

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

**Livestock Grazing Management on the San Antone Allotment**

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

**Introduction**

The San Antone Allotment (41,281 acres) is located approximately 14 miles northwest of the community of Tres Piedras in northern New Mexico. A primary access is from State Highway 285 to Forest Road 87 (figure 1). It is within the Tres Piedras 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 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 San Antone 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 2, the proposed action, which includes an adaptive management plan (table 1). My decision will authorize grazing management on the allotment as follows (figure 2 and table 1):

- Authorize 552 cow/calf and 18 bulls up to 861 cow/calf and 29 bulls. The lower number represents the livestock number that has been authorized during past drought periods. The maximum livestock number is the number that can be supported once the desired conditions for vegetation, soils, and water resources have been reached. It is likely that current conditions will not support this level of grazing. Through the annual operating instructions (AOI), livestock numbers will be authorized at a lower level until such time as conditions improve.
- The grazing period will be up to 153 days. The entry date will range from May 17 to June 1 and the range of exit dates will be from September 15 to October 16. The grazing period within each pasture will be based on climate conditions, current growing conditions, and the need for plant re-growth following grazing by all ungulates.
- Grazing management will be a rotation system that includes deferment or rest. Trailing will be used as needed. Three pastures, Ursulo, Chino and Wheatgrass, will be available for allotment entry to provide increased options for cool season grass growth and recovery. One pasture will be rested each year.
- Depending on the vegetation type and current range conditions, a conservative grazing intensity with an allowable utilization range of 20 to 40% will be used.
- The following improvements will be constructed and/or reconstructed within 3 to 5 years for better livestock distribution and less potential for excessive forage utilization: (1) a new water

- Once surveys for Forest Service sensitive plant species, *Astragalus ripleyi* (milkvetch), are completed on the allotment, and the extent of the population is known, the timing of livestock use will be adjusted to maintain plant composition and diversity, if needed. The grazing system and season of use may already meet milkvetch needs.

### **Mitigation Measures**

To reduce the potential for unauthorized livestock from entering Stewart Meadows Complex and negatively affecting the southwestern willow flycatcher habitat, the following measures will be taken: (1) range riders will be instructed through the AOI to herd trespass livestock out of Stewart Meadows Complex and (2) while livestock are present on pastures adjacent to the Stewart Meadow Complex, Forest Service and New Mexico Department of Game and Fish personnel (if available) will monitor the area to validate livestock exclusion.

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 photographs, vegetation sampling, Parker 3-Step transects, and cover frequency. To gauge changes in long-term trend (vigor and productivity), cover frequency baseline conditions will be established in year 1. Cover frequency will be read between year 3 and year 5 to gauge changes. When using Parkers transects, existing key areas will be monitored between years 3 and 5 to gauge changes in long term trend (vigor and productivity). To gauge improvement in plant composition in Mexican spotted owl (MSO) habitat, the same methods will be used in upland meadow key areas in Tanques, Nutritas, Hondo, and Oso pastures. If monitoring indicates conditions are not being achieved, the adaptive strategy will provide options for adjusting management decisions and actions throughout the life of the permit to meet desired conditions. For aquatics, the Rio San Antonio stream habitat inventory and report will be completed in 2010. In addition, the Rio San Antonio enclosure will be evaluated annually, prior to livestock going on allotment and when leaving allotment. Monitoring will focus on fence condition.

**Table 1. Adaptive Management Plan**

| <b>Pasture / Location</b>   | <b>Desired Condition</b>  | <b>Monitoring Measure</b>  | <b>Trigger Indicating Additional Action Is Needed</b>   | <b>Possible Grazing Management Actions, If Trigger Indicates Need</b>  |
|---|---|--|---|--|
| <p><b>Key Riparian Areas</b><br/> <b>Ursulo Pasture</b> – Along Rio San Antonio (2.3 mi)<br/><br/> <b>Oso, &amp; Tanques pastures</b> – Along intermittent creeks (e.g., Canada del Oso &amp; Lola Creek)</p> | <p>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) to help 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).<br/>                     On the Rio San Antonio new shrubs are establishing and are increasing in size and cover. Woody plants consist of 3 or more age classes (Forest Plan, MA 14). Age class structure in woody plant communities are at least 10% plant cover in sprouts, seedlings, &amp; saplings. It is likely there would be one size class for approximately 5 years.<br/>                     Stream bank cover is increasing (as new shrubs are established) and improving</p> | <p>1) Diversity of grassland plant community-% of plant composition in cool season grasses within a timeframe<br/><br/>                     2) % woody species within a time frame<br/><br/>                     3) % bare ground<br/><br/>                     4) 20% to 40% utilization at the end of the summer from wildlife and livestock<br/><br/>                     5) % of fine sediment in riffle habitat</p> | <p>1) Given adequate (near normal) climate conditions, cannot meet at least 75% of plant composition in cool season grasses by year 4 and 5<br/><br/>                     2) &lt;15% woody species in 5 years<br/><br/>                     3) &gt; 10 to 15% bare ground in year 3<br/><br/>                     4) &gt;40% utilization for 2 consecutive years, within a 5-year period (<i>utilization monitoring occurs throughout the grazing period</i>)<br/><br/>                     5) % of sediment is moving towards exceeding 20% measured at 2 year intervals (2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> year)</p> | <ul style="list-style-type: none"> <li>• Add riders to control the amount of time livestock spend in riparian areas while trailing or grazing in the pasture</li> <li>• Move livestock out of riparian areas on a daily basis to control the amount of time spent in these areas</li> <li>• Salt livestock away from riparian areas to improve distribution in less used areas of the pasture</li> <li>• Reduce livestock numbers within riparian areas</li> <li>• Install enclosure fence(s) along affected riparian areas to control or exclude livestock</li> <li>• Construct a 10 -20 acre Oso spring enclosure</li> </ul> |

| Pasture / Location   | Desired Condition   | Monitoring Measure   | Trigger Indicating Additional Action Is Needed  | Possible Grazing Management Actions, If Trigger Indicates Need   |
|--|---|--|---|--|
|  | <p>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), southwestern willow flycatcher, northern goshawk, northern leopard frog, water shrew, spotted bat, Townsends big ear bat, long-tailed vole, mink, ermine(Forest Service sensitive species) is present.</p>                      | <p>6) Stream temperature</p>   | <p>6) Temperature is increasing and does not comply with State of NM standard for cold water fisheries measured in 2 year intervals (2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> year)</p> |  |
|  |   | <p>7) Streambank condition</p>   | <p>% of unstable banks is moving toward exceeding 10% estimated in 2 year intervals (2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup>)</p>  |  |
| <p><b>Grasslands and upland meadows that provide key MSO habitat (Tanques, Nutritas, Hondo, and Oso pastures).</b></p> | <p>Diverse grassland communities provide abundant forage for wildlife and livestock, especially in the late-spring and early summer. A mix of palatable cool season grasses (e.g., western wheatgrass, Arizona fescue, junegrass) and forbs dominate the plant community, with little evidence (&lt; 15%) of woody species (e.g., sagebrush, broom snakeweed, piñon pine, and juniper). Healthy, reproducing, cool season grasses emerge in the spring and offer nutritious forage for wildlife and</p> | <p>1) Diversity of grassland plant community-70% plant composition in cool season grasses in Hondo (TEU 131E) within a timeframe</p> | <p>1) Cannot meet at least 70% of plant composition in cool season grasses in Hondo (TEU 131E) by year 3, 4, and 5</p>  | <ul style="list-style-type: none"> <li>• Delay livestock entry to allow cool season grasses additional time for root growth, formation of basal buds, and production of seed and food storage</li> <li>• Reduce livestock numbers in low elevation grasslands to allow for growth</li> <li>• Remove livestock from the allotment at an earlier exit date to maintain native food and cover for wildlife</li> </ul> |
|  |   | <p>2) % woody species in Hondo (TEU 131E) within a time frame</p>  | <p>2) &gt;15% woody species in Hondo (TEU 131E) by year 3, 4, and 5</p>   |  |

Livestock Grazing Management on the San Antone Allotment DN/FONSI

| Pasture / Location   | Desired Condition   | Monitoring Measure   | Trigger Indicating Additional Action Is Needed                        | Possible Grazing Management Actions, If Trigger Indicates Need   |
|--|---|--|---|--|
|  | <p>livestock early in the growing season.</p> <p>Low elevation grasslands provide effective ground cover (not more than 5% to 15% bare ground depending on soil type) to maintain soil stability and provide quality wildlife habitat, especially for elk (a forest management indicator species) during the winter and spring.</p> | <p>3) % bare ground in Hondo (TEU 131E) within a timeframe</p> | <p>3) &gt;15% bare ground in Hondo (TEU 131E) by year 3, 4, and 5</p> | <p>species that depend on grasses and forbs for the winter</p> <ul style="list-style-type: none"> <li>• Install new water sources to improve livestock distribution (additional environmental analysis is required for new proposals)</li> <li>• Reconstruct fences between pastures to improve livestock distribution</li> <li>• Use prescribed fire to reduce woody plant species. <i>Additional NEPA analysis is required to implement this action</i></li> </ul> |
| <p>4) % utilization at the end of the summer from wildlife and livestock</p> | <p>4) &gt;40% utilization in 2 consecutive years, within a 5-year period. <i>(Monitor utilization throughout the grazing period)</i></p>  |  |   |  |

## Rationale for the Decision

Alternative 2 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, and grassland/upland meadow habitat that is needed for a variety of terrestrial and aquatic wildlife species.

With adequate precipitation and adjusting allotment management, the allotment rangeland condition and trend will move toward good condition with a stable to upward trend within 5 to 10 years by adjusting livestock management. The grazing system increases the ability to rest each pasture. This will improve plant vigor, composition, and diversity by providing partial to complete rest for all pastures during the cool growing season (as prescribed by range readiness criteria). It will provide a partial or complete season of use and rest for the alternating entry pastures of Chino, Wheatgrass and Ursulo during both the cool and warm growing season. The grazing system, in combination with key range improvements (see below); will promote improved livestock distribution by following best management practices (BMP). The selected alternative includes a limit on the number of days grazed for pastures that need additional management. This applies to the Nutritas, Tanques, and Oso pastures. This promotes conservative utilization or intensity, lower frequency of use, and more opportunity to grow for cool season grass species, and increases the opportunity to rest each pasture (EA, pp. 30-33). When 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, permittees should have more reliable livestock forage. 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. However, I anticipate years of poor precipitation, when the average precipitation is moderately dry. When this occurs, plants are stressed and are not producing the volume and mass (vigor is low) and it may take twice as long for progress to be made toward the desired conditions (EA, p. 30). Reduced livestock numbers are likely in times of poor forage availability. However, 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 becomes available).

The objectives of maintaining and improving riparian vegetation condition along perennial streams, intermittent creeks, and drainages are achieved with this alternative. Riparian condition is expected to be maintained or slightly improve over the long term, as grazing continues and impacts to the riparian woody and herbaceous plants are adaptively managed (EA, p. 38). Improved management of the uplands (conservative utilization and a grazing system that allows for rest) translates into improved riparian habitat that benefits most wildlife (EA, pp. 45-73). For example, the prey base species habitat improves in the Oso and Tanques pastures for the Mexican spotted owl (EA, pp. 42-44). Suitable habitat for the southwestern willow flycatcher is improved in the upper Rio San Antonio (EA, pp.45-47). Habitat for riparian Forest Service sensitive species is improved with a greater diversity of grass species and less bare ground (EA, p. 54). For aquatic species, such as Rio Grande cutthroat trout (Forest Service sensitive species), the area impacted by livestock along the Rio San Antonio will be reduced and the habitat will gradually

improve over time. It may take 10 years, however, before destabilized streambanks along the Rio San Antonio are restored and sediment flow through headcuts is reduced (EA, pp. 51-52).

The availability and quality of forage for wildlife (such as elk, mule deer, and black bear) that depend on the low elevation grasslands and upland meadows will improve as rangeland vegetation condition and livestock distribution improves. This is due, in part, to the new water source in the Ursulo Pasture and the watergap along the Rio San Antonio. Overall, management combined with these range improvements will facilitate better livestock distribution and reduce the potential for over-utilization of wildlife cover and forage (EA, pp. 63-64).

## **Alternatives Considered**

Besides alternative 2, four alternatives were considered, but were all 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 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 October 2006. As part of rangeland management consultation requirements (FSH 2209.13, chapter 90, pp. 7, 8, 14, 23, 28), the district and the permittees met on February 14, 2008, to discuss draft proposals and the permittees provided suggestions prior to the scoping period (San Antonio Association 2008). On May 21, 2008, the proposal was provided to the public, permit holders, and other agencies. Three letters responding to the scoping proposal were received. On July 9, 2008, the 30-day notice and comment period was initiated. 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 Taos News* on July 10, 2008. Five letters and one e-mail response were received. Three significant issues were identified:

**Significant Issue #1: Cool Season Grass Recovery for Mule Deer, Elk and Black Bear.** Use an entry date of June 1<sup>st</sup> for the Ursulo, Chino and Wheatgrass pastures 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: Rio San Antonio Riparian Condition.** The riparian condition above and below Stewart Meadows Complex is not improving. More management is needed.

**Significant Issue #3: Riparian Management (allotment-wide).** Management actions such as reducing AUMs, adding riders, and moving livestock out of riparian areas need to be part of the preferred alternative for reauthorization.

The remainder of the concerns and requests for clarifications were addressed in chapter 1 and in chapter 3. However, all public comments and our responses to these comments can be viewed on the forest website at: [www.fs.fed.us/carson/plans/nepa/sanantone\\_allotment](http://www.fs.fed.us/carson/plans/nepa/sanantone_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, p. 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. 19-79). 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. 37-40), water quality (EA, pp. 38-40), wildlife habitats (EA, pp.41-73), heritage resources (EA, pp. 73-74) or recreational opportunities (EA, pp. 74-75). 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. 1, 21).

### 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, p. 36), or ecologically critical areas (EA, pp. 41, 44). There are no effects to designated wilderness areas, wilderness study areas (EA pp. 74-75), inventoried roadless areas (EA, pp. 75), or wild and scenic rivers (EA p. 75). 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 San Antone 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 the permittees and four public responses and the 30-day comment period generated six letters and one email comment from responders (EA, pp. 9-11). After reviewing the project record and EA, I am confident the interdisciplinary team reviewed the comments and (1) incorporated them into alternative 2, (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 a historic use and has been practiced on the Carson National Forest for decades (EA, pp. 1-2, 21).

**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. 8).

**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. 33, 39-40, 69-73, 74-75, 78-79). 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. The proposed range improvements are subject to a future archeological clearance from NM SHPO since they will not be constructed 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. 73-74).

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. 74).

**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, 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, p. 41). Mexican spotted owl and the southwestern willow flycatcher were analyzed. There are no critical habitat units for Mexican spotted owl (MSO) and southwestern willow flycatcher on the Tres Piedras Ranger District (EA, pp. 41, 44). A biological assessment determined the grazing activities authorized in this decision “May Affect, Not Likely to Adversely Affect” both MSO and southwestern willow flycatcher or its habitat. This effect determination is based on the grazing criteria used in this analysis (EA, pp.42, 45) 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. 33-40)
- Clean Air Act, as Amended in 1977 (EA, pp. 40-41)
- Endangered Species Act of 1973, as Amended (EA, pp. 41-47, 69-73)
- Executive Order 11990 of May, 1977 [Wetlands] (EA, 33-40)
- Executive Order 11988 of May, 1977 [Floodplains] (EA, p. 36)
- Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act] (EA, pp. 67-71)

**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](mailto: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 within 45 days from the date of this decision. 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: Tres Piedras District Ranger Benjamin Romero,  
Deciding Officer for San Antone 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 15<sup>th</sup> 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 5<sup>th</sup> 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

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BENJAMIN ROMERO  
Tres Piedras District Ranger

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Date

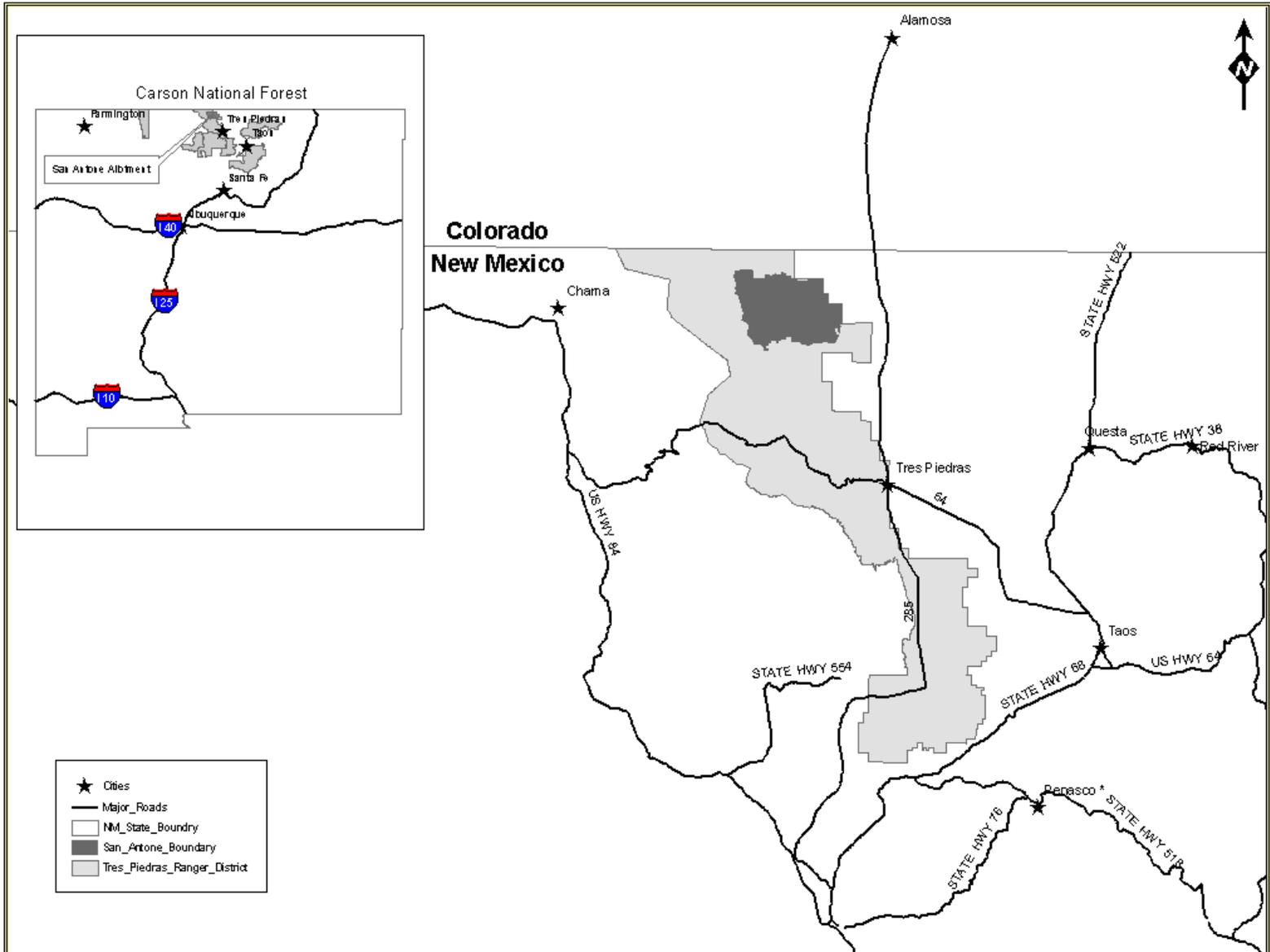


Figure 1. San Antone Allotment General Location Map

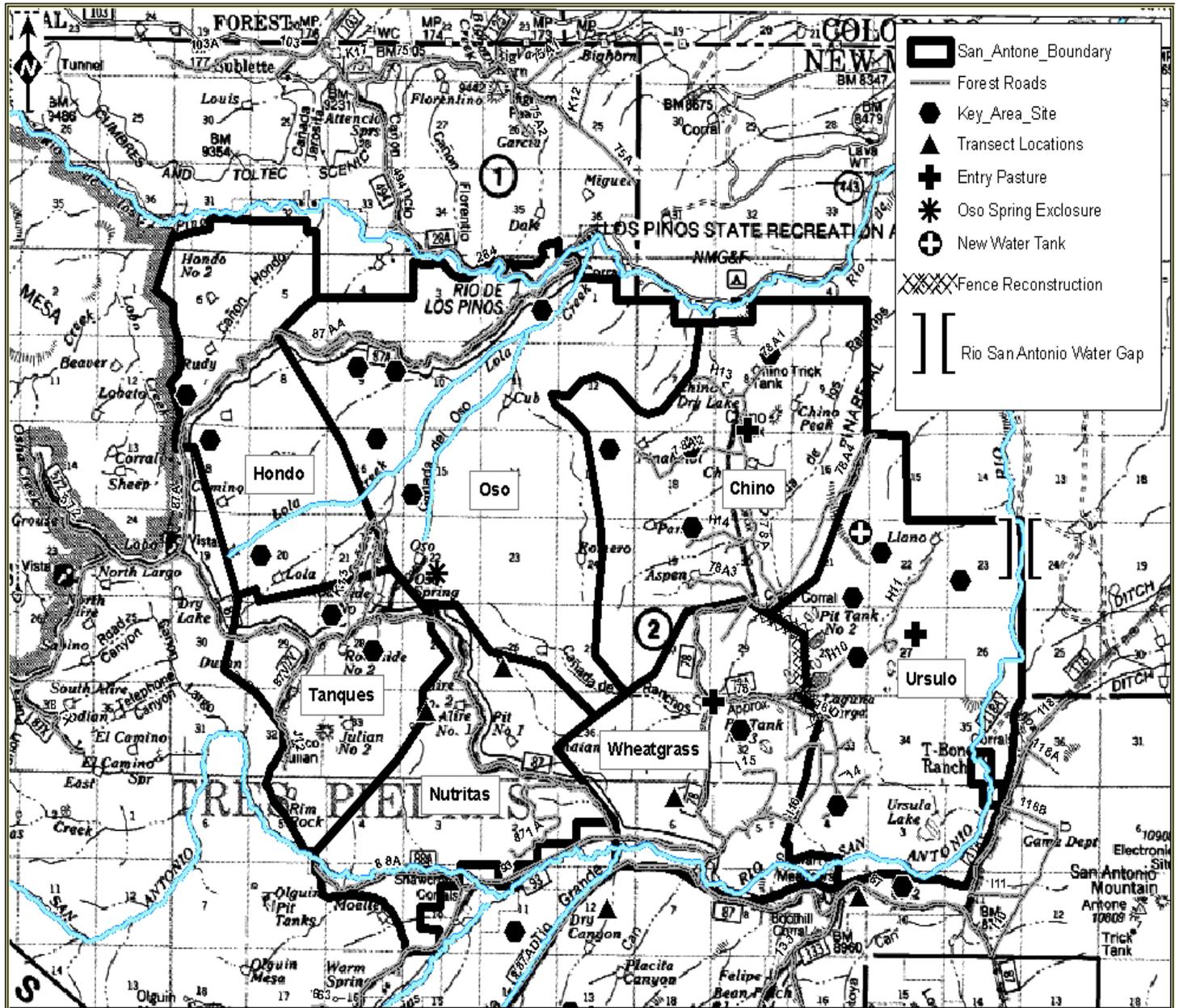


Figure 2. San Antone Allotment Alternative 2 (Proposed Action)