuate long-term viability of the clones, maintain or achieve mid-seral or higher condition shrub-steppe to provide lynx habitat matrix, and maintain or achieve mid-seral or higher condition riparian areas or willow carrs to provide cover and forage for prey species. These conditions either currently exist or are not meeting these guidelines due to impacts from sources other than livestock grazing such as roads, past logging, or fire.

Continued livestock grazing associated with the implementation of Alternative 3 is not expected to create further impacts than what has already occurred over time. Therefore, the Forest Service is adhering to direction in the NRLA (USDA 2007b). Also, Cherry and Tyers (unpublished paper) indicates that population viability of lynx does not appear to be a concern. My decision to implement Alternative 3 would have “no affect” on lynx. The actions proposed such as improving livestock distribution, constructing additional water sources, implementation of riparian utilization guidelines, and adaptive management strategies would maintain or improve riparian and upland conditions, thus maintaining or improving foraging opportunities for lynx prey. Issues relative to livestock grazing effects on the lynx may be eliminated due to design criteria guidelines and mitigation associated with implementation of my decision.

The gray wolf was listed as a non-essential experimental species under the ESA until the species’ delisting by the FWS (USFWS 2008). The delisting determination was based on the best scientific and commercial data available, which indicates that the Northern Rocky Mountains distinct population segment has exceeded its biological recovery goals and that all threats in the foreseeable future have been sufficiently reduced or eliminated. Prior to delisting, the Gray Wolf Recovery Plan delineated 3 recovery zones within Idaho, Montana and Wyoming and was approved in 1987 (USFWS 1987). Gray wolves were reintroduced to the Greater Yellowstone Ecosystem in 1995 and 1996. The Livingston Ranger District is within the Greater Yellowstone Wolf Recovery Area and wolves were listed as a non-essential experimental population. Since the original animals were released in Yellowstone National Park, they have begun to spread throughout the

ecosystem as expected. In July of 2008, a preliminary injunction against delisting the gray wolf was granted by Judge Malloy in Missoula, which essentially moves gray wolves back to their status as a non-essential experimental species .

Habitat is available in the West Paradise Allotments for wolves and their primary prey, elk. Management emphasis for gray wolves is directed at maintaining sustainable populations of wolf prey species, primarily ungulates. As described above, livestock grazing is not expected to have any measurable effect on elk or its habitat. The elk population within the project area and hunting district is at the highest ever recorded. Elk habitat within the project area and surrounding landscape would still be available to elk on National Forest and adjacent private land. Livestock grazing under the action alternatives will not prohibit the movement of elk or impede movement corridors by altering vegetation patterns. Other key ungulate habitat components including cover, security areas, and road densities would remain unchanged with the proposed action or any of the alternatives. Livestock grazing will have no impact on motorized route density or hiding cover.

The primary issue affecting the gray wolf is wolf/ livestock depredation within the allotments for which allotment plan revision is proposed. Wolf packs have loose territories along the east flank of the Gallatin Range. Gray wolves are habitat generalists, and make use of a wide variety of habitat types throughout the course of their lives. There are denning and rendezvous sites for the Lone Bear, Mill Creek, and Sheep Mountain packs across the landscape, but none of these are known to occur within the allotments' boundaries. Individuals from these packs have been lethally removed due to livestock depredations on private land in the Paradise Valley. However, re-colonization is expected.

There is a concern that livestock will suffer wolf depredation causing economic loss to area ranchers and that the depredating predators will have to be removed, thus compromising wolf recovery. Wolf depredation on cattle has been confirmed on National Forest lands on allotments outside of the project area. These wolves have been targets of lethal control conducted by the WS in conjunction with the FWP. According to the Annual Wildlife Damage Management Plan (APHIS-WS 2008), the depredation incidents included 10 calves killed by wolves, well outside the project area. Depredations occurred in the East Boulder, West Boulder, Trail Creek, Dome Mountain, and Tom Miner basin. Three wolves were removed by WS and one was taken by a rancher with a shoot on sight permit. Overall, population objectives for the recovery of the gray wolf have been met.

If wolves kill livestock, wolf control would take place as outlined in the Montana State Wolf Recovery plan (MFWP 2004a). The issue of livestock grazing effects on the gray wolf relative to considering options for the control of wolves is outside the scope of this analysis and is dismissed from further detailed analysis. Mitigation for gray wolf in the form of a grazing permit Part 3 modification does include additional protection for the recently delisted gray wolf. This information details the permittee rights and responsibilities relative to wolf depredation of livestock on permitted grazing allotments on National Forest. The alternatives were found to have “no impact” on the gray wolf. Issues relative to livestock grazing effects on the gray wolf may be eliminated from

detailed analysis.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The applicable laws, regulations, and Forest Plan direction related to this decision are discussed in the EA (pp. 3-102 through 3-114) and the Decision Notice (pp. 21-27). The purpose of adaptive management is to revise and update the grazing permit and allotment management plan (AMP) in order to comply with the Gallatin Forest Land and Resource Management. My decision is consistent with the Public Law 104-19, Section 504(a), which requires land management agencies to schedule and complete NEPA analyses on all allotments where necessary to support grazing activities, the Multiple-Use Sustained Yield Act of 1960 that states that National Forests are established for outdoor recreation, range, timber, watershed and wildlife purposes, and the Federal Land Policy and Management Act of 1976, which authorized the Secretary of Agriculture to issue permits for various uses on National Forest Lands. The Adaptive Management Alternative (Alternative 3) also adheres to the legal requirements of several other laws, regulations, and guidelines that are cited on pp. 3-103 through 3-114 of the EA. I find my decision to be fully in compliance with applicable laws and regulations and is also consistent with the Gallatin Forest Plan Management Area direction for grazing.

XII. Implementation

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. Implementation of my decision for utilizing adaptive management within the West Paradise Allotments, under the conditions of this decision, would begin in summer of 2009. This decision serves as the basis for preparing an Allotment Management Plan and Annual Operating Instructions; and issuing a permit to graze. Permitted grazing will be in accord with the Forest Service Manual Direction, applicable laws and regulations and the terms and conditions set forth here.

If appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

XIII. Administrative Review or Appeal Opportunities

My decision is not subject to appeal in accordance with 36 CFR 215.12 (e). No comments were received in opposition to the project during the official comment period provided for this proposal and therefore my decision is not subject to appeal.

My decision is, however, subject to appeal by current permittees under 36 CFR 251, Subpart C. Any appeal must be filed (postmarked) within 45 days of the date of this letter. Permittee appeals should be sent to:

Forest Supervisor/Reviewing Officer
Gallatin National Forest Supervisor's Office
P.O. Box 130
Bozeman, MT 59771

The current permittee must simultaneously send a copy of the notice of appeal to me at the address shown on this letterhead. Notices of appeal must meet the content requirements of 36 CFR 251.90. In addition, please feel free to contact me if you wish to meet and discuss issues and concerns regarding this decision.

Offer to Meet. If an appeal is received under this rule, the Responsible Official, or designee, must contact the appellant and offer to meet and discuss resolution of the issues raised in the appeal (36 CFR 251.93). If the appellant accepts the offer, the meeting must take place within 15 days after the closing date for filing an appeal (i.e. 45 to 60 days from the publication date of the legal notice of this decision in the Bozeman Chronicle). These meetings, if they take place, are open to the public. For information on if, when, and where such a meeting is scheduled, please visit the following web site:

www.fs.fed.us/r1/planning/final_appeals/current_appeals_and_objections.pdf

XIV. Further Information and Contact Persons

Copies of the West Paradise Allotments EA and Decision Notice are available at the Livingston Ranger District Office in Livingston, Montana. Copies are also available on the Internet at <http://www.fs.fed.us/r1/gallatin> in the Project and Plans area.

For additional information or questions concerning this decision or appeals process, please contact Chauntelle Rock, Range Specialist (406)-823-6065, Barb Ping, East Zone NEPA Coordinator, (406)-522-2558 or myself, Ron Archuleta, Livingston District Ranger at (406) 222-1892.

/s/ Ron J. Archuleta

August 14, 2008

RON J. ARCHULETA
District Ranger
Livingston Ranger District

Date

APPENDIX A

RESPONSE TO COMMENTS

Appendix A to the West Paradise Allotments Environmental Assessment and Decision Notice contains the agency's responses to questions and comments received during the 30-day public review period for the July 2008 EA. Public comments were due on August 7, 2008. No comments were received regarding this project.