



**MARSH CREEK AND TARHEAD  
ALLOTMENT MANAGEMENT PLANS**

**Record of Decision**

**Helena National Forest  
United States Department of Agriculture  
Forest Service**

**Lincoln Ranger District  
Lewis and Clark County, MT**

# MARSH CREEK AND TARHEAD ALLOTMENT MANAGEMENT PLANS

## Record of Decision

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# MARSH CREEK AND TARHEAD ALLOTMENT MANAGEMENT PLANS

## Record of Decision

### 1. BRIEF DESCRIPTION OF MY DECISION

This Record of Decision explains my rationale for selecting Alternative 2 from the Marsh Creek and Tarhead Allotment Management Plans, Environmental Impact Statement (EIS).

I have decided to select Alternative 2 to continue grazing on the Marsh Creek and Tarhead allotments, while implementing measures to improve riparian conditions. In making my decision I am deciding to: reauthorize grazing of livestock on these two allotments under 10-year permits and incorporate into the permits new allotment management plans (AMPs). Allotment Management Plans are designed to improve range conditions, particularly in riparian areas, and provide opportunities to adapt management as needed, based upon monitoring of both riparian and upland sites.

The impacts of the selected alternative are described in the FEIS for the Marsh Creek and Tarhead Allotment Management Plans. These allotments include approximately 3,380 acres and 4,675 acres of National Forest System (NFS) lands respectively. They are located within Lewis and Clark County, Montana. (See Figures 1 and 2).

### 2. PROJECT BACKGROUND

Grazing is legislatively authorized on suitable lands when it is consistent with other multiple-use goals and objectives (Multiple-Use Sustained Yield Act of 1960, Wilderness Act of 1964, Forest and Rangeland Renewable Resource Planning Act of 1975, Federal Land Policy and Management Act of 1976, and National Forest Management Act of 1976). Forest Service policy provides that forage can be made available to qualified livestock operators on lands suitable for grazing when it is consistent with land management plans (Forest Service Manual 2203.1).

Livestock grazing must be approved as part of a NEPA Decision before being implemented through an Allotment Management Plan (AMP) that becomes a required component in the grazing permit(s) for an allotment. It is the responsibility of the NEPA analysis and decision to integrate rangeland resource uses with other resource uses of the National Forest System to achieve the statutory mandate of multiple-use, sustained-yield management of renewable resources (FSM 2210.2). The AMP and permit(s) are the primary documents which, through implementation of the Marsh Creek and Tarhead NEPA decision, guide implementation of the forest plan direction relative to permitted livestock management on this allotment (FSM 2212).

The Helena National Forest Land and Resource Management Plan (referred to as the Forest Plan, or FP) was approved in April 1986. The AMP for the Marsh Creek allotment was signed in 1961 and Tarhead's in 1980, both pre-dating the Forest Plan. Through the years, management has been adjusted through annual operating instructions (AOIs) to incorporate Forest Plan goals and objectives, as well as specific standards and guidelines, and to respond to resource needs. The AOIs specify annual actions that are needed to implement the management direction set forth in the project-level NEPA-based decision.

### 3. PURPOSE AND NEED FOR ACTION

The underlying purpose of this analysis is to determine whether livestock grazing would continue to be authorized on these two allotments.

The proposed action addresses the need to:

Reduce riparian disturbance, improve stream bank stability, and increase riparian vegetation abundance and diversity to maintain, or move toward desired condition.

Comply with applicable Forest Plan direction and related laws, including the Rescissions Act of 1995.

The amount of primary and secondary range on these allotments is limited to open south-facing slopes and ridgetops. These are naturally occurring open areas dominated by grasses and forbs where livestock typically graze. Water is provided by several small streams crossing the allotments as well as some seeps in the uplands. Livestock use along streambanks and within areas of riparian vegetation has been minimal, with the exception of a few isolated areas.

Desired conditions for riparian and upland areas in the Marsh Creek and Tarhead allotments have been defined as follows, based upon Forest Plan goals and objectives and Pacific Inland Fish Biological Opinion (PIBO) implementation guidelines for riparian:

**Riparian areas** – Maintain a diverse species composition and class of riparian plant species that protect streambanks from erosion and dissipate energy from high stream flows. Maintain and increase the establishment of vegetation on streambanks and gravel point bars. Streams within the allotment should be maintained at, or trending towards properly functioning condition (PFC). The concept of PFC entails maintaining the physical components of a riparian area in a manner that dissipates stream energy, filters sediment, retains floodwater, and develops root masses that stabilize streambanks.

**Upland areas** – For Marsh Creek, maintain the rough fescue/ Idaho fescue cover type to make up the bulk of the vegetational aspect with a diverse forb component. Associated plant species include timber danthonia, needlegrass, sedges, prairie smoke, bedstraw, harebell, and lupine. Different phases within the cover type may include sticky geranium. For Tarhead, maintain site productivity to allow a diversity of grasses and forbs in the open bunchgrass parks such that is found in the Rough fescue, Idaho fescue, and Bluebuch wheatgrass vegetation cover type, and curtail the encroachment of conifers. Associated plant species include timber danthonia, needlegrass, sedges, prairie smoke, bedstraw, harebell, and lupine. Different phases within the cover type may include sticky geranium.

Livestock impacts to riparian habitat in the Marsh Creek allotment are limited to sites where dispersed camping also occurs. Outside of these areas, riparian impacts are negligible to low. Livestock impacts to the four streams and several small springs on the Tarhead Allotment generally range from low to moderate, with three isolated areas with moderate to high use.

Data collected in 2007 (macroplot) in the Marsh Creek allotment indicate that rough fescue and Idaho fescue are the dominant grass species, with sparse areas of less desirable grasses, and wide variety of forbs are present. Data collected in 2007 at representative upland sites in the Tarhead allotment show an increase of desirable grass and forb species compared to 1963 data. Noxious weed infestations (primarily of spotted knapweed) are small in size and remotely located.

In 1995, Congress enacted Public Law 104-19 (commonly referred to as the “Rescissions Act”), which required the Forest Service to establish and adhere to a schedule for the completion of NEPA analyses for grazing allotments needing such analysis. Marsh Creek and Tarhead were identified as allotments subject to the Rescissions Act and requiring NEPA analysis.

#### **4. PUBLIC INVOLVEMENT**

A Notice of Intent (NOI) to prepare an EIS for Marsh Creek and Tarhead allotments was published in the Federal Register on August 1, 2008. A scoping letter describing the agency’s proposal and seeking public comment was mailed to 150+ state, federal, and local agencies and individuals who had expressed interest in livestock grazing activities on the Lincoln Ranger District. Twelve parties responded to the scoping.

This project has also appeared on the quarterly schedule of proposed actions (SOPA), which provided an early informal notice to the public of this activity. The current effort for the Marsh Creek and Tarhead allotments has been listed on the SOPA since October 2008. Opportunity for the public to get involved with this project has been posted on the Helena National Forest website under ‘Projects and Plans,’ since August 2008. Available at this site was the scoping letter (including map) and a public comment sheet. The Confederated Salish and Kootenai Tribes were informed of this project through written correspondence and through a review of the HNF program of work in Pablo, MT, in the spring of 2008. The Blackfeet Nation was also informed of the project.

An earlier proposal for these two allotments, along with several other allotments, was presented to the public in a scoping letter dated January 30, 2007. Our analysis for Marsh Creek and Tarhead revealed that extraordinary circumstances existed, arising from downstream (off Forest) conditions, with cumulative effects to some streams and riparian areas. The additional analysis and documentation required is the reason for proceeding with an EIS. The comments received in 2007, specific to these two allotments, were reviewed and used to develop this proposed action.

Information received in response to the August 2008 letter, and discussions with the current and past livestock permittees and with the Tribes, were used in helping the HNF further refine the proposed action for this project.

A Notice of Availability (NOA) for the Draft EIS, announcing availability for review and establishing the 45-day comment period, was published in the Federal Register on May 22, 2009. Copies of the DEIS were mailed to 20 parties in addition to the agencies receiving mandatory notification. The DEIS and cover letter were also posted to the Forest’s website, at <http://www.fs.fed.us/r1/helena/projects/>. Four responses were received during the 45-day comment period: two from agencies and two from individuals. They are summarized in the Response to Comments at the end of this document. These comments were used to make improvements (primarily clarifications) between the DEIS to the FEIS. These changes are noted at the beginning of each chapter in the FEIS.

#### **5. SCOPING ISSUES**

Scoping is an early and open process for determining the scope of issues to be addressed and for identifying any significant issues related to a proposed action. Significant issues, as defined under 40 CFR 1501.7(a)(2) guided the range of alternatives and development of mitigation measures, and were used to incorporate into the analysis the measured effects of the two alternatives. The issues focused the environmental disclosure on site-specific, direct, indirect, and cumulative effects that may occur under each alternative. Other impacts and concerns were also analyzed and summarized as they related to the proposal as directed under 40 CFR 1501.7(a) (3).

The comments received from the August 2008 scoping on the Proposed Action were evaluated to determine if any key issues surfaced that would result in additional alternatives. The review of the comments, conducted by the IDT leader, project proponent, and Lincoln District Ranger, showed no issues that would drive the need for additional alternative(s). Documentation of these comments can be found in the pre-NEPA section of the project record

Some commentors supported continuation of livestock grazing on the allotment. Other commentors opposed reauthorization of grazing on the allotment. These issues are covered within the range of alternatives which includes no action (no grazing) and the proposed action (reauthorization of grazing with a new AMP).

Some commentors had concerns with impacts to adjacent private lands (including noxious weed spread), wildlife habitat, water quality, and streambanks. These concerns will be addressed in the analysis and discussed in the EIS. Several are similar to issues identified by the IDT, and each was assigned to one (or several) resources to be addressed. Responses asking for specific clarifications (e.g. definition of terms such as AUMs) were also assigned to specific team members to address. U.S. Environmental Protection Agency submitted a letter with an attachment that, "...provides information regarding issues and concerns and the level of analysis that should be considered during preparation of this allotment plan EIS." Each IDT member was asked to review this attachment and incorporate the guidance pertinent to their resource area, as appropriate to the scope of the project.

Those suggestions from the public and the IDT that were incorporated into the proposed action following scoping did *not* result in a substantive change. They were used to adapt the proposed action, rather than develop a new alternative.

Based on scoping comments, the following issue was considered for analysis of effects in the document and used to develop the details of the proposed action:

Some riparian areas are not meeting desired conditions (described above) due in part to livestock grazing.

Effects to riparian areas are addressed in the hydrology and fisheries reports. Effects to the following resources were also considered: range vegetation, forest vegetation, noxious weeds, soils, hydrology, fish, wildlife, sensitive plants, heritage, and recreation (including roadless).

## **6. ALTERNATIVES**

### **Alternatives Considered in Detail**

There are two alternatives considered in detail in this analysis. Alternative 1 No Grazing, represents the No Action Alternative as defined by agency policy (FSH 1909.15, 14.2). Alternative 2, The Proposed Action, would incorporate administrative changes to the allotments into new AMPs. The Proposed Action also adds several management features, including special considerations designed to improve riparian conditions and the use of adaptive management to adjust management in response to monitoring results. Each of the alternatives is described in detail below. The existing condition, as described for each resource in Chapter 3, Affected Environment, is the baseline condition used to compare and contrast Alternatives 1 and 2.

#### ***Alternative 1 No Action (No Grazing)***

The FS National Environmental Policy Act (NEPA) Handbook (FSH 1909.15, 14.2) states: "...to update a range allotment plan, the no action alternative is no grazing as specified in the Grazing Permit Administration Handbook (FSH 2209.13, 92.31)." Under this alternative, term grazing

permits would not be reissued for the area currently included within the boundaries of the Marsh Creek and Tarhead allotments. The allotments would be considered for permanent closure. Existing range improvements such as drift fences and water developments would be removed. Boundary fences are private and would remain. No allotment-specific range monitoring would occur.

### **Alternative 2 Proposed Action**

Alternative 2 was developed as described in Chapter 1 and Chapter 2 of the FEIS. It proposes to authorize grazing of livestock on the Marsh Creek and Tarhead allotments using an adaptive management strategy that allows adjustment of current management and the implementation of additional improvements, as needed to, 1) protect localized areas of riparian impacts, and 2) to better facilitate livestock movement between pastures. Initial management, includes grazing guidelines to be authorized at the beginning of the permit term along with monitoring to determine necessary range improvements to be installed. A maximum stocking level would be established.

### **Alternatives Eliminated From Detailed Study**

#### **Current Management**

The current management will not be analyzed in detail, as it does not fully meet the Purpose and Need for the project. Current management is not resulting in improvement of riparian conditions along some stream sections. Where current management is meeting the stated purpose and need, those management practices have been incorporated into the proposed action. The DEIS includes a discussion of the current management (the past 3-5 years) as well as a history of management on the allotment to set the stage for the existing condition. This description serves as the baseline for comparison for both the No Grazing (Alternative 1) and Proposed Action (Alternative 2) scenarios. Please see Chapter 3, Range – Affected Environment.

## **7. DECISION**

### **Decisions to be Made**

As Forest Supervisor, I am the Responsible Official for this project. Based on the environmental analysis and public input, I will decide:

1. Whether livestock grazing should be authorized on all, part, or none of the project area.
2. If the decision is to reauthorize livestock grazing - what management prescriptions will be applied in a new Allotment Management Plan to assure that desired condition objectives are met or that movement occurs toward those objectives in an acceptable timeframe.
3. Determine whether or not a Forest Plan amendment is necessary.

### **Decision**

It is my decision to select and implement Alternative 2, as described in the Marsh Creek and Tarhead Allotment Management Plan FEIS. More specifically, in selecting Alternative 2 I am deciding:

To authorize grazing of livestock on the Marsh Creek and Tarhead allotments using an adaptive management strategy based on monitoring that allows adjustment of current management and the implementation of additional improvements as needed to, 1) protect localized areas of riparian impacts, and 2) to better facilitate livestock movement between pastures. Initial management, includes grazing guidelines to be authorized at the beginning of the permit term along with monitoring to determine necessary range improvements to be installed. A maximum stocking level would be established.

A range of stocking options – stocking rates, timing of grazing and duration of grazing – will be adjusted based upon monitoring. The current stocking rate (authorized for 2007 and 2008) will be adjusted up or down depending upon the results of monitoring of utilization standards (stubble height) and evaluation of stream bank disturbance and other riparian conditions, over a 3-5 year period. Stocking rates will not exceed the permitted level during the term of the permit.

Specific utilization standards for key forage species needed to protect soil and water quality will be specified in the allotment management plan, as required by the Forest Plan (page II/22). Cattle distribution would be accomplished by a combination of salt and water placement and herding. Grazing would continue under a two pasture (Marsh Creek) or three pasture (Tarhead) deferred rotation as long as current utilization standards continue to be met.

The overall authorized season of use will remain the same: July 1 to September 30 for Marsh Creek, and June 16 to September 30 for Tarhead. The actual “turn out” date for livestock at the beginning of the season will continue to be based on range readiness – when winter snowmelt had ended, soil is no longer saturated, and key forage species are approximately eight inches high (FSH 2209.21 Chapter 500, 510-530). Details of livestock numbers for each allotment are presented in Table 1. Specific management criteria proposed for each allotment, compared to current management are presented in Table 2. See Figures 1 and 2 for allotment maps displaying existing and proposed range improvements.

**Table 1. Livestock Numbers for Alternative 2**

Allotment	*Initial Management = continuation of 2007 and 2008 stocking levels			**Permitted Upper Limit (Permitted AUMs)
	Cow/Calf Pair	Season of Use	AUMs Authorized	
Tarhead	45	6/16 to 9/30	157 HM/ 207 AUM's	210 HM/ 276 AUM's
Marsh	51	7/01 to 9/30	153 HM/ 201 AUM's	**204 HM/ 269 AUM's

\*Long-term monitoring by resource specialists will determine if increases or decreases in stocking from initial levels would occur;

\*\*Stocking rates would not exceed the permitted level during the term of the permit.

Figure 1. Marsh Creek Allotment

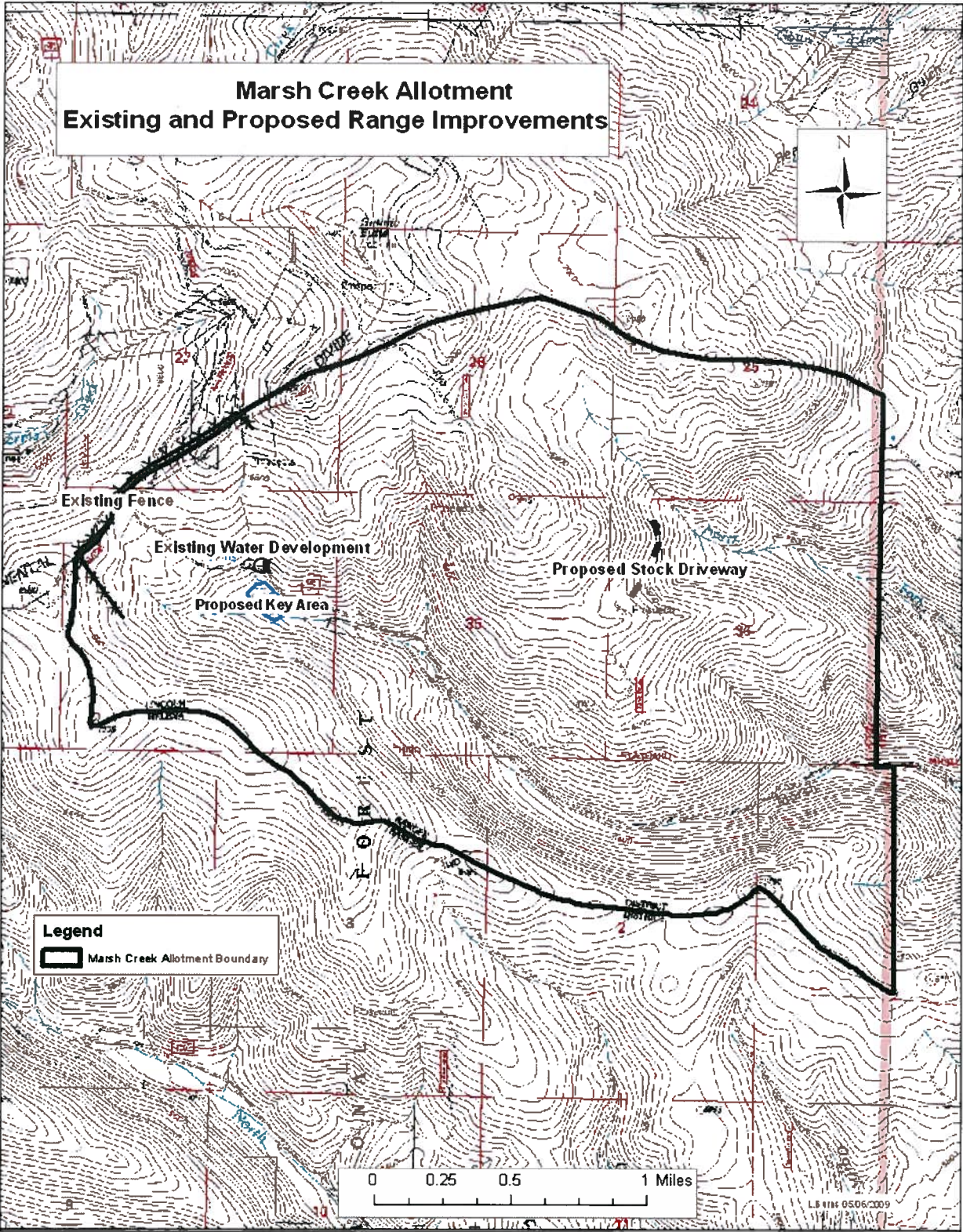
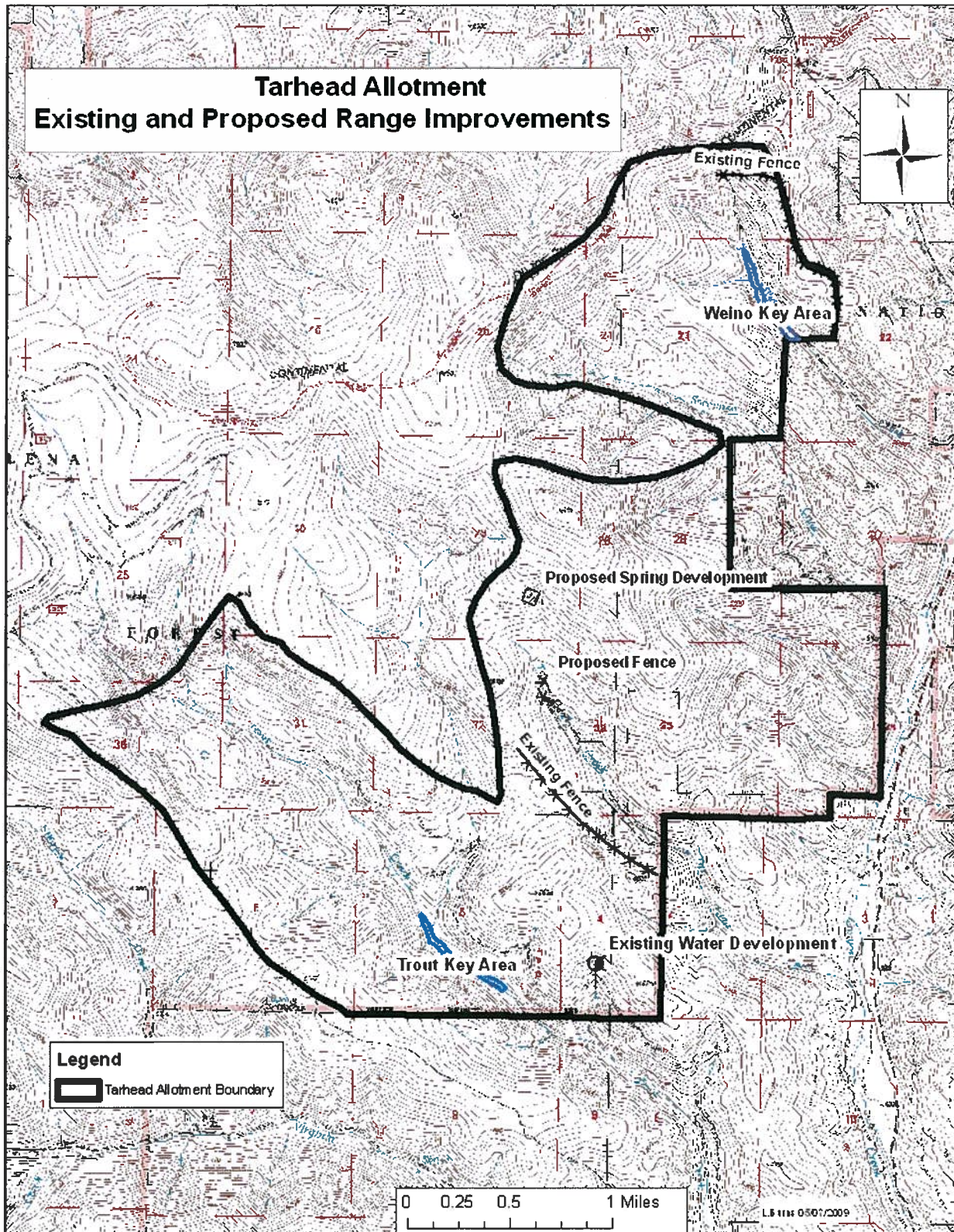


Figure 2. Tarhead Allotment



**Table 2. Specific Management Criteria proposed**

Management Design Criteria	Alternative 2, Proposed Alternative	Current Management
<b>Marsh Creek Allotment</b>		
Earliest On Date	7/01	Same
Latest Off Date	9/30	Same
Livestock Distribution	Improve salt placement, apply herding	Same
Maintain livestock in the proper pasture at the proper time	Apply herding	Same
Maintain a grazing frequency that on average over time allows plants full growth prior to grazing or regrowth following the grazing season.	Through adaptive management, have option to adjust duration, timing and grazing system.	Annually, move livestock once standards are met.
Meet riparian allowable use trigger standards for stubble height, bank alteration, and riparian	Through adaptive management, have option to adjust duration, timing and grazing system.	Annually, move livestock once standards are met.
If access to the north pasture through adjacent private ground is ever denied (Not implemented unless situation arises, but analyzed as part of proposed action)	Construct 1/8-1/4 mile stock driveway partially clearing a path approx. 10-15 ft. wide through the timber between the marsh pasture and the north pasture, and construct ¼ mile drift fence	Nothing specified
Graze specified portion of Marsh Creek, identified as susceptible site, for no more than 21 days [headwater reach NW ¼ of the SE ¼ of Section 34 (T13N R7W); approx. ¼ mile long reach in vicinity]	Initial Action: limit grazing to 21 days Adaptive management options to meet the criteria: adjust timing, adjust duration, install electric fence, install permanent fence	Nothing specified
Monitor site on Marsh Creek (above) as an additional riparian key site identified	Short-term implementation monitoring at this site	Nothing specified
Timber regeneration stands less than 15 years old or less than 5 feet tall need to be monitored to assure damage from livestock is not occurring.	Adaptive management options to meet the criteria include salt placement, herding, electric fence, adjusting of duration or timing of grazing.	Nothing specified.
<b>Tarhead Allotment</b>		
Earliest On Date	6/16	Same
Latest Off Date	9/30	Same
Livestock Distribution	Improve salt placement, apply herding	Same
Maintain livestock in the proper pasture at the proper time	Apply herding	Same
Maintain a grazing frequency that on average over time allows plants full growth prior to grazing or regrowth following the grazing season.	Through adaptive management, have option to adjust duration, timing and grazing system.	Annually, move livestock once standards are met.
Meet riparian allowable use trigger standards for stubble height, bank alteration, and riparian	Through adaptive management, have option to adjust duration, timing and grazing system.	Annually, move livestock once standards are met.
Protect upper Tarhead Creek riparian	Construct riparian enclosure fence and install off-stream water development	Nothing specified
Graze specified portions of Trout and Weino Creeks, identified as susceptible sites, for no more than 21 days [Trout Creek – SE ¼ of Section 5 (T13N R6W); approx. ½ mile long] [Weino Creek – NE ¼ of Section 21 (T14N R6W); approx. ¼ mile long] See Key Areas on Figs. 2.1 & 2.2.	Initial Action: limit grazing to 21 days Adaptive management options to meet the criteria: adjust timing, adjust duration, install electric fence, install permanent fence	Nothing specified

Management Design Criteria	Alternative 2, Proposed Alternative	Current Management
Monitor 2 additional riparian key sites identified above (on Trout and Weino Creeks) as susceptible sites	Short-term implementation monitoring at these sites	Nothing specified
Timber regeneration stands less than 15 years old or less than 5 feet tall need to be monitored to assure damage from livestock is not occurring.	Adaptive management options to meet the criteria include salt placement, herding, electric fence, adjusting of duration, or timing of grazing.	Nothing specified.

Key areas are areas identified as representative sites that provide a reliable guide to grazing management on the allotment. They serve as an indicator for monitoring purposes where both short- and long-term monitoring would be performed. Monitoring results would be used to adjust management to ensure that conditions are moving toward desired.

Stocking options, including the specific timing and duration of grazing in each pasture within the authorized season of use, will be based on monitoring of utilization standards in each pasture.

Stocking rates will not exceed levels authorized in the 1961 Allotment Management Plan: 269 AUMs for Marsh Creek Allotment, 277 AUMs for Tarhead Allotment. Experience over the past 45 years indicate that these levels provide a reasonable upper limit for stocking rates for purposes of this analysis. Grazing will continue at the current level (201 AUMs for Marsh and 207 AUMs for Tarhead, approximately 3/4 of the maximum level; see Table 1) until annual monitoring indicates a need for adjustment to accelerate improvement. If objectives for vegetative conditions are met, upward adjustments in stocking will be considered if long-term monitoring indicates those conditions and trends can be maintained.

Livestock distribution will be managed adaptively by improving salt placement and/or applying herding techniques. Livestock will be maintained in the proper pasture at the proper times by applying herding. A grazing frequency would be maintained that, on average, over time allows plants full growth prior to grazing or regrowth following the grazing season. This will be accomplished through adaptive management options including adjusting or changing the grazing system adjusting grazing duration, and adjusting timing to meet the criteria in proceeding grazing seasons. The riparian allowable use standards for stubble height and bank alteration will be met using adaptive management options, including, but not limited to; adjusting grazing duration, adjust timing, applying herding 2-3 times per week, and adjusting or changing grazing systems. Timber regeneration stands less than 15 years old or less than 5 feet tall will need to be monitored to assure damage from livestock is not occurring. Adaptive management options will include salt placement, herding, electric fence, and adjusting duration or adjusting timing.

Additionally, the following design criteria in the current permit will be continued under the new permit:

- Use salting and herding to influence livestock distribution. Do not salt within ¼ mile of water sources, heritage sites, or developed recreation.
- Maintain existing range improvements as assigned in the term permit.
- Reconstruct/replace existing improvements as their useful life expectancy is diminished.
- Evaluate range readiness annually and defer turn-on dates as appropriate.
- Evaluate short-term monitoring to adjust pasture move dates and move dates off the allotment.
- Implement Best Management Practices (BMPs) for riparian areas, plantations, heritage, and weeds.

## ***Management Design Criteria***

### **Marsh Creek**

On the Marsh Creek Allotment, riparian conditions at a key site along Marsh Creek (see Figure 2.1) will be monitored and grazing within the associated segment of riparian would be limited to 21 days per grazing season, due to resource issues identified by the IDT (see Chapter 3, Fisheries – Affected Environment).

Currently, livestock are trailed from one pasture to the other via an existing road across private land. Should this practice become unacceptable with the landowner, a ¼-mile long stock driveway will be constructed on National Forest System lands requiring removal of trees from approximately two acres. Additionally, a ¼ - ½ mile of drift fence will be constructed across the driveway to confine livestock to the appropriate pasture.

As part of the adaptive management strategy our analysis will consider implementation of these options (development of additional water sources and construction of a stock driveway), as well as the upper limits for stocking,

### **Tarhead**

On the Tarhead Allotment, a short section of upper Tar Head Creek immediately adjacent to private land would be fenced to restrict livestock access to stream banks (see Figure 2.2). To replace this source of livestock water, one off-stream water source (seep) will be developed. Riparian conditions at key sites on Trout and Weino Creeks (see Figure 2.3) will be monitored, and grazing within the associated segments of riparian areas will be limited to 21 days per grazing season, due to resource issues identified by the IDT (see Chapter 3, Fisheries – Affected Environment). Implementation of deferred grazing is expected to result in improved conditions at these sites. However, if monitoring suggests that improvement is inadequate, off-site water source(s) will be developed and/or adjustments made in stocking rates.

## ***Monitoring and Adaptive Management***

My decision will incorporate an adaptive management strategy that outlines possible management responses when monitoring indicates that management is not having the intended effects.

Adaptive management is defined in agency NEPA policy as:

A system of management practices based on clearly identified intended outcomes and monitoring to determine if management actions are meeting those outcomes; and, if not, to facilitate management changes that will best ensure that those outcomes are met or re-evaluated. Adaptive management stems from the recognition that knowledge about natural resource systems is sometimes uncertain (36 CFR 220.3).

Monitoring for allotment management is guided by the Forest Plan and by policy (i.e. grazing handbook, FSH 2209.13, and HNF monitoring strategies). Allotment administration includes steps taken each year to evaluate successes and problems. Each permittee is provided with an annual “report card” documenting progress toward short-term and long-term goals and permittee compliance. These are discussed each winter in an annual permittee meeting. These meetings are also used to adjust strategies for the upcoming grazing season, which are documented in AOs that include such considerations as livestock numbers, season and duration of use, improvements, and maintenance.

Prior to the anticipated turn-on date, permittee maintenance of range improvements is inspected by agency personnel. Range readiness is evaluated, as needed, to determine the actual date that

livestock can be moved onto the allotment at the beginning of the grazing season. Soil conditions and development of grasses are assessed to assure that livestock use can be sustained without damage to sensitive resources. Agency inspections (by range personnel) and permittee's reports, along with input from other resources, are reviewed at year-end relative to resource objectives. This information is used to prepare the annual report card.

Monitoring of vegetation and other resource conditions addresses both uplands and riparian areas and includes both short-term (annual) implementation monitoring and long-term effectiveness monitoring, as described in Table 3. Specific utilization standards (also referred to as proper-use or allowable-use standards) and streambank disturbance limits that would be applied in the two allotments are presented in tables 4 and 5 below.

If the initial management actions identified above are not having the intended effect, as indicated either by monitoring results or IDT and line officer review, management adjustments would be made in a sequence of increasing cost and effort. For example – to respond to riparian issues – herding and salting would typically be used first, followed by adjustments in timing and duration of grazing and the use of electric fencing. If monitoring continues to show failed improvement, then construction of permanent fencing and development of off-site water, or changes in stocking rates or grazing system would be considered. The severity of the impacts and value of the resource at risk would be taken into consideration when determining the adjustment to be applied.

During the 10-year term of the permit, annual monitoring (utilization of riparian species and indicators of bank disturbance) will be used to identify the need for management adjustments. If these standards are exceeded during three out of five years, or in two consecutive years, an adaptive adjustment will be triggered. If utilization standards are not exceeded (i.e. livestock are moved to the next pasture or off the allotment before utilization levels are exceeded), initial management would continue. Permitted actions, such as herding, salting, and providing supplemental water, may be adjusted at the permittees' discretion - or at the agency's direction - to assure that utilization is not exceeded.

Results of long-term monitoring results will be used, as they become available, to verify vegetative trends and determine if additional adjustments are needed. Long-term trend data will also be used to validate that allowable use levels and bank trampling indicators being applied

**Table 3. Allotment Monitoring for Upland and Riparian for Alternative 2**

	Short-term (Annual) (Implementation Monitoring)	Long-term (Effectiveness Monitoring)
Uplands <sup>1</sup>	Annual permit compliance including utilization of key upland forage species. Areas to be monitored would include a representative site in each pasture. Meets FP Monitoring Requirement D5 for range ("permit compliance") +/- 10% change from annual operating instructions	Establish a photo point in representative area in each pasture. Meets FP Monitoring Requirement D4 for range ("condition and trend of range; and forage availability")
Riparian <sup>1</sup>	Annual permit compliance, including streambank disturbance. Following FSH 2209.21-98-1, at these locations: Marsh Creek Allotment – Marsh Creek headwater reach (T13N, R7W, Section 34, SE ¼ NW ¼) Tarhead Allotment – Trout Creek (T13N, R6W, Section 5, SE ¼); Weino Creek (T14N, R6W, Section 34, SE ¼). See Table 5 for riparian utilization standards and bank disturbance limits.	Establish Pacific Inland (PIBO) riparian monitoring. Following the procedures described in the Helena National Forest Riparian Monitoring Strategy (PACFISH/INFISH Biological Opinion Effectiveness Monitoring Program Staff 2008). Collect data at key sites located on Marsh Creek, Trout Creek and Weino Creek. The PIBO implementation

	Short-term (Annual) (Implementation Monitoring)	Long-term (Effectiveness Monitoring)
	Annual monitoring in accordance with the Helena National Forest Riparian Monitoring Strategy will be completed at the PIBO implementation monitoring location annually. Meets FP Monitoring Requirements D5 for range ("permit compliance") and parts of C12 for riparian ("Streamside cover, forage utilization and streambank trampling")	monitoring plot will be established in 2009 and re-read every 5 years.  More stringent standards would be applied to identified areas.

Updated monitoring techniques will be used if adopted by the Regional and/or Forest.

**Table 4. Marsh/Tarhead Monitoring - Proper Use Standards - Alternative 2 (Forest Plan II/36)**

Grazing System	Vegetative Condition Class	Forage Utilization by Weight	Browse Utilization
Continuous	Good	40%	N.A.
	Fair	30%	
	Poor	20%	
Rest-rotation	Heavy Use pasture	60%	N.A.
	Light Use Pasture	40%	
Deferred-Rotation	Heavy Use pasture	50%	N.A.
	Light Use Pasture	35%	

**Table 5. Riparian allowable use standards and bank trampling by pasture and key area**

Pasture	Key Area	Allowable Use Standard on Herbaceous	Allowable Use Standard on Sedges	Allowable Use Standard on Woody species	Stream Bank Disturbance
Marsh Creek					
Marsh	Marsh Cr.	35-40% 3-4 inch stubble ht	35-40% 6 inch stubble ht	40% use of total leaders	15-20%
North Fork	N. Fork Marsh Cr.	35-40% 3-4 inch stubble ht	5-40% 6 inch stubble ht	40% use of total leaders	15-20%
Tarhead					
Trout Creek	Trout Creek lower reach	35-40% 3-4 inch stubble ht	35-40% 6 inch stubble ht	40% use of total leaders	15-20%
Tarhead	Tarhead Creek upper reach	35-40% 3-4 inch stubble ht	35-40% 6 inch stubble ht	40% use of total leaders	15-20%
Wieno/Specimen	To be determined	35-40% 3-4 inch stubble ht	35-40% 6 inch stubble ht	40% use of total leaders	15-20%

In conjunction with collection of annual utilization and streambank disturbance information, livestock impacts to plantations (particularly the acres harvested since 1980; See Chapter 3, Forest Vegetation, and Project Record – forested vegetation Report) and known heritage sites (See Chapter 3, Heritage) will be assessed. If unacceptable impacts are observed, immediate measures such as herding and salting would be employed to protect them and the Forest Silviculturist or Archaeologist would be notified. If these methods are not effective and damage continues, measures such as fencing would be considered and additional site-specific analysis performed as needed.

**Mitigation and Best Management Practices (BMPs)**

Mitigation and best management practices applicable to grazing activities are described in detail in Chapter 3, for noxious weeds, heritage resources, forest vegetation, and soils. Some of these actions, which apply to Alternative 2, are summarized in Table 6.

**Table 6. Best Management Practices and Mitigations for Grazing**

Objective for Mitigation or BMP	Summary of Action(s)
Reduce establishment and spread of noxious weeds by minimizing ground disturbance and bare soils and minimizing transport of weed seed into and within the allotment (Per FSM 2080 R1 Supplement, see Ch. 3, Noxious Weeds)	Revegetate bare soil from grazing activities and check areas of concentrated livestock use for weed establishment and treat new infestations. Clean all off-road equipment before moving into the project area; clean all equipment prior to leaving the project site if operating in weed infested areas. These specific practices are outlined in the grazing permit and annual operating instructions. Weeds on the allotment are treated under the Forest-wide noxious weed treatment program. Forage utilization standards are designed to maintain the vigor of desirable plant species, and maintain healthy desirable vegetation that is resistant to noxious weed establishment.
Assure compliance with National Historic Preservation Act (see Ch. 3, Heritage Resources)	Range improvements will not be placed atop currently identified cultural resources unless appropriate mitigation/protection measures have been implemented. Cultural resource field surveys will precede all ground-disturbing range projects unless the affected area has been previously inventoried for range or other agency projects. Range improvements may proceed as planned when a project-affected cultural resource(s) is determined not to be archaeologically or historically significant by the Forest Archaeologist, per 36 CFR 60 and FSM 2363.2.
Maintain soil and water quality (FSH 2509.22, Chapter 17 – Range)	BMPs for soil and water include annual field checks to identify needed grazing management adjustments, recommended techniques to achieve proper livestock distribution and reduce impacts to sensitive areas, and potential range improvements to improve management and restore/improve resource conditions. These BMPs will be applied as appropriate to site-specific needs as they arise.

**8. RATIONALE FOR THIS DECISION**

I have reviewed the purpose and need of the proposed action as identified in the FEIS, issues identified during the public scoping and comment period, alternatives, and environmental consequences of implementing the proposed action and alternatives. Based on public feedback, the analysis disclosed in the FEIS, information in the project record and management direction and policy, I have decided to implement the selected alternative (Alternative 2) because it best meets the purpose of and need for the action, while allowing livestock grazing to occur in an environmentally acceptable manner. This alternative will result in maintenance or improvement of rangeland and riparian resources while supporting multiple uses. This alternative also provides the greatest flexibility in terms of range management techniques. It also responds well to the issues and public comments. Overall, Alternative 2 best meets the collective purpose and need. This alternative meets requirements under all applicable laws, regulations, and policies.

There are four main aspects to my decision – soil and water quality, vegetative diversity, economic efficiency, and timeframe for achieving desired objectives.

**Soils and Water Quality**

Commentors were concerned that livestock grazing was having unacceptable environmental impacts on soils and water quality. I acknowledge that some impacts occur in isolated areas throughout the allotments. However, the analysis in the FEIS indicates that there has been continual improvement in

livestock management practices and that overall stream health conditions are improving. The analysis also showed that while there are impacts from grazing on soils, these impacts are well below thresholds. According to the FEIS analysis, impacts on water quality are primarily related to streambank trampling which can result in increased sedimentation and decreases in water quality and fish habitat. I am concerned that the level of stream bank trampling in some locations appears to be higher than the acceptable thresholds. Therefore I am choosing to implement and monitor various design criteria using Forest Service R1 monitoring protocols as part of my decision. These measures will keep the area in compliance with the Clean Water Act to protect soil productivity, stream health, and water quality. Implementation of the design criteria will be monitored and adaptive actions will be taken to ensure acceptable watershed conditions.

### **Vegetative Diversity**

I believe Alternative 2 will maintain or improve vegetative diversity by incorporating design features and monitoring to protect riparian areas and maintain the upland vegetative condition. These design features include restricting riparian grazing to 21 days, fencing upper Tarhead Creek and installing an off stream water development to protect the associated riparian vegetation and increase livestock distribution to maintain upland vegetation. If this fence results in more concentrated livestock use on other areas, I will implement one or more of the adaptive actions to prevent unacceptable impacts. Upland and riparian forage species will be monitored to ensure that annual utilization standards are met and the livestock are moved before damage occurs to riparian vegetation.

### **Timeframe for Achieving Objectives**

Commentors expressed concerns in the timely recovery of resources. I acknowledge that my decision to implement Alternative 2 may not achieve the desired conditions in as quick a timeframe as Alternative 1. However, of the long-term key areas on these allotments only a small percentage of sites need change in management to achieve an upward trend. I believe that the desired recovery will be achieved in a reasonable timeframe with the design criteria and adaptive actions proposed under Alternative 2. Otherwise these improvement actions would not be implemented, foregoing opportunity to improve long-term benefits.

### **Economic Efficiency**

Commentors were concerned with the costs of implementing adaptive management due to the perceived need for additional monitoring. The analysis showed that adaptive management did not require any additional monitoring methods. However, monitoring costs could easily become excessive if they were not clearly focused and appropriately applied. I believe the monitoring plans I have approved carefully balance the cost of monitoring with the need to protect resources. I have considered the economic efficiency of the various alternatives. The proposed management changes under this alternative include riparian fencing and the installation of a water development. While these represent significant costs to both the Forest Service and the permittees, I feel that these costs are offset by the immediate improvements expected in on-the-ground conditions and the assurance that the desired conditions will be achieved in an acceptable timeframe.

Therefore, I believe that implementing Alternative 2 with these design criteria, adaptive actions, and monitoring plans will allow livestock grazing to occur in an environmentally acceptable manner with regards to soils and water quality, vegetative diversity, timeframe for achieving objectives, and economic efficiency.

## **9. FINDINGS REQUIRED BY LAWS, REGULATIONS, AND POLICIES**

### Consistency with the Helena Forest Plan - 1986 (FP)

My decision is consistent with the FP based on the following: Reauthorization of grazing on the Marsh Creek and Tarhead allotments under 10-year term permits and new AMPs, according to

Alternative 2, is consistent with the intent of the forest plan's long-term goals and objectives listed on pages II/1 and II/4. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for range management and riparian areas (FP pages II/22 and II/34-35), as well as wildlife and fisheries (including TES plants) and watershed (FP pages II-17 to II-22, II-24 to II-26, and II-34 to II-36).

The initial stocking levels of 201 AUMs for Marsh Creek and 207 AUMs for Tarhead, and the forage utilization levels stipulated for Alternative 2, are based on experience with local range conditions, soil stability, and known individual plant requirements (FP page II/22). Monitoring and implementation of adaptive management will commonly applied to these ecosystems. The selected alternative is in compliance with management area (MA) direction established for those MAs found within the project area: M-1, L-1, T-1, T-3, T-4, T-5, W-1 and W-2 (see FEIS, Table 1.1). The project is consistent with Forest-wide goals for livestock forage production (FP page II/1) and objectives for range (FP page II/4, FEIS page 56).

### Consistency with the National Forest Management Act (NFMA)

After reviewing the anticipated consequences of Alternative 2, I believe the selected action is better suited to implement Forest Plan direction and in accomplishing the purpose and need for this action than that of no grazing (Alternative 1). Alternative 2 allows continuation of livestock grazing while providing protection for riparian areas. It includes specific actions to protect riparian areas identified as not meeting the desired condition, and provisions to monitor and adjust grazing management to assure that other sensitive riparian areas and soil conditions continue to move toward desired. Management indicator species (MIS), serving as proxies for fulfilling NFMA viability requirements (for existing native and desired non-native vertebrate species) were analyzed in the fisheries and wildlife reports (see specific specialist reports in the project record, and FEIS Chapter 3).

### Consistency with National Environmental Policy Act (NEPA)

The NEPA provisions have been followed as required by 40 CFR 1500-1508. The FEIS analyzed two alternatives including a no grazing alternative (Alternative 1- No Action, FEIS Chapter 2). The FEIS also disclosed the expected impacts of these alternatives and discussed the issues and concerns identified through public involvement (FEIS Chapter 3). The analysis was performed through an interdisciplinary process. This analysis is consistent with direction in Title 36 CFR 220 that allows incorporation of adaptive management strategies into an alternative, including the proposed action. This record of decision describes and documents the decision I have made and my rationale for the decision.

### Consistency with Endangered Species Act (ESA)

This decision meets all requirements of the ESA. A biological assessment for threatened and endangered species was completed by the Forest wildlife biologist (see project record and FEIS Appendix 3). It indicates that Alternative 2 is "not likely to adversely affect" grizzly bear, lynx or lynx critical habitat. No endangered or threatened species of fish or plants are known to occur within the project area (see specialist reports in the project record and FEIS pages 35-43 for fish; pages 72-73 for sensitive plants; USFWS Species List for HNF).

### Consistency with National Historic Preservation Act (NHPA)

The selected alternative complies with the provisions of the NHPA as amended. The management of the allotment, maintenance of existing improvements and construction of new improvements and treatments would not result in direct impacts to three known archaeological (prehistoric) sites and a historic mining district located within the project area. Prior to implementation of any improvements requiring ground-disturbance, site-specific surveys would be performed. Additionally, during construction, best management practices and monitoring will be conducted to assure that no yet-to-be-discovered resources are impacted. The action will not cause loss or destruction of significant

scientific, cultural, or historical resources, because measures to reduce or mitigate adverse effects to identified cultural resources (project abandonment, relocation, and re-design) would be implemented (see FEIS page 66-67). BMPs to assure compliance with National Historic Preservation Act are listed above in Table 6.

### Consistency with Environmental Justice

There are no minority or low income communities that will be disproportionately affected through economic or cultural factors. Therefore, Executive Order 12898 has been adequately addressed.

### Global Climate Change Prevention Act (GCCPA)

The GCCPA amended the Resources Planning Act to require the Secretary of Agriculture to consider the potential effects of global climate change on the condition of the renewable resources on the forests and grasslands of the United States, and to analyze opportunities to mitigate the build up of atmospheric carbon dioxide and reduce the risk of global climate change. However, that statute does not require the agency to consider global climate change in a quantitative, monetary analysis in every site-specific decision but instead gives the agency the discretion to consider this issue as appropriate. Given the narrow scope of my decision and the uncertainty of weather modeling and the indication that there will be little change in the next 10 years, I conclude that my decision to authorize continued grazing of the Marsh Creek and Tarhead allotments following direction in Alternative 2 will have little or no impact on the concerns which this Act addresses.

### Other Laws, Regulations, and Policies

Forest Service Manual (FSM) 2670 provides for identification and management of “sensitive” species to preclude trends toward listing under ESA. Specialist reports include biological evaluations for sensitive wildlife, fish, and plants. One sensitive fish (westslope cutthroat trout), 3 sensitive wildlife species (boreal toad, gray wolf and wolverine, and 1 sensitive plant species *Phlox kelseyi* var. *missoulensis*) were identified as potentially impacted by livestock grazing. Biologists and/or ecologists determined that Alternative 2 will either have no impact (wolverine), or “may impact individuals or habitat for these species, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species” (westslope cutthroat trout, boreal toad, gray wolf, and *Phlox kelseyi* var. *missoulensis*) (see specific specialist reports in the project record, FEIS Chapter 3).

This decision meets the intent of conducting a site-specific analysis subsequent to issuance of a grazing permit pursuant to section 504(a) of the *Rescissions Act, or the 2004 Omnibus Appropriations Resolution* (Pub. L. 108-108, Nov. 10, 2003).

Management of a term grazing permit subsequent to this decision remains subject to Forest Service guidelines developed for protection of resources through immediate administrative actions per Section 558(c) of the *Administrative Procedures Act (APA)*.

## **10. REVIEW AND APPEAL OPPORTUNITIES**

Copies of the Marsh Creek and Tarhead Allotments FEIS and ROD are available for review at the Helena NF Supervisor’s Office and the Lincoln Ranger District office. It is also available on the worldwide web through the Helena NF website at <http://www.fs.fed.us/r1/helena/projects/>.

Additional printed or electronic (CD) copies are available upon request. The supporting project record is available for review at the Helena NF Supervisor’s Office at 2880 Skyway Drive, Helena, MT, 59602.

This decision is subject to appeal pursuant to 36 CFR 215.7. Who may participate in the appeal process is defined in 36 CFR 215.11. Appeals must meet content requirements of 36 CFR 215.14. A written appeal must be submitted within 45 days following the publication date of the legal notice

of this decision in the *Independent Record*, Helena, MT. 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 record an appeal. Appellants should not rely on date or timeframe information provided by any other source.

If you are the holder of a written instrument issued for occupancy and use of the National Forest System lands (in this case, a grazing permit), you may appeal under either 36 CFR 215 or 36 CFR 251 Subpart C (36 CFR 251.82(3)). For an appeal filed pursuant to 36 CFR 251, the contents of the notice of appeal must meet the requirements of 36 CFR 251.90. **Note: You cannot file an appeal under both 36 CFR 215 and 36 CFR 251. If you file an appeal at this time under 36 CFR 215, you cannot file an appeal later under 36 CFR 251 on the same issue.**

Paper appeals must be submitted to:

OR

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer, Leslie Weldon  
P.O. Box 7669  
Missoula, MT 59807

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer, Leslie Weldon  
200 East Broadway  
Missoula, MT 59802

Office hours: 7:30 a.m. to 4:00 p.m.

Electronic appeals must be submitted to: [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us)

Faxed appeals must be submitted to: Fax: (406) 329-3411

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 my 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 (36 CFR 36.82(3));

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 comments; and  
How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: [http://www.fs.fed.us/r1/projects/appeal\\_index.shtml](http://www.fs.fed.us/r1/projects/appeal_index.shtml).

### Contact Person

For further information on this project, or on Forest Service appeal process, please contact Jan Fauntleroy, Acting Forest Planner, at (406) 449-5201, or write to: Helena National Forest, Supervisor's Office, 2880 Skyway Drive, Helena, MT 59602.



SEPTEMBER 24, 2009

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**KEVIN T. RIORDAN**  
**Forest Supervisor**  
**Helena National Forest**

**Date**

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