

Decision Notice and Finding of No Significant Impact

Livestock Grazing Management on the Tio Grande Allotment

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

Introduction

The Tio Grande Grazing Allotment (31,774 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 (see figure 1 and 2). The allotment has been managed with a 6 pasture deferred rotation system. Those pastures are: Lucero Lakes, Placitas, Corral, Brokeoff, Tecolote and Tio Grande. 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 Tio Grande 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 (see figure 2 and table 1):

- A range of 660 cow/calf and 21 bulls up to 988 cow/calf and 33 bulls for a period up to 153 days will be authorized. 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.
- The range of entry dates will be from May 15 to June 1 and the range of exit dates will be from September 15 to October 14. Entry into the Tecolote pasture (upper Canada de Tio Grande) will not occur prior to June 22, to minimize disturbance to Rio Grande cutthroat trout spawning habitat.
- Grazing management will be a 4-pasture deferred rotation system (Lucero Lakes, Placitas, Brokeoff and Tecolote) and pastures may be rested as needed. At a minimum, the Tecolote pasture will be rested one in four years. The Tio Grande pasture will be used for trailing only, and the Corral pasture will have a limited number of cattle (150 head) and days (7 to 10 days) of use.
- 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 herding requirements will be made part of the annual operating instructions (AOI): (1) In Tio Grande and Tecolote pasture, railway management and the livestock crossing permits will be modified along the Canada de Tio Grande and Rio

Nutritas to move livestock through these areas to reduce the time spent in the riparian corridor, (2) In Brokeoff pasture, livestock will be herded away from Cisneros Park, and, (3) In Lucero Lakes pasture, livestock will be herded away from riparian enclosures. The herding requirements will begin in year 1.

- In the Tecolote pasture, a 15-acre riparian enclosure fence will be constructed beginning in year 3. The fence will be of native material, 4 strand wire, and will be of a lay-down type. The height will be approximately 56” to effectively keep cattle out of the riparian area. The fence will be constructed up to 300 feet from the Canada de Tio Grande riparian zone.
- 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

No additional mitigation measures were identified by resource specialists as alternative 2 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 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 three and year five to gauge changes. When using Parkers transects, existing key areas will be monitored between years three and five 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 these pastures: Tecolote and Brokeoff. If monitoring indicates conditions are not being achieved, the adaptive strategy provides options for adjusting management decisions and actions throughout the life of the permit to meet desired conditions. For aquatics, the Canada de Tio Grande stream habitat inventory and report will be completed in 2010. In addition, the Tecolote pasture enclosure will be monitored annually, with a focus on fence condition. Fence condition will be evaluated prior to livestock going on the allotment and when leaving the 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
<p>Riparian Areas (upper and lower Canada de Tio Grande, Rio Nutritas, Lucero Lakes)</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). In upper and lower Canada de Tio Grande and Rio Nutritas, 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, and saplings. It is likely there would be one size class for 5 years. Stream bank cover is increasing as new shrubs are established and improving desired riparian conditions. Desired riparian conditions provide quality aquatic</p>	<p>1) Diversity of grassland plant community-% of plant composition in cool season grasses within a timeframe</p>	<p>1) Given adequate (near normal) climate conditions, cannot meet at least 75% of plant composition in cool season grasses by year 4-5</p>	<p>*Add riders to control the amount of time livestock spend in riparian areas (while trailing or grazing in the pastures) *Move livestock out of riparian areas on a daily basis to control the amount of time spent in these areas *Salt livestock away from riparian areas to improve distribution in less used areas of the pastures *Reduce livestock numbers within riparian areas *In upper Tio Grande, rest upper section from the Canada Tio Grande to the Rio Nutritas one year out of every 2 to 3 years to promote riparian and stream channel recovery *Install a 15-acre enclosure fence along upper Tio Grande (Tecolote pasture), approximately 2 miles of fence on the west side of lower Tio Grande (Tio Grande pasture), and a 15 to 80 acre enclosure with a cattle guard along the Rio Nutritas (Tio Grande pasture)</p>
		<p>2) % woody species within a time frame.</p>	<p>2) <15% woody species in 5 years</p>	
		<p>3) % bare ground</p>	<p>3) > 10% to 15% bare ground in year. 3</p>	
		<p>4) % utilization at the end of the summer from wildlife and livestock</p>	<p>4) >40% utilization for 2 consecutive years, within a 5-year period (<i>Monitor utilization throughout the grazing period</i>)</p>	
		<p>5) % of fine sediment in riffle habitat</p>	<p>5) % of sediment is moving towards exceeding 20% measured at 2 year intervals (2nd, 4th, 6th, and 8th year)</p>	
		<p>6) Stream temperature</p>	<p>6) Temperature increases and does not comply with State of NM standard for cold water fisheries measured in 2 year intervals (2nd, 4th, 6th, 8th year)</p>	
		<p>7) Streambank condition</p>	<p>7) % of unstable banks is moving towards exceeding 10% estimated in 2 year intervals (2nd, 4th, 6th, and 8th)</p>	

Pasture / Location	Desired Condition	Monitoring Measure	Trigger Indicating Additional Action Is Needed	Possible Grazing Management Actions, If Trigger Indicates Need
	habitat for other resident trout and aquatic macroinvertebrates (forest management indicator species)			
Grasslands and upland meadows for key MSO habitat (Tecolote and Brokeoff pastures)	Diverse low elevation grassland communities and upland meadows provide abundant forage for all ungulates, especially in the late-spring and early summer. In the low elevation grasslands, a mix of palatable cool season grasses (e.g., Thurber fescue, Arizona fescue, junegrass) and forbs dominate the plant community, with some evidence of woody species (e.g., willow, elderberry, red osier dogwood). Healthy, reproducing, cool season grasses emerge in the spring and offer nutritious forage for wildlife and livestock early in the growing season. Grasslands and upland meadows provide effective ground cover (5%-20% 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. Grasslands and upland meadows also provide foraging habitat for Mexican spotted owl and northern goshawk prey base species.	<p>1) Diversity of grassland plant community-70% plant composition in cool season grasses in Tecolote (TEU 133E) within a timeframe</p> <p>2) % woody species in Tecolote (TEU 133E) within a time frame</p> <p>3) % bare ground in Tecolote (TEU 133E) within a timeframe</p> <p>4) % utilization at the end of the summer from wildlife and livestock</p>	<p>1) Cannot meet at least 70% of plant composition in cool season grasses by year 3, 4, and 5</p> <p>2) >15% woody species by year 3, 4, and 5</p> <p>3) >15% bare ground by year 3, 4, and 5</p> <p>4) >40% utilization in 2 consecutive years, within a 5-year period (<i>Monitor utilization throughout the grazing period</i>)</p>	<p>*Delay livestock entry, to allow cool season grasses additional time for root growth, formation of basal buds, production of seed, and food storage</p> <p>*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</p> <p>*Reduce livestock numbers in both low and high elevation grasslands and montane meadows (to allow for growth)</p> <p>*Install new water sources (<i>additional environmental analysis is require to implement this action</i>) and clean out existing water tanks to improve livestock distribution.</p> <p>*Use prescribed fire to reduce woody plant species (<i>additional environmental analysis is required to implement this action</i>)</p>

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 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.

With adequate precipitation, the objective of increasing plant diversity and density throughout the allotment will be met. The allotment rangeland condition and trend will move toward good condition and a stable/upwards trend within 5 to 10 years by adjusting allotment management. The vegetation condition of the entry pastures (Placitas and Lucero Lakes), which were of concern because of repetitive use, will improve by having two pastures available for entry. There will be increased annual cool season rest and a longer opportunity for cool season herbage (desirable cool season grasses) to grow within the pastures that are not entered first. Forage production will increase moderately and vigor will be moderate to high (EA, pp. 25-28).

The grazing system, which includes deferred, rest, and trailing, will promote improved livestock distribution (less livestock concentration) when combined with best management practices (BMP). In addition, intensive management will be applied in the Brokeoff, Tecolote, and Lucero Lakes pasture. This translates into moving pastures towards good condition and a stable to upwards trend. Having a flexible grazing system, combined with BMPs, limited livestock numbers (150 cow/calf), and limited days of use (7 to 10 days), will improve vegetation conditions in the Corral pasture by lowering the level of utilization within the stock tank area (EA, pp. 27-28). By modifying how the Tio Grande pasture is used (trailing use only), the majority of the pasture will be rested. The rest from cattle grazing will improve the condition of the riparian area along the Canada de Tio Grande that is potential habitat for the southwestern willow flycatcher. The scheduled annual rest for the pasture (except for the cattle trailing use) will provide for completely resting cool and warm season growth periods. There will be a high potential to increase the desirable herbaceous ground cover (EA, pp. 27-28). 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, 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, reduced livestock numbers are likely (in response to poor forage availability). During these periods, it may take twice as long for progress to be made toward the desired conditions. This is because when plants are stressed, they are not producing the volume and mass (vigor is low). The result is negative progress in terms of moving towards the desired conditions (EA, pp. 25-26) 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, once again, becomes available).

The objective of maintaining and improving riparian vegetation condition along perennial streams, intermittent creeks, and drainages is achieved with this decision. Riparian conditions are

expected to be maintained or slightly improved over the long term, as impacts to the riparian woody and herbaceous plants are adaptively managed (EA, pp. 34-35). In potential southwestern willow flycatcher riparian habitat (~ 2.0 mile section of lower Canada Tio Grande), the change in grazing system (to trailing only) will provide long-term results. As the riparian habitat begins to improve, this area will provide the key riparian habitat attributes needed by the flycatcher (EA, pp. 40-41). In the Tecolote pasture, scheduled pasture rest, in addition to the installation of the 15-acre riparian enclosure, will benefit several species, such as Mexican spotted owl prey base species, by providing more cover and forage (EA, pp. 37-38). As riparian vegetation and streambank stability increases, sediment and stream temperature will be reduced. This will improve the habitat in the upper Canada de Tio Grande for the core conservation population of Rio Grande cutthroat trout (EA, pp. 49-50) and other riparian and aquatic species (EA, pp. 41-46). Although riparian habitat conditions along the Rio Nutritas will improve over time (up to 10 years), competition from non-native trout species will continue to have the most direct impact on the Rio Grande cutthroat population (EA, pp. 48-50).

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 pastures are either completely rested or rested during the cool season growing season. This will result in improved forage (EA, pp. 55-57, 60-62).

Alternatives Considered

Besides alternative 2, four alternatives were considered but all 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. Alternative 1 would discontinue 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 29, 2008, to discuss draft proposals. The permittee provided suggestions prior to the scoping period (Tio Grande Association, 2008). On May 21, 2008, the proposal was provided to the public, permit holders, and other agencies. One letter responding to the scoping proposal was 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 one response submitted via e-mail were received. Four letters and one response submitted via e-mail were received (EA, pp. 8-11). Four significant issues were identified:

Significant Issue #1: Perennial stream function. The function of perennial streams is not being addressed. Cattle grazing can suppress or negatively affect Rio Grande cutthroat trout (RGct) populations by direct habitat degradation.

Significant Issue #2: Rio Grande cutthroat trout populations in Canada de Tio Grande (Tecolote pasture). The pure (genetic) population of RGct within the Tecolote pasture is of

concern. The habitat associated with this area should be emphasized and monitored. Adaptive management actions need to be applied to the pasture (in year 1) to protect RGct habitat.

Significant Issue #3: Loss of cool season grass diversity and loss of functional watershed components. Some areas are in fair condition with a downward trend. This is likely due to a loss of diversity and productivity of native cool season grasses. This illustrates the seasonal over-utilization by livestock. Reauthorize livestock grazing on dates to begin no sooner than June 1st to improve cool season grass diversity. Grazing in the grazing headwater riparian zones can result in a loss of watershed function.

Significant Issue #4: Loss of critical habitat for sensitive and federally protected species (Mexican spotted owl, northern goshawk, Rio Grande cutthroat trout). The proposal may result in a loss of critical habitat.

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/tiogrande_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. 13-16). 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. 19-74). 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. 28-29, 33-35), water quality (EA, pp. 30, 33-35), wildlife habitats (EA, pp.35-68), heritage resources (EA, pp. 68-70) or recreational opportunities (EA, pp. 70-71). 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 decades and there is a high degree of site-specific knowledge on the implementation and effects of livestock grazing (EA, pp. 1-2, 21-28)

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. 31-32), or ecologically critical areas (EA, pp. 36, 38). There are no effects to designated wilderness areas, wilderness study areas (EA pp. 70-71), inventoried roadless areas (EA, p. 70), or wild and scenic rivers (EA p. 71). 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 Tio Grande 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 one public response. The 30-day comment period generated four letters and one email comments from responders (EA, pp. 8-11). 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 chapter 2 and chapter 4. Livestock grazing is a historic use and has been practiced on the Carson National Forest for decades (EA, pp. 1-2, 21-28).

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. 19-21, 27-28, 34-35, 64-71, 73-74). 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. 68-70).

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. 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 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, pp. 35-36). 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. 36-38). 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.36-40) 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. 28-35)
- Clean Air Act, as Amended in 1977 (EA p. 35)
- Endangered Species Act of 1973, as Amended (EA pp. 35-68)
- Executive Order 11990 of May, 1977 [Wetlands] (EA pp. 30-35)
- Executive Order 11988 of May, 1977 [Floodplains] (EA pp. 31-32)
- Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act] (EA pp. 62-68)

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 within 45 days from the date of this decision. 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 Tres Piedras 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

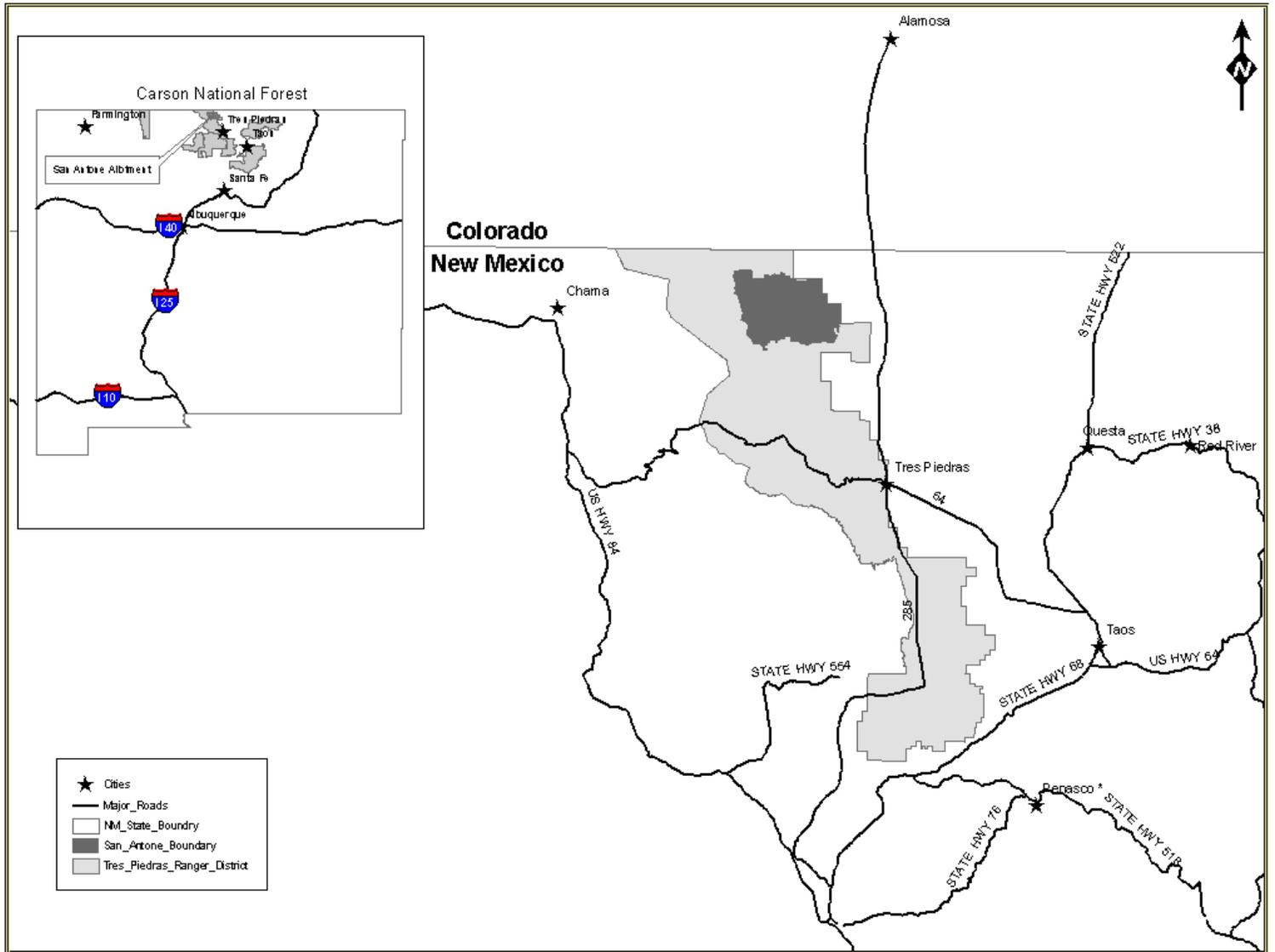


Figure 1. Tio Grande Allotment General Location Map

