

Decision Notice and Finding of No Significant Impact

Livestock Grazing Management on the Jawbone Allotment

**USDA Forest Service, Carson National Forest, Tres Piedras Ranger District
Taos County, New Mexico**

Introduction

The Jawbone Grazing Allotment is located approximately 15 miles west of the community of Tres Piedras in northern New Mexico. A primary access is from US Highway 64 (see figure 1). The allotment is 18,468 acres in size and has three fenced pastures (Hopewell, La Manga and Brokeoff) and one unfenced area (Gavilan). 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 Tres Piedras 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 on the Jawbone 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 3, which allows for livestock conversion. This alternative also includes an adaptive management plan (table 1). My decision will authorize grazing management on the allotment as follows (see figure 2 and table 1):

- With no requests for conversion of livestock, there will be 330 cow/calf from June 16 to September 30 (107 days). There will be two sheep permits: (1) 720 ewe/lamb from July 1st to September 30 (92 days) and, (2) 556 ewe/lamb from July 1 to September 15 (77 days).
- With a total conversion from sheep to cattle, there will be 486 cow/calf from June 16 to September 30 (107 days).
- With a total conversion of cattle to sheep, there will be 4,086 ewe/lambs from July 1 to September 30 (77 days).
- On an annual basis, numbers may be adjusted to respond to resource conditions.
- Grazing will occur through a deferred or rest rotational system to allow for cool season grass production in alternating seasons.
- The Gavilan area acreage will become part of the La Manga pasture.
- A conservative grazing intensity with an allowable utilization range of 20 to 40 percent, depending on the vegetation type and current range conditions will be used.
- To improve riparian area management, riparian areas will be identified by pasture, a pattern of use map will be established to document ungulate use and the annual operating instructions (AOI) will include salting for cattle/sheep at least 1/2 mile from key watering points. Management actions such as moving livestock out of riparian areas, reducing

livestock numbers and salting will become part of the AOI and allotment management plan.

Mitigation Measures

No additional mitigation measures were identified by resource specialists. Alternative 3 incorporated specialist recommendations.

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.

Monitoring

The adaptive management plan (table 1) will be used to move toward achieving both short and long term goals. Short-term monitoring will use grazing intensity and utilization guidelines to assess key area (upland meadow and riparian) use. Long term monitoring will consist of Parker 3-Step transects (also referred to as Parkers) and cover frequency. Since current parker locations do not fully represent the pastures, cover frequency transects will be established in new areas that are more representative of the Hopewell, La Manga and Brokeoff pastures. The new transects will be located in soil types with full livestock grazing capability that represent the majority of the pasture (with adequate distance from authorized and unauthorized roads, trails, boundaries, watering points, salt grounds and dispersed camping. The new locations will be reviewed and agreed upon by the permittees. Parkers and cover frequency will be referenced on the working deferred maintenance list in the future.

Cover frequency will be read between year three and year five to gauge changes in trend. In areas where Parkers transects will continue to be used, existing key areas will be monitored annually. Forage utilization, production and vigor will be estimated between years three and five to gauge changes in long term trend (vigor and productivity). In the upland meadow key areas of the Brokeoff pasture (Mexican spotted owl habitat), the same methods will be used as described above to gauge improvement in plant percent composition. If monitoring indicates conditions are not being achieved, the adaptive plan provides options for adjusting management decisions and actions throughout the life of the permit to meet desired conditions.

Monitoring to provide baseline information on perennial stream habitat conditions will include: (1) Completion of the stream habitat inventory and report on the Rio Vallecitos by 2011; (2) Completion of the stream habitat inventory and report on the Rio Tusas and Little Tusas by 2012, (3) Completion of multiple pass depletion surveys on the Rio Tusas, Little Tusas and Rio Vallecitos by 2010, (4) Completion of macroinvertebrate sampling and analysis on the Rio Vallecitos, Rio Tusas and Little Tusas by 2010 and, (5) Monitoring the condition of the fence for maintenance needs in the Hopewell Lake Recreation Area. This will be completed annually, prior to livestock going on allotment.

Table 1. Adaptive Management Plan

Pasture / Location	Desired Condition	Monitoring Measure	Trigger Indicating Additional Action Is Needed	Possible Grazing Management Actions, If Trigger Indicates Need
Riparian Areas	All riparian areas: Diverse riparian plant communities (60% of woody plant composition in 3 or more riparian species) provide overhanging vegetation and effective ground cover (not more than 10% bare ground within the riparian area). This helps trap sediment and dissipate energy during peak flows, protect soils from erosion processes, maintain stream bank stability and provide wildlife habitat. Plant species include sedges, rushes, desirable riparian grasses (e.g. timothy, brome), woody shrubs (e.g., willows, elderberry) and trees (e.g., aspen, alder). At least 60% of the woody plant composition includes 3 or more riparian species (Forest Plan MA 14). Stream bank cover is increasing as new shrubs are established and improving desired riparian conditions. Desired riparian conditions provide quality aquatic habitat for other resident trout and aquatic macroinvertebrates (forest management indicator species). Quality riparian habitat for Mexican spotted owl (federally listed species) and Forest Service sensitive species is present (see Riparian Forest Sensitive Species section).	1) Diversity of grassland plant community-% of plant composition in cool season grasses within a timeframe	1) Given adequate (near normal) climate conditions, cannot meet at least 75% of plant composition in cool season grasses by year 4 and 5	*Increase herd management to control the amount of time livestock spent in riparian areas *Move livestock out of riparian areas on a daily basis to control the amount of time spent in these areas *Salt away from riparian areas to improve distribution in less used areas of the pasture *Reduce livestock numbers in order to move towards riparian desired conditions (stocking rates consider 6 and 12 month standard precipitation index (SPI) *Eliminate livestock use within pastures to meet riparian desired conditions
		2) % woody species within a time frame	2) >15% woody species in 5 years	
		3) % bare ground	3) > 10 to 15% bare ground in year 3	
		4) % utilization at the end of the summer from wildlife and livestock	4) >40% utilization for 2 consecutive years within a 5-year period (Monitor utilization throughout the grazing period)	
		5) Residual stubble height in inches of riparian vegetation within a time frame	5) Meets at least 4" residual stubble height of riparian vegetation annually(Monitor residual stubble height at the end of the growing season)	
		6) % of fine sediment in riffle habitat	6) % of sediment is moving towards exceeding 20% measured at 2 year intervals (2 nd , 4 th , 6 th and 8 th year).	
		7) Stream temperature	7) Temperature is increasing and does not comply with State of NM standard for cold water fisheries measured in 2 year intervals (2 nd , 4 th , 6 th , 8 th year)	

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Pasture / Location	Desired Condition	Monitoring Measure	Trigger Indicating Additional Action Is Needed	Possible Grazing Management Actions, If Trigger Indicates Need
		8) Streambank condition	8) % of unstable banks is moving toward exceeding 10% estimated in 2 year intervals (2 nd , 4 th , 6 th and 8 th)	
Grasslands and upland meadows for key MSO habitat (Brokeoff pasture)	Maintain and/or achieve good conditions (and strive for moving from good to excellent in Mexican spotted owl habitat (Forest Plan Amendment #11) in 10 years. Diverse grassland communities and montane meadows provide abundant forage for all ungulates, especially in the late-spring and early summer. In high elevation grasslands, a mix of palatable cool season grasses (e.g., Thurber fescue, Arizona fescue and junegrass) and forbs dominate the plant community. There is some evidence of woody species (e.g., willow, elderberry, red osier dogwood). Cool season grasses that are healthy and reproducing emerge in the spring and offer nutritious forage for wildlife and livestock early in the growing season. Grasslands and montane meadows provide effective ground cover. In TEU 133E, bare ground is being reduced over time. In the remainder of the grasslands and meadows, there is between 5% and 20% bare ground (depending on soil type) to maintain soil stability and provide quality wildlife habitat. Wildlife, especially elk, (a forest management indicator species) utilize this habitat during the winter and spring. Grasslands and montane meadows also provide foraging habitat for Mexican spotted owl and northern goshawk prey base species.	1) Diversity of grassland plant community-70% plant composition in cool season grasses within a timeframe	1) Cannot meet between 30% and 73% plant composition in cool season grasses by year 3, 4 and 5	*Delay livestock entry, to allow cool season grasses additional time for root growth, the formation of basal buds and the production of seed and food storage
		2) % woody species in TEU 133E within a time frame	2) >15% woody species in TEU 133E by year 3, 4 and 5	*Remove livestock from the allotment at an earlier exit date to maintain native food and cover for wildlife species (that depend on grasses and forbs for the winter)
		3) % bare ground in TEU 133E and remaining key areas	3a) >11% to 15% bare ground in TEU 133E by year 5 and, 3b) >5% to 20% in remaining key areas by year 3, 4 and 5	*Reduce livestock numbers in high elevation grasslands and montane meadows, to allow for growth
		4) % utilization at the end of the summer from wildlife and livestock	4) >40% utilization in 2 consecutive years within a 5-year period (<i>Monitor utilization throughout the grazing period</i>)	*Use prescribed fire to reduce woody plant species (<i>Additional environmental analysis is required to implement this action</i>)

Rationale for the Decision

Alternative 3 was developed by comparing the existing conditions on the allotment with desired conditions and management direction provided in the forest plan. My decision meets the purpose and need for this allotment by making forage available for livestock grazing while maintaining and/or improving vegetation, soil, and water resources. This translates into improved riparian, aquatic, grassland, and meadow habitat that is needed for a variety of terrestrial and aquatic wildlife species. This alternative also responds to permittee requests for operational changes.

All 3 pastures will remain in fair to good condition within Hopewell, La Manga and Brokeoff. In the La Manga pasture, this is result of managing Gavilan and La Manga as one pasture. This will eliminate repeated spring use by sheep and all livestock will follow a deferred rest rotation. Annual alternative rest by livestock will result in an opportunity for range condition to maintain or increase with the long term trend remaining at stable or moving upward. With modified management, the objective of maintaining and/or improving overall range condition and trend will be met. Vegetation composition (diversity and mix of cool season grasses), vegetation frequency, and the percentage of bare ground (which was below desired conditions in La Manga pasture) is expected to improve. In the Gavilan portion of La Manga, the percentage of bare ground will be reduced. Vegetation vigor, which was just meeting desired conditions in Gavilan, will improve (EA, pp. 25-27) If additional measures are needed to move towards improved rangeland conditions, this decision provides for a range in livestock numbers, for maximizing AOI flexibility, and for using the adaptive management plan (table 1).

As rangeland vegetation conditions improve in the La Manga (includes Gavilan) and are maintained in the Hopewell and Brokeoff pastures, permittees should continue to have reliable forage or increased forage. Forage production currently meets desired conditions in all pastures and this will likely increase in La Manga pasture. My decision meets the objective of providing forage to support the continuation of livestock grazing. This will contribute to the economic diversity and social well being of the permittees and their families. I do anticipate years of poor precipitation, when the average precipitation is moderately dry. When this occurs, reduced livestock numbers are likely (in response to poor forage availability). Even with aggressive management, during consecutive years of poor precipitation or severe drought conditions, there is a chance that range conditions could decrease (EA, p. 26) By fully using the AOI and the adaptive management plan, I am confident that resource conditions can at least be maintained until favorable weather conditions return (and adequate forage, once again, becomes available).

Riparian vegetation condition will be maintained or slightly improve over the long term, as grazing continues and measurable impacts to the riparian woody and herbaceous plants are adaptively managed. The ability of these riparian areas to store and release stream flow, as well as filter sediment from sediment generating activities and features (roads, OHV use, gathering forest products and recreational use), will continue to slightly improve in the long term (EA, p. 32).

Stream habitat conditions are expected to be maintained and improved in the Rio Vallecitos, Rio Tusas and Little Tusas as a result of moving livestock out of riparian areas, reducing livestock numbers, and salting away from waters. Pastures that are in fair to good condition will reduce any indirect sources of sediment that may occur from the uplands entering the streams. The effect to fish populations (Rio Grande cutthroat trout, Rio Grande chub, Rio Grande sucker, and resident trout) may be no change or a slight increase in these streams due to improved stream habitat conditions. Approximately 0.25 mile of Placer Creek was a concern. The construction of a fence

in 2009 and 2010 will eliminate streambank trampling and use of riparian vegetation by livestock. This will improve streambank stability and reduce sediment in the long term. As riparian vegetation recovers, it is likely that temperatures will be reduced from shading. Cumulatively, when this fence action is combined with the fair to good range conditions in Hopewell pasture, there will be reduced sources of sediment that originate in the uplands. In the long term, as habitat conditions improve, there may be increased numbers of fish in this 0.25 mile reach due to the proximity of Hopewell Lake. The lake contains both resident and stocked fish (EA, pp. 44, 63-64).

The availability and quality for forage for wildlife (such as elk, mule deer, and black bear), that depend on the low elevation grasslands and upland meadows, will improve as vegetation composition desired conditions are either maintained (Hopewell and Brokeoff pastures) or improved (La Manga/Gavilan pasture) (EA, p. 56).

Alternatives Considered

Besides alternative 3, which was developed in response to a significant issue, six alternatives were considered but four were eliminated from detailed analysis. The no action alternative (alternative 1) was analyzed and used as a baseline to compare the effects of alternative 2 and 3. Alternative 1 would discontinue domestic livestock grazing on the allotment. Alternative 2 was the proposed action which did not include livestock conversion.

Public Involvement

The proposed action has been listed in the quarterly Carson National Forest NEPA Schedule of Proposed Actions since October, 2006. As part of rangeland management consultation requirements (FSH 2209.13.90), the district and the permittees met on February 27, 2008, to discuss draft proposals. Two permittees provided comments prior to the scoping period (see project record). On May 21, 2008, the proposal was provided to the public, permit holders and other agencies. Three letters were received. On July 9 2008, a request for comments was mailed to 61 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 *The Taos News* on July 10, 2008. Four letters and two responses submitted via e-mail were received. Six significant issues were identified (EA, pp. 7-10):

Significant Issue #1: Mule deer, elk and black bear early season nutritional needs. Use an entry date of July 15th for cattle in this high elevation allotment to assure recovery of cool season grasses which are one of the main nutritional needs for mule deer, elk and black bear.

Significant Issue #2: Loss of Quality Cold Water Fisheries. The upper Vallecitos, Tusas Creek and Little Tusas (Rincon Negro) should be monitored for properly functioning condition with regards to riparian zones and livestock. The loss of quality cold water fisheries is the main issue.

Significant Issue #3: Implementation of Adaptive Management. Management actions moving livestock out of riparian areas daily need to be part of the preferred alternative for reauthorization. Waiting until a trigger (threshold) occurs is condoning current management and disregards any monitoring efforts.

Significant Issue #4: There should be a reduction in cattle numbers to improve resource conditions. The proposal should include a reduction in the permitted numbers of cattle authorized on the allotment to maintain and/or achieve good range conditions and improve riparian plant communities.

Significant Issue #5: Conversion of sheep permits to cattle permits. Jawbone permittees have been interested in a possible conversion of permitted sheep to cattle. In the past, permittees were temporarily authorized converted classes of livestock based on permitted head months. In order to analyze the environmental consequences associated with converting sheep permits to cattle (or cattle permits to sheep), alternative 3 was developed. The rangeland vegetation indicators are pasture/allotment condition and trend which is measured with vegetation composition, frequency and vigor. The soils and watershed report will analyze the effects to riparian from the two options for livestock conversion. The indicators for riparian condition are percent plant composition for cool season grasses, percent woody species, percent utilization and riparian stubble heights.

Significant Issue #6: Social and Economic Impacts: The proposed changes will not only have a negative economic impact, but it will also affect the quality of life for those that depend on grazing rights for human survival. It will affect a historic and culturally sensitive practice that has been passed down for generations.

Most concerns and requests for clarification have been addressed in chapter 1 and in chapter 3. All public comments and our responses to these comments can be viewed on the forest website at: www.fs.fed.us/r3/carson/plans/nepa/jawbone_allotment).

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 Tres Piedras Ranger District and Taos County.
- (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. 12-15). 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.19-71). 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. 30-34), water quality (EA, pp. 30-34), wildlife habitats (EA, pp. 34-64), heritage resources (EA, pp. 64-65) or recreational opportunities (EA, pp. 65-66). 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 decades and there is a high degree of site-specific knowledge on the implementation and effects of livestock grazing (EA, pp. 1-2, 21-27)

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, wetlands, floodplains (EA, pp. 28-34), or ecologically critical areas (EA, p. 35). There are no effects to designated wilderness areas, wilderness study areas (EA p. 65-66), inventoried roadless areas (EA, p. 66), or wild and scenic rivers (EA, p. 66). 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

This decision provides for maintaining and improving vegetation, soil, and water resource conditions. This allows for the continuance of livestock grazing on the Jawbone allotment. Therefore, 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 permittees and generated three public responses. The 30-day comment period generated four letters and two email comments from responders (EA, pp. 7-10). After reviewing the project record and EA, I am confident the interdisciplinary team reviewed the comments and (1) incorporated them into alternative 3, (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 chapter 2 and chapter 4. Livestock grazing is an historic use and has been practiced on the Carson National Forest for decades (EA, pp. 1-2, 21-27).

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 (EA, p. 6).

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. 19-20, 27, 33-34, 60-64, 65-66, 69, 71). 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 13, 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 present within the allotment (EA, pp. 64-65).

A consultation letter was sent in January of 2007, listing all the proposed projects for each Ranger District with an enclosed project location map. The project was added to the SOPA calendar in 2006 and has remained on the calendar through the present. The SOPA calendar and a consultation letter are sent to the tribes on a quarterly basis. The tribes receiving the letter and SOPA calendar include: The Comanche Tribe of Oklahoma, The Jicarilla Apache Nation, The Navajo Nation, The Southern Ute Indian Tribe, The Ute Mountain Ute Tribe, The Hopi Tribe, and the Pueblos of Jemez, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Ildefonso, Santa Clara, Taos, Tesuque and Zuni. An additional mailing providing the tribal governments with opportunity for comment was sent out July 9, 2008. The tribal governments have not identified any specific traditional or sacred places within the project area or other concerns regarding this project (EA, p. 65).

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 County for consideration in the analysis. The black-footed ferret, interior least tern, southwestern willow flycatcher and Rio Grande silvery minnow did not warrant further analysis, since habitat was not present or the forest was not within the range of the species (EA, pp. 34-35). Mexican spotted owl (MSO) was analyzed. There are no critical habitat units for MSO on the Tres Piedras Ranger District (EA, p. 35). A biological assessment determined the grazing activities authorized in this decision “May Affect, Not Likely to Adversely Affect” MSO or its habitat. This effect determination is based on the grazing criteria used in this analysis (EA, pp.34-64) 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. 28-34)
- Clean Air Act, as Amended in 1977 (EA, pp. 30-34)
- Endangered Species Act of 1973, as Amended (EA, pp. 34-37, 60-64)

- Executive Order 11990 of May, 1977 [Wetlands] (EA, pp. 28-34)
- Executive Order 11988 of May, 1977 [Floodplains] (EA, p. 30)
- Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act] (EA, pp. 58-63)

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 Tres Piedras 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:

Forest Supervisor, Carson National Forest
Appeal Deciding Officer
208 Cruz Alta Road
Taos, NM 87571

FAX: (575) 758-6213

Email: appeals-southwestern-carson@fs.fed.us

and

Tres Piedras District Ranger
Deciding Officer for Jawbone Allotment
P.O. Box 38
Tres Piedras, NM 87557
FAX: (575) 751-3230

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 Benjamin Romero at the Tres Piedras Ranger District, at the address listed above, or by phone at (575)758-8678

BENJAMIN ROMERO
Tres Piedras District Ranger

Date

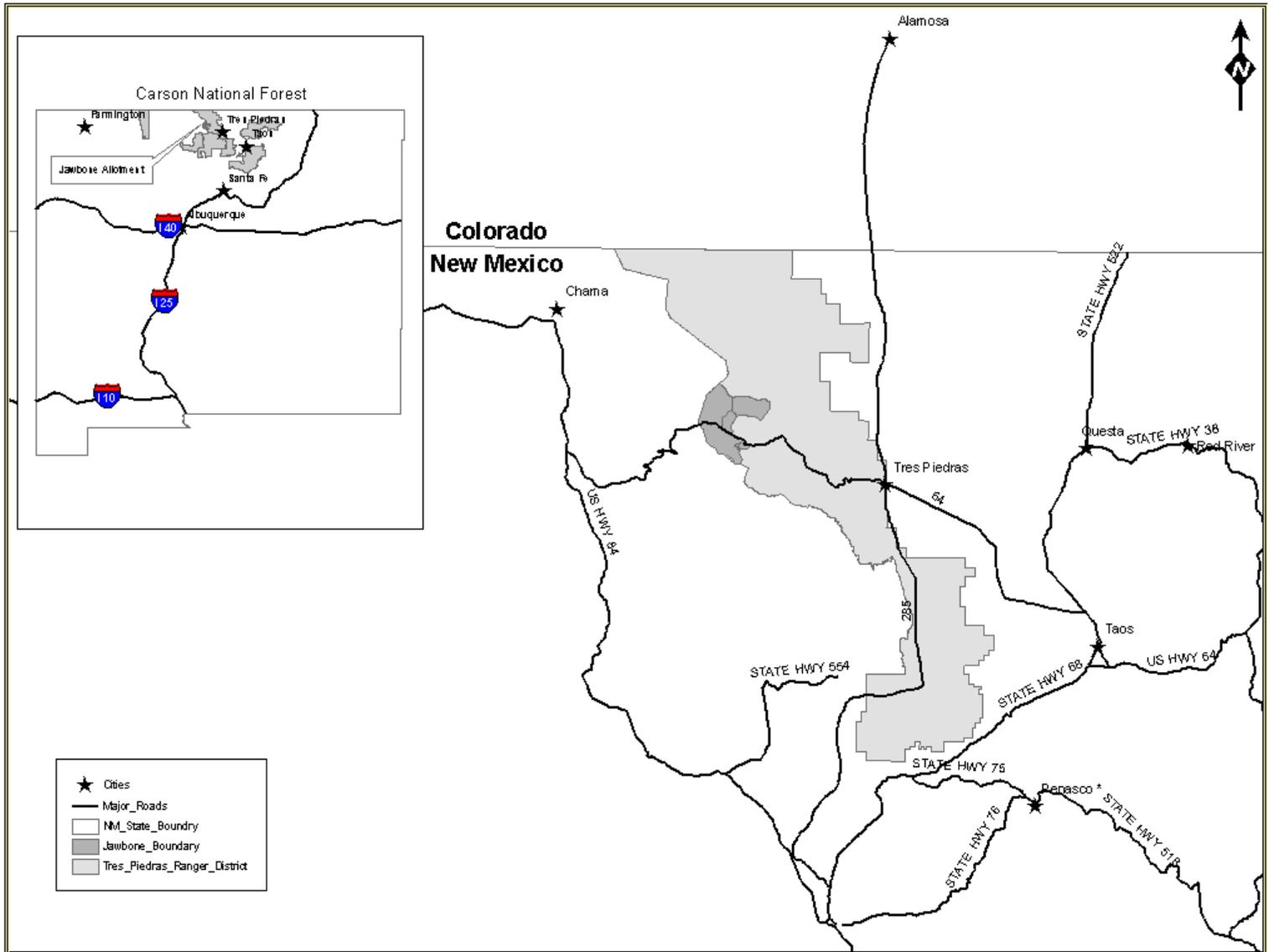


Figure 1. Jawbone Allotment Project Vicinity Map

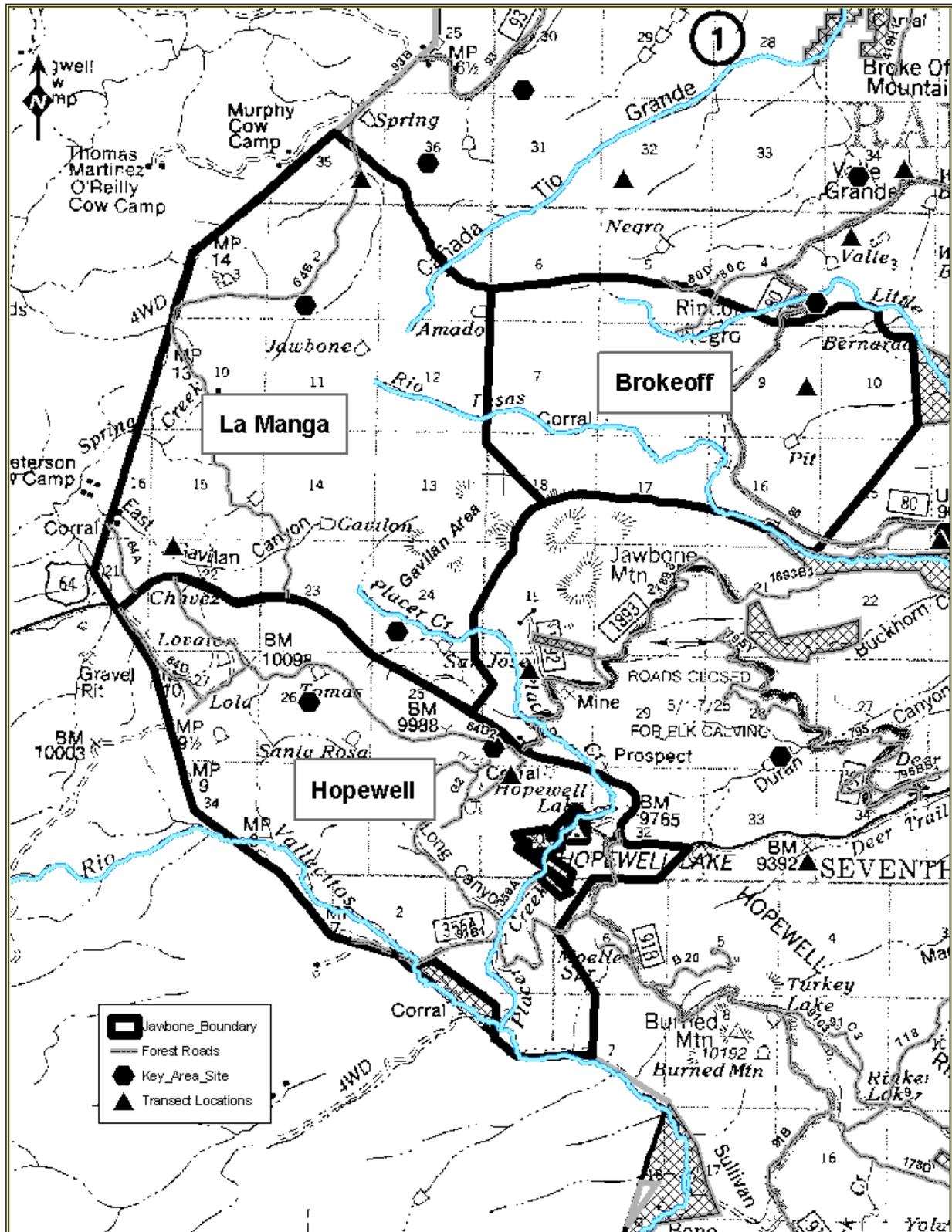


Figure 2. Jawbone Allotment Selected Alternative (Alternative 3)