

**Decision Notice
and
Finding of No Significant Impact**

Livestock Grazing Management on the Angostura Allotment

**USDA Forest Service, Carson National Forest,
Camino Real Ranger District
Taos, Mora and Rio Arriba Counties, New Mexico**

Introduction

The Angostura allotment (17,716 acres) is located on the southeastern edge of the Camino Real Ranger District of the Carson National Forest in Taos, Mora and Rio Arriba counties, New Mexico. The four pastures that make up the allotment are located to the northeast and southwest of State Highway 518, east of the community of Tres Ritos and west of the community of Holman. It can be accessed by State Highway 518, and Forest Roads 722 and 161. In compliance with the National Environmental Policy Act (NEPA), the environmental assessment (EA) for this allotment documents the analysis of alternatives to address the specific ecological, social, and economic needs of the area. The project record and EA are available for review at the Camino Real Ranger District.

Decision

I have reviewed the Carson National Forest Land and Resource Management Plan (hereafter referred to as “forest plan”) and the “Livestock Grazing Management for the Angostura Allotment Environmental Assessment.” This decision and the environmental assessment considered the best available science. The project record demonstrates a thorough review of relevant scientific information. Based on my review and the examination of the alternatives, I have decided to implement alternative B, the proposed action. My decision will authorize grazing management on the allotment as follows:

- Authorize 76-85 cow/calf units and 4 bulls to continue grazing on the Angostura Allotment, utilizing a four-pasture rotational grazing system within the season 6/1-9/30.
- Enhance riparian conditions around developed springs by moving drinkers out of direct riparian areas onto drier sites (Loring and Agua Sarca springs). Schedule limited grazing within the Agua Sarca area to achieve resource goals. This may require additional herding and salting by the permittee.
- Implement prescribed burning within approximately 789 acres of the allotment at a low to moderate intensity using broadcast burning, with possible hand piling and burning, to maintain/enhance meadows and forested openings to maintain or improve productivity of the herbaceous vegetation and the overall fire regime condition classes. This will include approximately 62 acres in the grassland vegetation type, 54 acres in the Gambel oak vegetation type, 64 acres in the aspen vegetation type, 84 acres in the Douglas-fir vegetation type, and 525 acres in the spruce fir vegetation type. The areas considered for prescribed burning will be in and around open meadows; in grasslands; in forested areas where canopy openings are at least 40% or greater (canopy cover of

60% or less); aspen patches; and/or any other openings – man-made or natural. The intent is to implement prescribed burns within meadows and openings, not within the densely forested areas or to change forest stand structure. Timing of burns will occur during fall, summer or winter with fall ignition being most likely. Riparian buffers will include 50 feet around seeps, springs, wetlands, and intermittent streams; 100 feet around perennial water.

Mitigation Measures

Best management practices (BMPs) that are referenced throughout the analysis, will be applied. BMPs address administrative requirements for compliance with the terms of the grazing permit found in FSH 2509.22, Chapter 22 (BMP 22.1 thru 22.16). In addition, evaluations and opinions from the U.S. Fish and Wildlife Service and other pertinent Forest Service policies will be applied.

To minimize any potential impacts to the MSO, new fence construction and prescribed fire within suitable MSO nesting habitat (protected and restricted habitat) will be done either outside the breeding season (March 1 to August 31), or will have protocol MSO surveys completed prior to implementation.

If any unrecorded heritage resource sites are discovered during the course of project implementation, all project activities in the vicinity of the site(s) will cease and the District or Forest Archaeologist will be notified and the project will be modified or relocated to avoid impacts to cultural resource sites.

All water troughs should be designed with exit ramps so that any small wildlife can escape.

Monitoring

Implementation monitoring will include periodic inspections to ensure compliance with term grazing permit terms and conditions. For example, range readiness will be monitored before the grazing season begins, stubble heights may be measured during the grazing season and utilization will be monitored at the end of the season. Effectiveness monitoring will determine if grazing standards and guidelines, grazing prescriptions, and Allotment Management Plan practices are effective in accomplishing the planned objectives. For example, vegetation condition and trend will be monitored at approximately ten-year intervals. Stream and riparian wetland monitoring may include methods such as photo points, multiple indicators monitoring (Burton et al 2007), or greenline vegetation composition monitoring.

Rationale for the Decision

Alternative B was developed by comparing the existing conditions on the Angostura Allotment with desired conditions and management direction provided in the forest plan. My decision meets the purpose of authorizing livestock grazing in a manner that balances permitted use with forest plan objectives, and desired conditions for rangeland vegetation, soil, watershed, and wildlife habitat. My decision meets the need for

improving livestock management in the vicinity of Loring Spring and Agua Sarca Spring where the condition of the spring protection fences and the location of the drinkers are inadequate to control livestock movement. My decision also helps to meet the need to maintain meadow and forested-openings across the allotment. In addition, by authorizing grazing on the allotment, forage is made available to support domestic livestock and contribute to the economic diversity and social well being of surrounding communities that depend on range resources for their livelihood.

Authorizing 76 to 85 cow/calf pairs and 4 bulls is reflective of a realistic range of livestock that can be supported on the allotment and meet desired conditions, as evidenced by what the allotment was able to support during 2002, when the region was experiencing a very dry year.

Current livestock management is causing unstable conditions along upper Agua Sarca Canyon and the decision to repair the Agua Sarca Spring fence and move the drinker out of the riparian area will help to stabilize streambanks. Scheduling limited grazing within the Agua Sarca area, which may require additional herding and salting practices by the permittees will ensure that forage utilization guidelines are met in this area.

Implementing prescribed burning on 789 acres will reverse the downward trend in those areas where forest encroachment is the cause for the downward trend in range condition. Range condition across the allotment that is not affected by forest encroachment will be maintained in good condition.

During the public comment period, the benefits of prescribed burning was questioned. I reviewed the analysis and note the following effects of prescribed burning: Range condition in the burned areas is expected to stabilize or slightly improve from fair to good and good to excellent with upward and stable trends. Wildlife use will increase in the treated areas, relieving pressure on other areas in the allotment. The temporary loss of cover from prescribed burning will be compensated by increased vegetation ground cover during the next spring green-up or following the next rainfall. Low intensity, broadcast burning will scorch only the surface of the duff layer and is characteristically patchy in extent, leaving areas of unburned vegetation, to further trap sediments and slow runoff. In addition, ash or sediment delivery to stream channels will not be expected, because flowing streams are not present in or near the project area. Prescribed burning could cause smoke management concerns, especially if smoke drifts into populated areas. Fire managers will abide by New Mexico Air Quality Bureau regulations and monitor the effects of smoke from prescribed burning. Short-term disturbance to individual FS sensitive animal species (alpine tundra and high elevation coniferous forest); however burning will improve foraging habitat in the long term. Fire is beneficial to elk, red squirrel, turkey and hairy woodpecker habitat. For migratory birds, fire may temporarily displace individuals, there will be no impact to populations, and habitat and prey availability will improve. This shows a wide range of benefits provided by the proposed prescribed burning.

Public concern was also noted for the effects of the proposed alternative on Rio Grande cutthroat trout. I reviewed the analysis and note the following effects to Rio Grande cutthroat trout: Measurable progress will be made within the life of the grazing permit in

achieving riparian management objectives across the allotment. In Rito Angostura and Alamitos creeks, riparian habitat will maintain proper functioning as a filter for sediment. In turn, good water quality to support cutthroat trout populations will be maintained. Under alternative B, grazing and prescribed burning may have short term impacts to cutthroat trout habitat and individuals, but no impact to overall populations. The analysis notes that livestock grazing does not pose a risk to Rio Grande cutthroat trout at this time. Competition from non-native fish species and sedimentation from roads were noted as a larger concern to the trout.

Alternatives Considered

Besides alternative B, four alternatives were considered, but were all eliminated from detailed analysis. The no action alternative (alternative A) was analyzed and used as a baseline to compare the effects of alternative B. Alternative A would have discontinued domestic livestock grazing on the allotment.

Public Involvement

The proposed action has been listed in the quarterly Carson National Forest NEPA Schedule of Proposed Actions since July 2007. As part of rangeland management consultation requirements (FSH 2209.13, chapter 90, pp. 7, 8, 14, 23, 28), the district and the permittees met to discuss draft proposals and the permittees provided suggestions prior to the scoping period. On December 21, 2007, the proposal was provided to the public, permit holders, and other agencies. Nine letters to the scoping proposal were received. On August 7, 2008, the 30-day notice and comment period was initiated. A request for comments was mailed to 60 individuals, organizations, permit holders, and other agencies. Information included the purpose and need for action, public involvement (including issues that resulted from scoping), and alternatives. A legal notice regarding the 30-day notice and comment period was published in *The Taos News* on August 7, 2008. Seventeen letters were received. Two significant issues were identified [EA p. 4]:

Significant Issue #1: Prescribed burning poses a risk of escape.

Significant Issue #2: Rio Grande cutthroat trout may be negatively affected by livestock grazing in the vicinity of trout streams.

Finding of No Significant Impact

Based on the interdisciplinary environmental analysis, review of the NEPA criteria for significant effects, and my knowledge of the expected impacts, I have determined this decision will not have a significant effect on the human environment, therefore an environmental impact statement will not be prepared. This determination is based on the following factors:

- (a) **Context** – The physical and biological effects of the proposed actions and alternatives described in the environmental assessment are site-specific actions limited to this analysis area. The significance of the proposed action is evaluated within the context of the Camino Real Ranger District and Taos, Mora, and Rio Arriba counties.

- (b) **Intensity** – The severity of the environmental effects of the proposed projects, were considered in evaluating intensity (40 CFR 1508.27).

1. Impacts that may be both beneficial and adverse

Both beneficial and adverse impacts and their significance were discussed for the alternatives considered in detail. Effects were lessened or eliminated through alternative design and mitigation (EA pp 6-8). None of the adverse effects were determined to be significant, singularly or in combination. The beneficial effects of the action do not bias my finding of no significant environmental effects. The anticipated environmental effects and their intensity have been disclosed for each alternative in chapter 3 of the EA (pp 13-73). Beneficial impacts were not used to minimize the severity of any adverse impacts. The proposed uses of National Forest System lands will not result in any known significant irreversible resource commitments or a significant irreversible loss of soil productivity (EA pp 20-34), water quality (EA pp 20-34), wildlife habitats (EA pp 35-68), heritage resources (EA pp 68-69) or recreational opportunities (EA pp 69-71). In reaching my conclusion of no significant impacts, I recognize that this project is likely to have impacts, which are perceived as negative, as well as positive.

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

Grazing activities do not constitute a threat to public health or safety. This decision does not involve national defense or security. Livestock grazing has occurred in the same types of vegetation on the Carson National Forest for many years and there is a high degree of site-specific knowledge on the implementation and effects of livestock grazing (EA pp 16-20).

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

There are no unique characteristics of the geographic area that will be significantly affected by my decision. There are no effects to prime farmlands or ecologically critical areas. Approximately 2,083 acres, or 12% of the Angostura Allotment are located within the Pecos Wilderness Area. Livestock grazing was an authorized activity within this area prior to its designation as a wilderness area. Livestock use in this portion of the allotment is authorized, but the cattle seldom actually utilize this portion of the allotment due to steepness of terrain and abundant forage at lower elevations. Wilderness characteristics of the Pecos Wilderness will be maintained (EA p 71). The Wild and Scenic River eligibility status of the Rito Alamos will be maintained (EA p 71). Floodplain function will be maintained. Current wetland functioning will be maintained or improved (EA pp 20-34). See significance factor #8 for discussion related to historic or cultural resources.

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

Because this decision provides for maintaining and improving vegetation, soil, and water resource conditions on the Angostura Allotment, the activities associated with this decision will not significantly affect the quality of the human environment, and the effects are unlikely to be highly controversial in a scientific sense. No evidence has been presented that raises substantial questions as to the correctness of the environmental consequences that have been estimated. I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information.

The effects on the human environment are not likely to be highly controversial based on the involvement of forest resource specialists, other agencies, and the public. The public scoping for project initiation received input from nine responders and the 30-day comment period generated 17 letters from responders (EA p 4). After reviewing the project record and EA, I am confident the interdisciplinary team reviewed the comments and (1) incorporated them into alternative B, (2) addressed them in the appropriate resource section, or (3) provided a response that is documented in the project record. It is my judgment, while portions of the public disagree with various components of the project, and have raised concerns related to the action alternative, there is no unusual or high degree of controversy related to this project.

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

This decision has no known effects on the human environment that are highly uncertain or involve unique or unknown risks. All of the effects of the selected alternative are similar to those taken into consideration and disclosed in the Carson forest plan's final environmental impact statement chapters 2 and 4. Livestock grazing is an historic use and has been practiced on the Carson National Forest for 100 years (EA pp 13-14).

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

This decision does not represent a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The environmental assessment is site-specific and its actions incorporate those practices envisioned in the Carson forest plan and are within forest plan standards and guidelines.

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

Along with the effects of other past, present, or reasonably foreseeable actions implemented or planned in the area, there are no significant cumulative effects of this decision. The EA describes the anticipated cumulative effects for each of the affected

resources (EA pp 13-73). After reviewing the EA, I am satisfied none of the cumulative effects of my decision are significant.

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 historical resources

The archeological clearance and inventory standards and accounting report for the allotment were signed on August 15, 2008. The New Mexico State historic preservation officer (NM SHPO) concurred that continuing grazing practices will have no adverse effect on heritage resources from implementing this decision. There will be no effect to sites listed on the National Register of Historic Places, because these site types are not being adversely impacted by current livestock grazing levels and the proposed action will retain or reduce the number of livestock within the allotment. Two proposed range improvements (Agua Sarca and Loring Spring riparian enhancements) received archeological clearance from NM SHPO since no heritage resources were located during surveys for these projects. The additional proposed project (prescribed burn units) is subject to a future archeological clearance from NM SHPO since they will not be implemented within 2 years of this decision. This is in compliance with the USFS Region 3 “Standard Consultation Protocol for Rangeland Management: First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities”. (EA pp 68-69)

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

The U.S. Dept. of Interior Fish and Wildlife Service provided a list of threatened and endangered species that occur in Taos, Mora, and Rio Arriba counties for consideration in the analysis. The Southwestern willow flycatcher, black-footed ferret, and interior least tern did not warrant further analysis, since habitat was not present or the forest was not within the range of the species. Mexican spotted owl was analyzed (EA pp 35-38). There are no critical habitat units for Mexican spotted owl (MSO) on the Camino Real Ranger District. A biological assessment determined the grazing activities authorized in this decision “May Affect, Not Likely to Adversely Affect” the MSO or its habitat. This effect determination is based on the grazing criteria used in this analysis that is found in the Framework for Streamlining Informal Consultation for Livestock Grazing Activities (2005). Consultation with the U.S. Fish and Wildlife Service was conducted and concurrence was received on September 30, 2008.

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

Implementation of the selected alternative or any of the action alternatives considered in detail will not violate any Federal, State, or local law or requirements imposed for the protection of the environment. Including:

- Clean Water Act (EA pp 20-34)
- Clean Air Act, as Amended in 1977 (EA pp 34-35)
- Endangered Species Act of 1973, as Amended (EA pp 35-64)
- Executive Order 11990 of May, 1977 [Wetlands] (EA pp 20-34)
- Executive Order 11988 of May, 1977 [Floodplains] (EA pp 20-34)
- Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act] (EA pp 35-64)

Finding of Consistency with Other Laws – (see significance factor 10)

This decision is consistent with the National Forest Management Act (NFMA) and the Carson Forest Plan. This decision is also in compliance with the National Environmental Policy Act.

Forest Service Administrative Review or Appeal Opportunities

Opportunities under CFR 215

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Only individuals and organizations who submitted written or oral comments during the 30-day comment period for the proposed action may appeal this decision. An appeal must be mailed, faxed or e-mailed to the Appeal Deciding Officer within 45 days of publication of the legal notice of this decision in *The Taos News*. The publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Mail: Appeal Deciding Officer, Forest Supervisor Kendall Clark.
Carson National Forest
208 Cruz Alta Rd.
Taos, NM 87571
Fax: (575) 758-6213
E-mail: appeals-southwestern-carson@fs.fed.us

Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), Word (.doc), or portable document format (.pdf). Hand-delivered appeals can be submitted at the above office during normal business hours from 8:00 to 4:30 weekdays (excluding holidays).

The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals. Appeals must meet the content requirements of 36 CFR 215.13-15. Any appeal must be postmarked or submitted to the Appeal Deciding Officer within 45 days of the date of publication of this legal notice.

Opportunities under CFR 251

Decisions related to the issuance, denial, or administration of written instruments to occupy and use National Forest System lands may be appealed by permit holders under 36 CFR 251. A Notice of Appeal must be consistent with 36 CFR 251.90 and filed simultaneously with the Carson National Forest Supervisor, Appeal Reviewing Officer and Camino Real District Ranger, Deciding Officer. The notice of appeal must be filed within 45 days from the day after the written notice of the decision being appealed. 36 CFR 251 appeals should be sent to:

Mail: Appeal Deciding Officer, Forest Supervisor Kendall Clark.
Carson National Forest
208 Cruz Alta Rd.
Taos, NM 87571
Fax: (575) 758-6213
E-mail: appeals-southwestern-carson@fs.fed.us

and

Mail: Camino Real District Ranger John Miera,
Deciding Officer for Angostura Allotment
P.O. Box 68
Penasco, NM 87553
Fax: (575) 758-6236

A permit holder may appeal the decision under 36 CFR 215 or 36 CFR 251, but not both. Appeals may be filed electronically, as described above under the 36 CFR 215 process.

The deciding officer is willing to meet with permit applicants or holders to hear and discuss any concerns or issues related to this decision. This decision may be implemented during an appeal, unless the Reviewing Officer grants a stay under 251.91.

Implementation Date

If an appeal is filed within the 45-day time period, implementation may begin on, but not before, the 15th business day following the date of the last appeal disposition. If no appeal is filed within the 45-day time period, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal filing period.

Information

For additional information, contact John Miera at the Camino Real Ranger District, at the address listed above, or by phone at (575) 587-2255

/s/ John P. Miera

9/30/08

JOHN P. MIERA
Camino Real District Ranger

Date

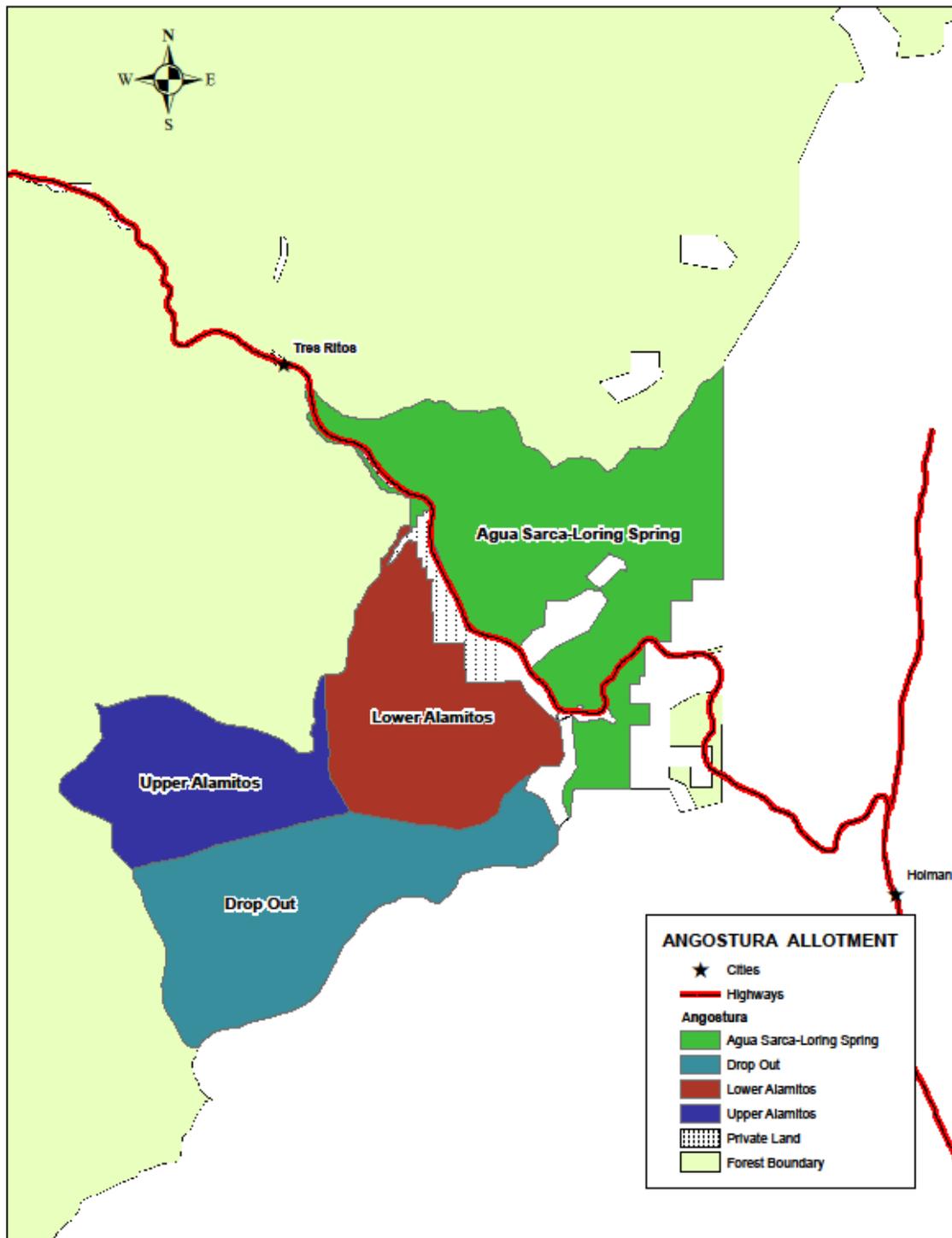


Figure 1. Angostura Allotment General Location and Pasture Map