

**Decision Notice and
Finding of No Significant Impact
Livestock Grazing Management for La Lama Allotment**

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

Introduction

La Lama Allotment is located immediately south of the town of Questa, in northern New Mexico and is divided by Highway 522 (figure 1). It is within the Questa Ranger District of the Carson National Forest in Taos County. 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 Questa Ranger District.

Decision

I have reviewed the Carson National Forest Land and Resource Management Plan (forest plan) and the La Lama Allotment Environmental Assessment. This decision and the environmental assessment were developed in consideration of the best available science and are consistent with the forest plan, as amended. 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 2, the proposed action. My decision will change grazing management on the allotment as follows (figure 1):

- Permit 30 to 80 cow-calf pairs. The actual number of animals authorized each grazing season will depend on the rotation schedule and the capacity of the pastures to be used that year.
- Season of use from June 1 to September 30, depending on the pastures used.
- Manage using a 7-pasture rest-rotation grazing system. Flag Mountain Pasture will be managed as two pastures (Upper and Lower Flag Mountain).
- Construct three earthen water tanks in the Lower Flag Mountain Pasture.
- Construct a 2 mile drift fence near Largo Canyon with one cattle guard.
- Graze Upper Flag Mountain Pasture one year out of three, with no more than 20 cow-calf pairs for 2-4 weeks.
- Rest the remaining six pastures once every five years. Graze no more than 30 cow-calf pairs in the year the Lower Flag Mountain pasture is rested.
- Graze no more than 30 cow-calf pairs until the drift fence and water improvements have been constructed. Once improvements are in place the permitted number will be no more than 80.
- Distribution of livestock and forage use will be adjusted to achieve a light to conservative grazing intensity of 10-40% utilization, meeting guidelines.¹ Utilization will not exceed 35% in key forage areas where vegetation treatments have occurred. In all other vegetation types, utilization will not exceed 40%. A 4-inch stubble height on grasses and forbs will be maintained in all riparian zones.
- Stocking levels and the on and off dates will be adjusted annually through the annual operating instructions (AOI's), based on previous years' monitoring and anticipated forage as measured by range readiness inspections. The AOI's allow flexibility and an adaptive management approach to respond to short-term resource conditions such as forage and water availability.
- Additional mitigation measures: In managing the allotment, best management practices will be applied. These 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).

¹ FSH 2209.13, Chapter 90, Region 3 Supplement

Monitoring:

- range readiness every year before grazing season
- Parker 3-step and rapid assessment methodology (RAM) every 10 years
- forage utilization rate measured throughout each grazing season and at the end of each grazing season
- permit compliance, including stocking levels, pastures grazed, and season of use monitored throughout the grazing season
- 4” residual stubble height within riparian areas every year the Upper Flag Mountain Pasture is grazed (one year out of three)
- review NMED 303d list every two years, as required by the water quality act, to monitor water quality in Lama Creek

Rationale for the Decision

Alternative 2, the Proposed Action, was developed by comparing the existing conditions on the allotment with desired conditions and management direction provided in the Carson National Forest Land Management Plan (Forest Plan). My decision will authorize livestock grazing in a manner that balances permitted use with Forest Plan objectives and desired conditions for rangeland vegetation, soil, watershed, and wildlife habitat. In addition, my decision will improve rangeland conditions on the Cebolla pastures by better utilizing the Flag Mountain Pasture. This will be done by constructing water tanks and fences. June 1 is a more realistic entry date, when pastures are range ready. An off-date of September 30 will allow forage to set seed, improving plant vigor and forage production prior to the winter in Cebolla Mesa pastures. A rest rotation grazing system instead of a deferred system will allow a full year of rest for each pasture. Grazing Upper Flag Mountain Pasture (including Lama Canyon) one year out of three, with no more than 20 cow-calf pairs for 2-4 weeks, and resting the remaining six pastures once every 5 years will maintain or improve the riparian conditions along Lama Creek.

Alternatives Considered

Besides Alternative 2, fourteen alternatives were considered and thirteen were considered, but eliminated from detailed analysis. The no action alternative (alternative 1) was analyzed and used as a baseline to compare the effects of alternative 2. Alternative 1 did not permit domestic livestock grazing on the allotment.

Public Involvement

The proposal was listed in the Carson National Forest Schedule of Proposed Actions since April 2007. The proposal was provided to the public and other agencies for comment during a 30-day scoping period beginning on December 20, 2007. A total of 4 comment letters were received. Permittees participated in the planning process by attending meetings with the district. The permittees identified one significant issue during scoping; the grazing public is an integral part of the traditional use of the lands of the Carson National Forest. Reduction in the number of livestock authorized to graze, could affect the permittees economically. A third alternative was created to address this issue, but was dropped from further analysis after a thorough effects analysis demonstrated that it would not meet the purpose and need of the proposed action. The alternatives were provided to the public during the 30-day notice and comment period beginning on July 31, 2008. A legal notice of availability was published in The Taos News in accordance with 36 CFR 215.5(b). A total of 7 comment letters were received.

Finding of No Significant Impact

Based on the interdisciplinary environmental analysis, review of the National Environmental Policy Act (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 Questa 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 design and mitigation measures. 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. 13-34). 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, water quality, wildlife habitats, heritage resources or recreational opportunities. 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.

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, or ecologically critical areas (EA pp. 20-22). There are no effects to designated wilderness areas, wilderness study areas (EA pp. 32), inventoried roadless areas, or wild and scenic rivers (EA pp. 32). 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

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 4 responses and the 30-day comment period generated comments from 7 responders. After reviewing the project record and EA, I am confident the interdisciplinary team reviewed the comments and incorporated them into alternatives or addressed them in the appropriate resource section. It is my judgment, while portions of the public disagree with various components of the project, and have raised concerns related to the action alternatives, 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.

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. 13-34). 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

An archeological survey and site-record check were completed for the allotment. A review of site information indicates that no known historic structures, ruins with standing walls, rock art

sites or rock shelters are being impacted by current grazing. Consultation with the State Historic Preservation Office has determined that continued grazing will have no adverse effect on heritage resources within La Lama Allotment. Continued grazing is not expected to result in significant impacts to archaeological and historic properties.

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 analysis. The three federally listed species, Mexican spotted owl, southwestern willow flycatcher and black-footed ferret did not warrant further analysis, due to the absence of habitat or critical habitat units. A biological assessment determined there will be “no effect” to any federally listed species. Consultation with the US Fish and Wildlife Service was not necessary.

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)
- Clean Air Act, as Amended in 1977 (EA pp. 22)
- Endangered Species Act of 1973, as Amended (EA pp. 22)
- Executive Order 11990 of May, 1977 [Wetlands] (EA pp. 20-22)
- Executive Order 11988 of May, 1977 [Floodplains] (EA pp. 22)
- Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act] (EA pp. 29-31)

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 (NEPA).

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 Questa District Ranger, Deciding Officer within 45 days of the date on the notice of the written 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

Questa District Ranger
Deciding Officer for La Lama Allotment
P.O. Box 110
Questa, NM 87556
FAX: (575) 586-0521

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 Genevieve Masters at the Questa Ranger District, at the address listed above, or by phone at (575) 586-0520.



GENEVIEVE MASTERS
Questa District Ranger

9/29/08

Date

Figure 1. La Lama Allotment boundary with pasture boundaries and water sources identified in the decision.

