

Decision Notice and Finding of No Significant Impact

Livestock Grazing Management for San Cristobal Allotment

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

Introduction

The San Cristobal Allotment is located 6 miles south of the town of Questa, along Highway 522 (figure 1). It is within the Questa Ranger District of the Carson National Forest in Taos County. 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 and the San Cristobal Allotment Environmental Assessment. This decision and the environmental assessment were developed in consideration of the best available science and are consistent with the Carson National Forest Land and Resource Management 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 4, the Vegetation Treatment alternative. Alternative 4 is similar to the proposed action released for the 30-day public comment period in regards to pastures to be used and fence and water improvements to be constructed and in the level of grazing utilization to be achieved. It differs from the proposed action in retaining the current permitted numbers of 60-124 cow/calf pairs and the current season of use, which is May 15-October 31, and includes 603 acres of vegetation treatment in previously treated sagebrush habitat. The maximum number of 124 is based on implementation of improvements, meeting utilization standards within the rangeland capacity of each pasture, and may require a shorter season of use. My decision will change grazing management on the allotment as follows (figure 1):

- Permit 60 to 124 cow-calf pairs. The actual number of animals authorized each grazing season will depend on resource conditions at the time of entry, rotation schedule, and the capacity of the pastures to be used for the season of use and one month prior to the end of season assessment whether to allow for grazing during the month of October (tables 1 and 2).
- Season of use between May 15 and October 31, depending on the pastures used and the number of cattle authorized to graze each year (tables 1 and 2).
- Manage a 5-pasture allotment (West, South Lobo, North Lobo, El Poso, Hondo Burn) as a 4-pasture rest-rotation grazing system once water and fence improvements are in place. It will be managed as a deferred rotation system until improvements are in place. The West Pasture will not be included in rotation due to lack of forage and fences, but is available for limited use. Poso High Country Pasture will be managed as two pastures (El Poso and Hondo Burn) (tables 1 and 2).
- Construct five earthen water tanks in the Hondo Burn Pasture.
- Following construction of the water tanks, construct two miles of fence in two locations roughly along the telephone line north of San Cristobal Canyon dividing the Poso High Country Pasture into two pastures. Install one cattle guard at a road crossing.
- Graze El Poso Pasture including San Cristobal Canyon one year out of three, with no more than 25 cow-calf pairs for 30-45 days. Rest the remaining three pastures once every three years.

- Graze no more than 60 cow-calf pairs until the fence and water improvements have been constructed. Once improvements are in place the permitted number would be no more than 124.
- Following construction of water tanks and the division fences, vegetation treatments will be implemented on 603 acres: 336 acres in North Lobo Pasture; 267 acres in South Lobo Pasture (figure 1). The mechanical treatment methods will include drilling, brush hogging, contour ripping, and disking within both the North and South Lobo Pastures.
- The treated areas will be reseeded with a mixture which includes cool and warm season grasses and forbs to provide better seasonal forage production, ground cover and plant diversity. Livestock will not be allowed to graze the treated areas for a period of at least two growing seasons to allow for seed set and root establishment. Reentry will be dependent on plant establishment and development.
- Construct a sediment trap dam and a drift fence below Tank #709005 in South Lobo Pasture.
- Construct gully plugs in an active headcut in the northeast corner of section 23 in South Lobo Pasture.
- Distribution of livestock and forage use will be adjusted to achieve a light to conservative grazing intensity of 10-40% utilization, meeting guidelines. Utilization will not exceed 35% in key forage areas where past vegetation treatments occurred (North and South Lobo pastures) per Forest Plan guidelines. 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.

Mitigation measures:

- 1) 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).
- 2) Prior to all ground-disturbing vegetation treatments being carried out on the ground, an on-site consultation will be coordinated with permittees, District range specialist, and District archeologist well in advance of treatment. This on-site consultation must be completed to ensure known archeological sites in the treatment areas will be avoided.

Monitoring: Monitoring informs the decision maker, specialists, and interested public of progress towards the goals and objectives during the implementation of a project. By monitoring the effects of actions and evaluating the results, appropriate modifications in management practices can be made, resource trends can be analyzed, and new knowledge can be applied to similar projects in the future. The following monitoring will apply to this decision:

- 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 El Poso 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 San Cristobal Creek
- under alternative 4, following completion of vegetation treatments and at least two growing seasons of rest, plant establishment and vigor would be monitored in the treatment areas using range readiness guidelines and Parker 3-step or rapid assessment methodology (RAM).

Table 1. Number of livestock and season of use based on estimated capacity with an allowable use of 35-40% prior to establishment of vegetation treatments.

No. Cow-Calf pairs	Allotment-wide use	South Lobo Pasture capacity	North Lobo Pasture capacity	Hondo Burn Pasture capacity	El Poso Pasture capacity
90	38 days if Hondo Burn Pasture rested 112-120 days if North or South Lobo pastures rested	15 days	23 days	97 days	25 cow calf pairs for 30-45 days
60	68 days if Hondo Burn Pasture rested 148-164 days if North or South Lobo pastures rested	26 days	42 days	122 days	

Table 2. Number of livestock and season of use based on estimated capacity with an allowable use of 35-40% following establishment of vegetation treatments

No. Cow-Calf pairs	Allotment-wide use	South Lobo Pasture capacity	North Lobo Pasture capacity	Hondo Burn Pasture capacity	El Poso Pasture capacity
124	130 days if Hondo Burn Pasture rested 134-144 days if North or South Lobo pastures rested	60 days	70 days	74 days	25 cow calf pairs for 30-45 days
90	169 days* if Hondo Burn Pasture rested 169 days* if North or South Lobo pastures rested	82 days	96 days	97 days	
60	169 days* if Hondo Burn Pasture rested 169 days* if North or South Lobo pastures rested	123 days	144 days	122 days	

*The season of use will not exceed the 169 days between May 15-October 31.

Rationale for the Decision

Alternative 4, the Vegetation Treatment alternative, 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 North and South Lobo pastures by better utilizing the Poso High Country Pasture. This will be done by

constructing water tanks and fences, dividing it into two pastures. Implementing 603 acres of vegetation treatments within North and South Lobo pastures within previously treated sagebrush habitat will also improve rangeland conditions there, improving species composition as well as forage production. The season of use will remain the same as it is currently permitted, although range readiness, pastures utilized, numbers stocked, and achievement of utilization guidelines will determine the actual length of time livestock can remain on the allotment. A rest rotation grazing system instead of a deferred system will allow a full year of rest for each pasture. Grazing El Poso Pasture (including San Cristobal Canyon) one year out of three, with no more than 25 cow-calf pairs for 30-45 days, and resting the remaining three pastures once every three years will maintain or improve the riparian conditions along San Cristobal Creek. The analysis documents that improvement in range conditions is expected to be the greatest under this alternative. (EA p. 23) I feel that this alternative best meets the purpose of authorizing livestock grazing in a manner that balances permitted use with Forest Plan objectives and desired conditions for rangeland vegetation, soil, watershed, and wildlife habitat.

Alternatives Considered

Besides Alternative 4, fifteen alternatives were considered. Thirteen of these 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 alternatives 2 and 4. Alternative 1 did not permit domestic livestock grazing on the allotment. Alternative 2 was similar to alternative 4, but did not include vegetation treatments or as much flexibility with numbers and season of use.

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 5 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 and a shortened season of use, could affect the permittees economically. This issue was incorporated into 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 10 comment letters were received. Following the 30-day comment period, a fourth alternative was generated to address the permittees' issue and still meet the purpose and need.

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, 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. 17-42). 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 geographical area that will be significantly affected by my decision. There are no effects to prime farmlands, wetlands, floodplains, or ecologically critical areas (EA pp. 25-27). There are no effects to wilderness character within designated wilderness areas, wilderness study areas (EA p. 40), inventoried roadless areas, or to wild and scenic river values (EA p. 40). 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 5 responses and the 30-day comment period generated comments from ten 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 that 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 Chapter 2 and Chapter 4. Livestock grazing is an historic use and has been practiced on the Carson National Forest for many 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

There are no significant cumulative effects of this decision along with other past, present, or reasonably foreseeable actions implemented or planned in the area. The EA describes the anticipated cumulative effects for each of the affected resources sections (EA pp. 17-42). After reviewing the EA, I am satisfied that 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 San Cristobal Allotment. Continued grazing is not expected to result in significant impacts to archaeological and historic properties. Eligible sites will be avoided during implementation of ground-disturbing vegetation treatments.

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. Of the three federally listed species, only the Mexican spotted owl warranted further analysis. The 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. 25-27)
- Clean Air Act, as Amended in 1977 (EA p. 27)
- Endangered Species Act of 1973, as Amended (EA p. 27)
- Executive Order 11990 of May, 1977 [Wetlands] (EA pp. 25-27)
- Executive Order 11988 of May, 1977 [Floodplains] (EA p. 27)
- Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act] (EA pp. 37-39)

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 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

Questa District Ranger
Deciding Officer for San Cristobal 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.

/s/ Genevieve Masters

11/19/08

GENEVIEVE MASTERS
Questa District Ranger

Date

Figure 1. San Cristobal Allotment boundary with pasture boundaries, water sources, cattle guard, and vegetation treatment areas identified in the decision.

