

**Fridley Creek, Lewis Creek
Sunnybrook & Dry Creek
Allotments**

Decision Notice

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

April 2006

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USDA Forest Service

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Table of Contents

	<u>PAGE</u>
I. Introduction	1
II. Background	1
III. Purpose and Need for Action	3
IV. Scope of the Decision	3
V. Detailed Description of the Decision	4
VI. Other Alternatives Studied in Detail	13
VII. Alternatives Eliminated From Detailed Study	15
VIII. Decision Criteria	15
1) Achievement of Purpose and Need	15
2) Responsiveness to Significant Issues	16
3) Consistency With Laws, Regulations, and Policies	19
IX. Public Involvement	19
X. Consistency With Other Laws, Regulations and Policy	20
XI. Finding of No Significant Impact (FONSI)	25
XII. Implementation	28
XIII. Administrative Review and Appeal Opportunities	28
XIV. Further Information and Contact Person	29
Appendix A – Response to Comments on the EA	31
Map 1 – General Area Map	
Map 3 – Fridley Creek Allotment – Alternative 3	
Map 5 – Lewis Creek Allotment – Alternative 3	
Map 6 – Sunnybrook Allotment – Alternative 3	
Map 7 – Dry Creek Allotment – Alternative 3	

I. Introduction

This Decision Notice documents my decision and the “finding of no significant impact” (FONSI) for the proposal to continue grazing livestock on National Forest System lands in the Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek Allotments. The project areas are located approximately 3-10 miles west of the town of Emigrant, MT, on the east side of the Gallatin Range within the upper Yellowstone River watershed. The Gallatin Forest Plan provides management direction for the areas, which I have considered in arriving at the decision for this project.

After careful consideration of the impacts of the alternatives disclosed in the Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek Allotments Environmental Assessment (EA), January 2006, 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. 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 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 were followed. Results of monitoring data determine if management changes are needed. Building adaptive management flexibility into the Allotment Management Plan (AMP) allows 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 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 Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek Allotments associated with the selected alternative (Alternative 3) are designed be consistent with these goals by incorporating Adaptive Management Strategies. Standards were also set for grazing levels along streams incorporating the Beaverhead-Deerlodge riparian guidelines as described in the EA (Affected Environment, pp. 3-10 through 3-23).

Fridley Creek Allotment

Records beginning in 1909 indicate that livestock generally used the Fridley Creek Allotment area from April 15 to November 15. Records prior to 1939 do not exist showing the stocking rate. By 1951, the grazing season was reduced down to 7/1 to 10/15 with 120 cow/calf pairs. The allotment has intermixed ownership and is currently being grazed by a total of 285 cow/calf pairs (143 cow/calf pairs on Forest Service and 142 cow/calf pairs on private land) from July 1 to October 15. This allotment is currently separated into two different herds. One herd of 47 pairs graze Section 4, T6S, R7E, Section 32, T5S, R7E using a deferred grazing rotation system. The second herd grazes the remainder of the allotment using a season-long grazing system.

Lewis Creek Allotment

The Lewis Creek Allotment is currently vacant, but grazing is proposed in both the action alternatives. Early records for the Lewis Creek Allotment indicate that rangeland within the allotment has been used by cattle since the forest was created. Originally, this allotment was part of the Big Creek Allotment. In 1960 the Lewis Creek portion was separated to address livestock management concerns. The grazing season was set at 7/1 to 10/15 with two separate permits for a total of 26 cow/calf pairs. In 1988, the permit was issued one permittee for 22 cow/calf pairs from 7/1 to 10/15. When this allotment was active, the permittee used a deferred rotation grazing system.

Sunnybrook Allotment

There are no records indicating use of the Sunnybrook Allotment prior to 1937, when a special use permit was issued to allow livestock grazing from July 1 to September 30 for 10 animal months. The special use permit was changed to a grazing permit and the allotment designated in 1971. The grazing permit was for 4 head for 10 animal months for a season of 8/1 to 10/15. Horses have grazed the allotment predominantly since 1937. In 1993, the National Forest portion of the allotment increased as a result of a land exchange with Big Sky Lumber Company. Livestock numbers were not increased as a result of this exchange. Presently, one permittee utilizes the Sunnybrook Allotment using a seasonally deferred one-pasture grazing system. Livestock numbers are variable and use cannot exceed 18 head months¹ during the grazing season (7/1 to 10/15).

Dry Creek Allotment

Forest Service range specialists rode the country between the southern sections of the Fridley Creek Allotment (section 4 T6S, R7E and section 32 T5S, R7E) and the northern section of Lewis Creek Allotment (section 6 T6S, R7E) with the permittee for the area, it was determined that this large area had poorly maintained boundary fences and steep topography, which is resulting in trespassing cattle. Combining the lower sections of Fridley Creek Allotment, private land, and the vacant northern section of Lewis Creek Allotment (to form the new Dry Creek Allotment) would be more feasible to manage livestock in this area.

¹Number of animals per month of grazing

III. Purpose and Need for Action

The **purpose and need** for my decision is to:

- Revise and update the grazing permits and allotment management plans to comply with the Gallatin Forest Land and Resource Management Plan (Forest Plan).
- Comply with Public Law 104-19, Section 504(a) which requires land management agencies to schedule and complete NEPA analyses on all allotments where needed to support permitted grazing activity.
- Continue providing for the grazing of domestic livestock on the National Forest, while improving rangeland conditions over the long-term².
- Incorporate Adaptive Management Strategies into the allotment management plans. (Ref FSH 2209.13, Chapter 90 - Rangeland Management Decisionmaking).
- Address disparities between existing and desired future conditions for riparian, aspen and upland areas within the allotments in order to meet Forest Plan standards for riparian utilization (FP p. III-20), and upland utilization standards as defined in the R1 Range Analysis Handbook (FSH 2209.21) and to assure streambank stability for affected stream reaches (FP p. III-21).

IV. Scope of the Decision

The scope of actions addressed by my decision is limited to the management of livestock grazing within the project areas. Portions of the project areas 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 this project is the limit of my decision.

² Short-term objectives are those physical parameters that can be measured annually and are considered to be necessary increments for long-term objective attainment. Long-term objectives may require several years to achieve.

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 an adjacent livestock ranches and will allow efficient grazing use of land in 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 moving towards desired future conditions (DFCs), 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.

My decision would re-authorize Term Grazing Permits on Fridley Creek (Map 3) and Lewis Creek (Map 5). Sunnybrook Allotment (Map 6) would have a Term On-Off Grazing Permit and a new Term and Private Land Permit would be issued for the Dry Creek Allotment (Map 7), incorporating adaptive management. Under 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 would be as follows:

- Fridley Creek Allotment would be grazed utilizing a deferred rotation grazing system³.
- The Lewis Creek Allotment would be grazed utilizing a seasonally deferred rotation grazing system in conjunction with adjacent private land pastures.
- Sunnybrook Allotment would be grazed utilizing a seasonally deferred grazing system.
- A seasonally deferred rotation grazing system would be used on the Dry Creek Allotment, which would be a new allotment derived from a combination of a portion of the Fridley Creek Allotment, one pasture of the vacant Lewis Creek Allotment, and private land.

³Deferred rotation system – 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.

Under an adaptive management approach, permitted livestock numbers would be maintained on these allotments as identified in the EA, Table 2-7 (p. 2-15). No increase in livestock numbers are identified as part of the adaptive management approach. Grazing would be allowed to continue at these levels provided that implementation of the riparian guidelines and upland utilization standards are moving towards or meeting DFC.

Implementation of Alternative 3 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 would be determined by the monitoring results. Monitoring is a critical component of adaptive management.

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

Fridley Creek Allotment

Actions Common to All Phases

- Annual utilization measurements throughout each pasture would be taken to ensure that upland utilization standards are not exceeded. Table 1 shows the allowable use for dry and moist rangelands:

Table 1 Allowable Use - Fridley Allotment

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

- Riparian vegetative utilization and streambank stability guidelines for the allotment vary by stream. These guidelines, as discussed in detail in the EA (pp. B-1 through B-9), will be adopted. The intent of the allowable woody utilization standards of 0% is to avoid a foraging shift from grass and forbs to shrubs.
- Once riparian and or upland utilization standards are met, then the livestock would be moved to another pasture, another area of the pasture, or off the allotment.
- 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 would 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.

Phase One Actions

- Implement a grazing system to manage the movement of the livestock in order to allow for rest periods to the vegetation within the allotments. Potentially, a deferred-rotation grazing system could graze as one herd in the north pasture early in the season and move to the south pasture later in the season. The second year, the herd could be turned into the south pasture first, and then moved to the north pasture before coming off the National Forest lands.
- Graze in the vicinity of aspen stands for a shorter period of time, rotate the timing of use annually, and utilize management strategies such as riding and salting to obtain better distribution and minimize use of aspen. Limit utilization of woody species, including aspen less than 5 feet in height, to 10% of the available stems when livestock change their forage preference toward them in late summer and fall.
- Construct a fence around riparian vegetation at the spring source in Section 34, T5S, R7E to exclude livestock, allowing for a full complement of native vegetation.
- Fall conifers within and next to aspen stand in Section 34, T5S, R7E, to open the aspen up to sunlight and hinder livestock movement and use in the stand.

If after three years, monitoring shows the above practices were not sufficient to progress toward DFC then Phase Two would be implemented:

Phase Two Actions

- Develop water sources on private land in Section 24, T5S, and R7E, to improve livestock distribution and reduce the amount of use that occurs along Miller Creek.
- Place large woody debris, by moving or felling, along the affected areas of Miller Creek in Section 24, T5S, and R7E to further restrict livestock usage.
- Explore new alternative water sources in Section 34, T5S, R7E to reduce livestock impact near the existing water development and aspen stand.
- If aspen in Section 34, T5S, R7E, Fridley Allotment fail to sprout, create a physical disturbance by felling or ripping the roots or by underburning the immediate area to stimulate aspen sprouting. Manage livestock grazing to minimize or eliminate utilization on regeneration.

If after three years, monitoring shows the above practices were not sufficient to progress toward DFC then Phase Three would be implemented:

Phase Three Actions

- Fence the aspen stand in Section 34, T5S, R7E to keep out livestock or create two pastures by fencing to minimize or eliminate utilization on regeneration.

If Phase Three proves unsuccessful in meeting Gallatin Forest Plan standards and long-term resource goals after five years of monitoring, then the allotment would be re-evaluated with the permittee to consider further actions necessary to achieve DFC.

Lewis Creek Allotment

Actions Common to All Phases

- Annual utilization measurements throughout each pasture would be taken to ensure that upland utilization standards are not exceeded. Table 2 shows the allowable use for dry and moist rangelands:

Table 2 Allowable Use – Lewis Creek Allotment

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

- Riparian vegetative utilization and streambank stability guidelines for the allotment vary by stream. These guidelines, as discussed in detail in the EA (pp. B-11 through B-12), will be adopted. The intent of the allowable woody utilization standards of 0% is to avoid a foraging shift from grass and forbs to shrubs.
- Once riparian and/or upland utilization standards are met, then the livestock would be moved to another pasture, another area of the pasture, or off the allotment.
- 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 would 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.

Phase One Actions

- Implement a grazing system in conjunction with private land to manage the movement of the livestock in order to allow for rest periods of the vegetation within the allotments. Potentially a deferred-rotation grazing system could graze the cattle on National Forest lands early in the season and move to the private land later in the season. The second year, the cattle could graze the private land first, and then move to the National Forest lands.
- Reconstruct the existing trough in the NW ¼ Section 12, T6S, R6E with one further away from the spring and construct a fence around the spring source to reduce livestock impacts near the spring.
- Reconstruct the riparian fence around the spring source in the NE ¼ Section 12, T6S, R6E to exclude livestock and reduce impacts near the spring.

If after three years, monitoring shows the above practices were not sufficient to progress toward DFC then Phase Two would be implemented:

Phase Two Actions

- Fall trees along the affected portion of the lower ½ mile reach of Mill Fork of Hyalite Creek to hinder livestock movement through the area.

If after three years, monitoring shows the above practice is not sufficient to progress toward DFC then Phase Three would be implemented:

Phase Three Actions

- Replace and move the water tank farther from the spring source in the NE ¼ Section 12, T6S, R6E to further reduce livestock impacts.
- Fence the lower ½ mile reach of Mill Fork of Hyalite Creek to exclude livestock.

If Phase Three proves unsuccessful in meeting Gallatin Forest Plan standards and long-term resource goals after five years of monitoring, then the allotment would be re-evaluated with the permittee to consider further actions necessary to achieve DFC.

Sunnybrook Allotment

The allotment would be monitored on a regular basis to ensure that Forest Plan standards continue to be met. No phases would be established for this allotment, unless monitoring results define the need for such actions, because conditions in this allotment already meet LRMP goals and objectives. The following specific actions are proposed for the Sunnybrook Allotment:

- Annual utilization measurements throughout each pasture would be taken to ensure that upland utilization standards are not exceeded. Table 3 shows the allowable use for dry and moist rangelands:

Table 3 Allowable Use – Sunnybrook Allotment

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

- Riparian vegetative utilization and streambank stability guidelines for the allotment vary by stream. These guidelines, as discussed in detail in the EA (pp. B-13 through B-15), will be adopted. The intent of the allowable woody utilization standards of 0% is to avoid a foraging shift from grass and forbs to shrubs.
- Once riparian and/or upland utilization limits are reached, then the livestock would be moved to another pasture, another area of the pasture, or off the allotment.
- 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 would 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.

Dry Creek Allotment

My decision would create the Dry Creek Allotment. This allotment would be a combination of the south half of the Fridley Allotment, private land, and the northern section of Lewis Creek Allotment.

Forest Plan standards for utilization and stream bank stability are currently being met within this area. The allotment would be monitored on a regular basis to ensure that Forest Plan standards continue to be met.

No phases would be established for this allotment unless monitoring results define the need for such actions. Current conditions such as the upland and riparian vegetation are meeting LRMP goals and objectives and desired future conditions for this allotment. The following specific actions are proposed for the Dry Creek Allotment:

- Annual utilization measurements throughout each pasture would be taken to ensure that upland utilization standards are not exceeded. Table 4 shows the allowable use for dry and moist rangelands:

Table 4 Allowable Use – Dry Creek Allotment

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

- Riparian vegetative utilization and streambank stability guidelines for the allotment vary by stream. These guidelines, as discussed in detail in the EA (p. B-10), will be adopted.
- Once riparian and/or upland utilization limits are reached, then the livestock would be moved to another pasture, another area of the pasture, or off the allotment.
- 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 would 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.

Mitigation and Monitoring

Various mitigation measures have been incorporated into my decision to reduce the probability of adverse impacts to resources from implementing Alternative 3. These mitigation measures are described in detail on pages 2-19 through 2-21 of the EA.

My decision also incorporates various monitoring methods (EA pp. 2-21-2-27) used to check maintenance and/or improvement of Desired Future Conditions (e.g., riparian and upland utilization, streambank stability, and aspen regeneration objectives) 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. As outlined on p. 2-22 of the EA (Item 6), permittees will also be responsible to check each pasture for compliance with allowable use guidelines.

The riparian and upland monitoring Tables 5 and 6 in the EA (pp. 2-26 and 2-27) are modified slightly in my decision (Tables 5 and 6 below) to provide for a more efficient, cost-effective and feasible monitoring that is still meaningful and effective. In my decision, I:

- 1) Changed the PFC monitoring in Fridley, Golmeyer and Mill Fork Creek from 3 years to 5-10 years. See item 3 below.
- 2) Changed the monitoring for Riparian Utilization from annually 2-3 times/year to annually. The number of visits per year will be documented in the AMPs and AOPs and determined on a case-by case basis.
- 3) Changed the Pfankuch monitoring schedule from every 3 years to as needed. The R1 Bank Stability Standards (Bank Alteration) provides an effective monitoring protocol and will be implemented annually, therefore the Pfankuch monitoring would be redundant in most years, except as need to Forest Plan compliance monitoring.
- 4) Added photo points to all stream reaches accessible by cattle, i.e., Fridley Creek, Golmeyer Creek, Unnamed Creek Sec 34, Dry Creek and Mill Fork Creek. These photo points will be established and monitored, with photos taken annually in stream reaches that have high critical parameters to meeting desired future conditions, and every 3 years in those accessible reaches with possible problem areas or have no existing problems. Evaluating and comparing these photos to those from previous years (from the same photo point) will provide us with valuable information as to whether we are trending toward meeting Desired Future Conditions and Proper Functioning Conditions. This will allow us to monitor for Proper Functioning Condition over longer intervals, which should show more obvious improvements.
- 5) Changed the Upland Utilization Monitoring Schedule from annually to at least 2 times/year to annually. The number of visits per year will be documented in the AMPs and AOIs and determined on a case-by case basis.

Riparian utilization and bank alteration will still be monitored annually on affected stream reaches as described in Table 5 of the EA. They are combined in this decision document table because they can be completed at the same time, by the same person(s).

If monitoring results determine that standards, objectives and desired future 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 area streams towards properly functioning conditions.
- Restoring riparian vegetation diversity around springs.
- Creating a variety of age classes within aspen stands.
- 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 season of use. These action could continue until demonstrated progress towards the meeting the standards, objectives and desired future condition is made. Administrative actions will be reflected in the AOI and in the term grazing permits.

Table 5 – Riparian Monitoring Schedule by Affected Stream Reach

Stream Reach	PFC	Riparian Utilization, Bank Alteration⁴	Pfankuch⁵	Channel Cross-Section	Photo Points	Priority⁶/Rational
Fridley Creek	Every 5-10 yrs	NA	NA	NA	Every 3 Years	L – No Existing Problems/ Yellowstone cutthroat are present
S. Fork Miller	Every 3 yrs	Annually	As Needed	Every 3 yrs	Annually	H – Critical Parameters to Meet DFC
N. Fork Miller	Every 3 yrs	Annually	As Needed	Every 3 yrs	Annually	H – Critical Parameters to Meet DFC
Miller Creek	Every 3 yrs	Annually	As Needed	Every 3 yrs	Annually	H – Critical Parameters to Meet DFC
Golmeyer Cr.	Every 5-10 yrs	NA	NA	NA	Every 3 Years	M – Possible Problem Areas
Unnamed Sec. 34	Every 3 yrs	Annually	As Needed	Every 3 yrs	Annually	H – Expect Utilization to be Met Early
Dry Creek	Every 5-10 yrs	NA	NA	NA	Every 3 years	L – No Existing Problems
Mill Fork	Every 5-10 yrs	Annually	NA	NA	Every 3 Years	M – Possible Problem Areas
Lewis Creek	NA	NA	NA	NA	NA	L – No Existing Problems/ Not Accessible to Cattle
Big Creek	NA	NA	NA	NA	NA	L – No Existing Problems/ Not Accessible to Cattle
Hyalite Creek	NA	NA	NA	NA	NA	L – No Existing Problems/ Not Accessible to Cattle

Table 6- Upland Utilization Monitoring Schedule by Allotment

Allotment	Range Utilization (Grazed Plant)/Ocular Estimate	Photo Points
Fridley Creek	Annually	Annually
Lewis Creek	Annually	Annually
Sunnybrook	Annually	Annually
Dry Creek	Annually	Annually

⁴ Riparian Utilization includes: forage utilization, woody species utilization, and stubble height monitoring. Bank Alteration follows R1 Bank Stability Standards and allowable bank alteration. Estimated monitoring frequency for these is 2-3 times yearly.

⁵ Pfankuch surveys are used to validate Forest Plan Compliance for Bank Stability Standards

⁶ Priorities are classified as: Low, Medium and High.

VI. Other Alternatives Considered in Detail

The ID Team developed and analyzed three alternatives in detail for the Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek Allotments. Alternative 1 is the No Action/No Grazing Alternative, Alternative 2 reflects current management (proposed action), and Alternative 3 (the selected alternative) that 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 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. This is also the No Grazing Alternative as 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 partially resolve the significant resource issues related to livestock effects on riparian, aspen, and spring integrity 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 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 riparian functions along Miller Creek in a cooperative manner.

In making my decision, I also considered that grazing on the National Forest is an authorized use approved and regulated by several acts of Congress as described in the EA (pp. 3-43 through 3-49). The decision to graze or not to graze on the National Forest is a decision made with respect to site-specific conditions. Alternative 1 does not meet Forest Plan direction for providing livestock forage (EA, p. 1-13). Based on the information provided in the EA, Project File, public comments received, and discussions with the permittees and landowners in the area, I found no reason to discontinue livestock grazing on these allotments.

Alternative 2: Proposed Action-Current Management

In making my decision, I considered that implementation of Alternative 2 would be a continuation of the current management strategies for the allotments. I did not select Alternative 2 because it does not proactively address the disparities between existing and desired future conditions for riparian, aspen, and upland areas within the allotments. In addition, the probability of achieving the Purpose and Need for Action is suspect. Lastly, the potential for meeting Forest Plan standards for riparian utilization (FP p. III-20); the upland utilization standards as defined in the R1 Range Analysis Handbook (FSH 2209.21); and the streambank stability standards (FP p. III-21) could potentially require significant administrative action.

With implementation of Alternative 2, permits for livestock grazing on the Fridley Creek, Lewis Creek, and Sunnybrook Allotments would be re-issued for the same numbers and season of use that is currently allowed. Permits would also adhere to the same terms and conditions as apply to the existing permits. The actions that would occur under this alternative are detailed below:

Fridley Creek Allotment

Two Term Grazing Permits and one Private Land Permit would be issued on this allotment, for a total of 945 Head Months (HM). The season of use would range from July 1st to October 15th (See EA, Table 2-1, pg. 2-9).

The allotment would remain divided into three pastures. The cattle would be split and allowed to graze in the two northern pastures with season long grazing. The southern area of the allotment would be grazed under a deferred rotation system using salting and riding (see EA, Map 2).

Maintenance of improvements such as fences and a water tank would continue to be the responsibilities of permit holders and private landowners adjacent to the allotment. No new developments are proposed under this alternative.

Lewis Allotment

One Term Grazing Permit would be issued on this Allotment for the grazing of 22 cow/calf (77 HM), the same number as currently permitted (See EA, Map 4). Grazing would be allowed from July 1st to October 15th annually. Grazing would occur under a two-pasture deferred rotation system.

Maintenance of improvements including fences and two water tanks would continue to be the responsibilities of permit holders and private landowners adjacent to the allotment. No new developments are proposed under this alternative (See Lewis Creek Allotment-EA, Map 4).

Sunnybrook Allotment

A Term On-Off Permit⁷ would be issued every year for 5 horses (18 HM) from July 1 to October 15, the same numbers and season that are currently permitted. The grazing rotations will be guided by the ranch plan developed by the NRCS (see EA, Map 6). The use by the livestock is on approximately 36 percent Forest Service administered land and 54 percent on land controlled by the permittee (see EA, p. 1-3).

Dry Creek Allotment

The Dry Creek Allotment does not exist under this alternative.

⁷ Term On-Off 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.

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, many of these alternatives did not merit detailed analysis or further consideration in the process. These five alternatives are listed below and are described in detail in the EA (pp. 2-28 & 2-29).

Alternative 4 – Change legal access to the Lewis Creek Allotment

Alternative 5 – Increase public access into the allotment areas

Alternative 6 – Permittees pay for administration of their allotments

Alternative 7 – Change the suitability of lands within the allotments

Alternative 8 - Forest Service fencing of FS/PVT boundaries

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 page 6 of this document.
2. Responsiveness to public comments (Appendix A) and the environmental issues (EA, pp. 2-3 through 2-5) identified in association with this project.
3. Consistency with laws, regulations, and policy as described in detail on pages 19 through 23 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 issues related to livestock effects would partially be resolved 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 condition of some stream reaches

and riparian (including seep and spring areas) vegetation utilization is outside of the standards required by the Forest Plan and the desired future conditions that were identified in the EA (p. 1-10). Continuation of current management would not address the disparities between existing and desired future conditions. In fact, continuance of current management would likely further deteriorate several of the affected resources over time.

Alternative 3 (selected alternative) will continue providing for the grazing of domestic livestock on the National Forest, while improving rangeland 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, the comments submitted during the scoping phase of this analysis (Chapter 4-1 of the Project File), and those comments submitted during the EA comment period (Decision Notice, Appendix A). The Interdisciplinary Team thoroughly studied the issues and developed a range of alternatives and mitigation measures that addressed the most critical issues (EA, Chapter 2). I reviewed the significant environmental issues listed below and evaluated the implications of each alternative.

Stream Function and Fisheries Habitat: Stream and fisheries effects analyses are documented on (pp. 3-24 through 3-33) of the EA and in the Aquatics and Water Quality specialist reports (Project File, Chapter 10-A & 10-B). I thoroughly considered this information and came to the following conclusions:

Implementation of Alternative 1 (no grazing), would eliminate the future potential for direct or indirect grazing related affects to impacted reaches of streams within the analysis area on National Forest lands. 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 riparian and stream conditions in a cooperative manner. Alternative 1 does not meet Forest Plan direction for providing livestock forage.

With Alternative 2, permitted livestock grazing would continue under the current management systems. Riparian areas along some stream reaches have been negatively affected and are not currently functioning within Forest Plan standards and guidelines. There is a high probability that a continued downward trend in the riparian vegetation along these affected stream reaches would occur with this alternative.

With Alternative 3 (Adaptive Management), livestock grazing would be permitted under management systems designed to meet Forest Plan standards and guidelines focusing on end results. End results are described in terms of “Desired Future Conditions”(DFCs). The management changes associated with Alternative 3 would be expected to reduce livestock grazing impacts to channel stability along the affected stream reaches in order to meet Forest Plan standards, guidelines and DFCs over time.

Vegetation Composition Around Seeps and Spring Sources (Riparian): Seeps and spring sources provide habitat for migratory songbirds as well as other wildlife species. The conclusions I made after careful consideration of the effects analyses presented on pp. 3-33 through 3-39 of the EA and in the wildlife specialist report (Project File, Chapter 10-F) are documented below:

Implementation of Alternative 1 (no grazing) would eliminate human activity associated with permitted livestock grazing, and seep and spring habitat degradation from occurring on National Forest lands. This would provide for an overall increase in riparian vegetation diversity. Soil disturbance from cattle would not occur and therefore susceptibility to invasion by certain invasive weed species may be less. The effects of removing livestock would be beneficial for those migratory bird species that rely on complex riparian vegetation, although some degradation may still persist due to the continuation of livestock grazing on private lands within the allotments.

With the continuation of current management (Alternative 2), those seep and springs areas (riparian areas) that are currently in good condition would likely be maintained. Other seeps and spring areas adversely impacted by concentrated livestock grazing would continue to deteriorate. Desirable woody species would become absent, making these affected areas more susceptible to invasion by certain weed species. Migratory bird habitat would continue to be impacted by the use of season-long grazing. With Alternative 2, those species dependent upon seep and spring areas would have less habitat available to them than with either Alternative 1 (no grazing) or Alternative 3 (adaptive management).

Implementation of Alternative 3 (adaptive management) would allow cattle to graze using a deferred grazing rotation system on the Fridley Creek Allotment, and a seasonally deferred rotation grazing system on the Lewis Creek, Sunnybrook, and Dry Creek Allotments. Riparian vegetation would likely be grazed early in one pasture and then deferred until late the next season. Impacts to riparian vegetation from cattle grazing would decrease from current permitted levels (Alternative 2). Affected seep and spring areas would recover with native riparian plant species increasing in vigor and out-competing undesirable non-native plant species. A full complement of desired plant species adapted to some level of grazing would occur in the long-term.

Aspen Stands: Successful aspen recruitment is not occurring on some of the more heavily used livestock areas, such as in the Fridley Creek Allotment in Section 34, T5S, R7E. Livestock browsing is considered a major factor causing negative affects on aspen regeneration, thus adversely affecting migratory bird habitat.

Under Alternative 1, there would be no livestock grazing on the Fridley Creek, Lewis Creek, or Sunnybrook Allotments. The lack of livestock on the allotment would eliminate any aspen habitat alteration associated with permitted livestock grazing. Depending on the level of browsing by native ungulates, aspen regeneration would increase drastically providing age and structural diversity long-term. Migratory birds would benefit by the increased cover protection from predation, enhanced foraging

opportunities, and temporally arrayed nesting opportunities, reduced cowbird parasitism, and additional habitat niches.

Migratory birds would continue to be adversely impacted as current livestock levels and management would not change appreciably with Alternative 2. Those species dependent upon aspen habitat would have less available habitat in alternative 2 than with either Alternative 1 (no action) or Alternative 3 (adaptive management). Other species would respond favorably to continued livestock grazing in aspen stands. The risk of cowbird parasitism would persist at current levels.

Alternative 3 includes livestock management options of deferment, salting and riding strategies, and restricting browse utilization levels to minimize the use of aspen areas. Less forage utilization of the aspen areas would allow more vigorous regeneration to develop. Management activities will be based on monitoring and progress toward the desired future condition, in order to enhance aspen regeneration. Meeting the desired future conditions for aspen habitat with any or all of the adaptive management practices included with Alternative 3 would create nesting habitat for ground nesting migratory birds and improve foraging.

Other Issues: The NEPA provides for identification and elimination from detailed study, those issues that are not significant or which have been covered by prior environmental review, narrowing the discussion of these issues to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere (40CFR 1501.7(3)). While I still considered these issues in making my decision, they were either unaffected or mildly affected by any of the alternatives or the effects could be adequately mitigated. An assessment of each of these issues is provided in the EA (Appendix A).

- A. Upland Vegetation (including invasive species)
- B. Soils
- C. Management Indicator Species
- D. Threatened and Endangered Species
- E. Sensitive Wildlife Species
- F. Biodiversity
- G. Biological Corridors
- H. Beaver
- I. Sensitive Plants
- J. Tree Regeneration
- H. Research Natural Areas
- I. Open Road Density
- J. Recreation
- K. Heritage Resources
- L. Socio-economics

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, the Clean Water Act of 1977, Endangered Species Act of 1973, Executive Order 11990, Executive Order 12898, Federal Land Policy and Management Act of 1976, Forest Service Manuals (FSM 2670), Migratory Bird Treaty Act of 1918 as Amended, Multiple Use Sustained Yield Act of 1960, National Environmental Policy Act of 1969 (NEPA) as amended, National Forest Management Act of 1976 (NFMA), National Historic Preservation Act of 1966, American Indian Religious Freedom Act of 1994, and the State of Montana Water Quality Act. More detailed descriptions can be found on pp. 3-43 through 3-49 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 and aspen areas within the allotments, Alternative 2 (current management) would not be in compliance with wildlife standards for Management Area 7 (FP, III-20, Range). Alternative 2 would likely comply 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 each law, regulation, or policy is outlined on pp. 19 through 22 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 Fridley Creek, Lewis Creek, or Sunnybrook Allotments.

On January 13, 1998 the Gallatin Forest mailed out information on 17 allotments, including the Fridley Creek, Lewis Creek, and Sunnybrook Allotments to over 40 interested and/or affected organizations and individuals. Six comment letters were received in response to this mailing, none of which spoke specifically to these three allotments.

On December 19, 2003 the Livingston Ranger District sent a scoping letter regarding the proposals to interested or affected members of the public. It was sent to 21 interested and/or affected organizations and individuals. Three comment letters and one verbal comment were received. Two letters contained general comments concerning the effects of livestock on various resources on the allotments. The third letter contained comments pertaining to potential livestock number increases on the Fridley Creek Allotment. The Fridley Creek, Lewis Creek, and Sunnybrook Allotments Project Record, located in Livingston, Montana contain 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 Fridley Creek, Lewis Creek, Sunnybrook and the Proposed Dry Creek Allotment EA was announced throughout 2005 and winter 2005/2006 in the Gallatin Forest's Quarterly proposed project listing.

A legal notice was published in the Bozeman Daily Chronicle (the paper of record) stating that the EA was available for public review and comment. Copies of January 2006 EA were mailed to eight individuals, permittees, and organizations that expressed an interest in the project. The mailing list for the EA was compiled of the permittees, those who commented on the scoping document, and those who asked to be sent an EA. One written and one oral response via telephone were received. The attached Appendix A contains a list of the commenter, their comments, and my responses to them.

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. 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 several MAs. A description of these MAs was given in Chapter 1, Section VIII, Forest Plan Direction.

Management Area Direction

The Fridley Creek, Lewis Creek, Dry Creek, and Sunnybrook Project area lies within Management Areas 6, 7, 8, 9, 10, 11, 12, 16, and 17. 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 2 of the EA.

Standards for wildlife in Management Area 7 are the most applicable to the three significant issues. These standards would be met with the implementation of the Beaverhead-Deerlodge Guidelines and other practices identified for riparian areas in the decision. In my decision, the Adaptive Management Alternative includes management activities to enhance aspen through prescribed fire, based on monitoring and progress toward the desired future condition. For other management areas with an emphasis on big game, no potential conflicts were identified in the Fridley, Lewis, or Sunnybrook allotment project area. There is nothing in the decision that is incompatible with wildlife direction for any of the management areas (see EA, p. 3-43).

Legal Requirements

My decision adheres to all of the following legal requirements:

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. 3-44).

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 Fish and Wildlife Service (FWS) concurred with the Gallatin Forest Programmatic Biological Assessment for Activities that are Not Likely to Adversely Affect Listed Terrestrial Species (USFS 2004). The Fridley, Lewis, Sunnybrook, and Dry Creek Allotments Alternative 3 fits within the programmatic screening process and is the basis for the discussion of bald eagle, lynx, grizzly bear, and gray wolf (see EA, p. 3-44).

The determinations to be considered in my decision are "*may effect - not likely to adversely affect*" on grizzly bear and lynx, "*no effect*" on bald eagle, and "*not likely to jeopardize*" the gray wolf. The decision screens, programmatic BA with concurrence letter, and the Consultation Summary Sheet for the Programmatic BA from the FWS are located in the Project File. 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). There are no plants listed as threatened or endangered in the project area.

Executive Order 11990

Executive Order 11990 requires Federal Agencies to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands when carrying out their responsibilities. Floodplains and small wetland areas would be improved over current conditions by implementing my decision (see EA, p. 3-45).

Executive Order 12898 – Environmental Justice

Executive Order 12898 directs each Federal agency to make achieving 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. 3-45).

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. In my decision, the alternative 3 (adaptive management) was developed to comply with FLPMA (see EA, p. 3-45).

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 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, Appendix A (Upland Vegetation, pp. A-1 through A-11).

Forest Service Manuals (FSM 2670)

Forest Service manuals (FSM 2670) provide policy under which Forest Service projects are designed to maintain viable populations of sensitive species. In accordance with the Forest Plan (Chapter II-19), a biological evaluation (BE) must be completed prior to implementation of activities that have the potential to affect managed species. As part of Forest Service Region 1 streamlining policy (August 17, 1995), we are no longer required to produce a

"stand alone" biological evaluation for sensitive species, allowing all documentation relative to sensitive species to appear in the EA. The affects of my decision (alternative 3) to sensitive animal species are therefore only disclosed in EA, Appendix A, pp. A-24 through A-28.

The project area does not provide suitable habitat, nor will my decision effect to any measurable degree, habitat for the peregrine falcon, trumpeter swan, harlequin duck, flammulated owl, wolverine, northern goshawk, black-backed woodpecker or Townsend's big-eared bat. Surveys have not found any populations of sensitive plants within any of the allotments, so they would not be affected by my decision (see EA, p. 3-46).

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 titled "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, my decision for the Fridley Creek, Lewis Creek, Sunnybrook and Dry Creek Allotments would not result in a loss of migratory bird habitat nor be an extirpation threat to any migratory birds. Implementation of my decision (adaptive management) could actually benefit migratory birds within the Fridley Creek Allotment with the restoration of aspen habitat(see EA, p. 3-47).

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. 3-47).

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. 3-47).

National Forest Management Act of 1976 (NFMA)

This act guides development and revision of National Forest Land Management Plans. 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 8 terrestrial species identified as "Sensitive" that are known or suspected to occur on the Gallatin National Forest (USFS 2004). With the implementation of my decision, livestock grazing on the Fridley, Lewis, Sunnybrook, and Dry Creek allotments would have *"no impact"* on peregrine falcon, trumpeter swan, harlequin duck, and black-backed woodpecker. The determination for flammulated owl, goshawk, Townsend big-eared bat, and wolverine for the action alternatives 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"*. 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. The wildlife and sensitive plants report is in the Project File. My decision was developed to comply with NFMA (see EA, p. 3-47).

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). No historic sites were located within the project area. My decision is consistent with the laws, regulations and Forest Plan direction discussed in this section (see EA, p.3-48).

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). There is only one prehistoric site recorded within and 3 additional prehistoric sites within 1 mile of these allotments. My decision is consistent with the laws, regulations and Forest Plan direction discussed in this section (see EA, p.3-48).

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. The State has classified all waters within the allotments as B1 (ARM 16.20.604). 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 Appendix B of the EA (pp 1-15) 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. 3-49).

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

I have determined from the Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek 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 Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek 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. 3-55) 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 the allotments, or in the case of Dry Creek Allotment, on the area that the allotment encompasses. During that 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 58% National Forest and 42% private lands. There is minimal public access to roads on the allotment. The only public usage of the area is by the Big Creek Road #2500 to access the Lewis Creek Trail #181, or by permitted access granted by the private landowners (EA, Chapter 3, p. 3-53). For these reasons, I conclude that continuing cattle grazing on the allotments under the conditions stated in the decision will not have a significant impact to public health or safety.

3. Unique characteristics of the geographic area.

The Fridley Creek, Lewis Creek, Sunnybrook and proposed Dry Creek 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. To a traveler on Highway 89 South, only portions of the Fridley Creek Allotment are visible on the eastern outslope of the Gallatin Range. The western edge of the allotments are not readily visible from any key recreation or travel corridors. None of the allotments fall within the Gallatin Fringe Roadless Area #J1548 (*Forest Plan FEIS, C-32*). Nothing within the selected alternative (Alternative 3) has the potential of changing and/or modifying this inventory. There are no major or large wetland areas within the allotments. There are no Wild & Scenic Rivers or ecologically critical areas known to occur within the allotment boundaries (EA, Chapter 3, p. 3-51). From the analysis done,

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 (EA, Chapter 3, p. 3-52). 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 the selected alternative 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. The proposal is for 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 on the allotments under the conditions specified for a period of ten years. 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. Allowing grazing on the allotments beyond the ten-year term of the permit will depend on site-specific conditions and will be assessed at that time. 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 or reasonably foreseeable future actions appear likely to lead to significant cumulatively 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 entire Fridley Creek, Lewis Creek, Sunnybrook, and proposed Dry Creek Allotments were reviewed for effects to cultural and historic properties related to the re-issuance of grazing permits for these allotments. No significant historical sites were found in the allotment areas. After seven cultural surveys, only one prehistoric site was recorded. No mention was made that grazing has adversely affected the integrity of this site, and no negative effects to this known site would be expected from my decision. If there were a need for any type of excavation within the National Forest portion of the allotment, such as constructing an alternative watering site, another heritage survey would be conducted prior to any ground disturbing activity. My decision continues grazing in an area with an extensive history of grazing; and, as discussed in the EA, has not and will not have an adverse effect on any significant scientific, cultural, or historic resource (EA, Chapter 3, p. 3-53).

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.**

Chapter 3 of the EA (pp. 3-50 through 3-51, Appendix A-19 through A-24 of the EA, the Programmatic Biological Assessment with concurrence letter and the Consultation Summary Sheet for the Programmatic Biological Assessment from the Fish and Wildlife Service for Threatened, Endangered and Sensitive Species (both located in the Project File), all reflect that this action will not result in significant effects to any endangered, threatened or sensitive species.

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 action are discussed in the EA (Chapter 3, pp. 3-43 through 3-55). I find this action fully in compliance with applicable laws and regulations. Further, the action is 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 grazing on the Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek Allotments, under the conditions of this decision, would begin in July of 2006. 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

This decision is subject to appeal pursuant to 36 CFR 215.11. Only individuals or organizations that submitted substantive comments during the comment period may appeal. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Bozeman Chronicle, Bozeman, Montana. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the *exclusive* means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to: USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, P.O. Box 7669, Missoula, MT 59807; or USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, 200 East Broadway, Missoula, MT 59802. Office hours: 7:30 a.m. to 4:00 p.m. Fax (406) 329- 3411.

Electronic appeals must be submitted to: <appeals-northern-regional-office@fs.fed.us>. In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information: The appellant's name and address, with a telephone number, if available; A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal); When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request; The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision; The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C; Any specific change(s) in the decision that the appellant seeks and rationale for those changes; Any portion(s) of the decision

with which the appellant disagrees, and explanation for the disagreement; Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and, How the appellant believes the decision specifically violates law, regulation, or policy.

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Offer to Meet. When 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 215.17). 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 Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek 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.

RON J. ARCHULETA
District Ranger
Livingston Ranger District

Date

APPENDIX A

RESPONSE TO COMMENTS

This appendix to the Fridley Creek, Lewis Creek, Sunnybrook, and Dry Creek Allotment Environmental Assessment and Decision Notice contains the agency's responses to questions and comments received during the 30-day public review period for the January 2006 EA. Public comments were due on February 8, 2006.

A total of one letter and one phone conversation were received. Table A-1 below lists the letter number and commenter. Comments are grouped by subject matter or resource. Each comment is identified by letter number first and then by individual comment number after the hyphen (Example 1-1). The comments were transcribed as written in the comment letter with the agency response following the comment.

Table A-1 Letters and Comments received in response to the August 2005 Crazy Allotment EA

Letter Number	Commenter
1 (Letter)	Robert M. Wetzel
2 (Phone Conversation)	Rik Pittendorfer

RESPONSES TO COMMENTS

Comment 1-1 “In the past years of non-use of the Lewis Allotment, I have observed the increase in growth of grasses and wildlife habitat. Deer and elk are more plentiful. Increased numbers of grouse, which have been close to extinct and the spread of noxious weeds have been curtailed.”

Response: With the implementation the selected Alternative #3, the North pasture of the Lewis Creek Allotment would be removed and would become part of the newly formed Dry Creek Allotment, which would allow for better management flexibility due to topographic features. With increased monitoring that is required with adaptive management, stream and forage utilization conditions will be closely monitored. Numbers of livestock, duration of use, and necessary improvements are adjustable and would be commensurate with the conditions noted on the ground from monitoring. This would allow for many of the improved conditions that you have noticed over the period of non-use to continue into the future, while also allowing for the continuation of grazing within the Lewis Creek Allotment.

Comment 2-1 “Re-issuing permits should be contingent on the rancher/landowner providing public access”.

Response: The Lewis Creek Trail is presently the only public access into National Forest System lands to these allotment areas. The Forest Service has attempted to work with the adjacent private landowners to increase public access into the four allotment areas but have been unsuccessful to date. The Forest Service will continue to pursue viable options for increasing public access to National Forest System lands in the allotment areas. The Forest System can not force private landowners to provide access through private land to the public and can not legally make grazing permits contingent on the landowner providing the public access.

Comment 2-2 “Cattle grazing is detrimental to the hunting experience. All cattle should be off NFS lands before the archery hunting season.”

Response: Livestock are removed from the allotments prior to the general hunting season to avoid conflicts. Decreasing the grazing season for an additional month to accommodate archery hunters would pose an unnecessary hardship to the permittees. With the limited public access into the allotment areas, it is doubtful that the numbers of archery hunters and potential conflicts with livestock utilizing the allotment areas would warrant additional restrictions.

Comment 2-3 “Livestock ranchers are illegally driving their ATVs on public lands as a part of their livestock and outfitter guide operations”

Response: Permittees are not allowed to drive their ATVs in areas designated as non-motorized or restricted. They are required to follow the Forest Travel Plan restrictions as is any other member of the general public. If permittees are found to be utilizing ATVs in restricted areas, they will be notified and/or ticketed the same as any member of the general public.