United States Department of Agriculture

Forest Service

Southwestern Region

September 2008

Akers, Curtis Canyon, Miller Flats, Prather & Smith Grazing Allotment Management

Decision Notice and Finding of No Significant Impact

Lincoln National Forest

Sacramento Ranger District

Otero County, New Mexico

Decision and Rationale

Introduction

The Lincoln National Forest Interdisciplinary Range Analysis Team has conducted an environmental analysis and prepared an Environmental Assessment (EA) describing alternatives considered for management of five grazing allotments on the Sacramento Ranger District, and the potential effects associated with each alternative. The document was prepared for public review and comment and for review and consideration by the Decision Maker when making her decision. The analysis has been conducted in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations.

The Lincoln Forest Plan (1986, as amended) has determined that Management Areas 4I, 4N and 4U which contain the Akers, Curtis Canyon, Miller Flats, Prather and Smith Allotments, are suitable for livestock grazing. Authority to manage rangeland resources is derived from laws enacted by Congress that authorize the Secretary of Agriculture to administer National Forest System (NFS) lands and issue necessary regulations. Where consistent with the goals, objectives, standards and guidelines of Forest Plans, federal regulations direct the Forest Service to manage forage-producing lands for livestock grazing.

The Akers, Curtis Canyon, Miller Flats, Prather and Smith Grazing Allotments are located on the Sacramento Ranger District of the Lincoln National Forest. The allotments lay in the east-central part of the District, 10 to 15 miles southeast of Cloudcroft, NM. New Mexico Highways 130 and 24 in the vicinity of Mayhill and Weed run through the allotments (See Vicinity map in Chapter 2 and Allotment Maps in Appendix 1 of the EA). The allotments range in elevation from approximately 6,600 feet to 8,000 feet with vegetation following typical elevational bands with pinyon/-juniper woodlands and blue grama-dominated grasslands at the lower elevations, ponderosa pine with grassy openings at mid-elevations, and limited mixed-conifer forest with Kentucky bluegrass occurring on northern exposures at the highest elevations.

Together, the five allotments total 20,534 acres and represent the analysis area for this environmental analysis. The existing permits for these allotments provide for the use of a total of 3,178 animal-unit-months (AUMs) of forage on the five allotments. Management at the currently permitted livestock numbers over the last 10- to 20-years on these allotments has provided for improving range conditions with upward apparent trends in both range vegetation and soil conditions, based on monitoring conducted in 2007, and compared with results for the same monitoring conducted over the last 30 to 50 years.

Decision

My decision is to select the Proposed Action Alternative (Alternative 1). The Proposed Action Alternative will authorize livestock grazing on five allotments under the following terms:

1. Akers and Prather Allotments – Continue authorization of livestock grazing for use of up to 1299 AUMs, permitted on a year-long basis on one allotment formed by combining these two allotments.

2. Curtis Canyon Allotment – Continue authorization of livestock grazing for use of up to 541 AUMs, permitted on a year-long basis.

3. Miller Flats Allotment – Continue authorization of livestock grazing for use of up to 1117 AUMs, permitted on a year-long basis.

4. Smith Allotment – Continue authorization of livestock grazing for use of up to 224 AUMs, permitted for up to a 10-month period each year.

A management objective of light to moderate grazing intensity (as defined by Holechek & Galt, 2000[1]) on blue grama-dominated rangelands in pinyon/juniper and ponderosa pine habitats, and light to conservative intensity in mixed-conifer habitat, will be employed to maintain and/or improve rangeland vegetation, water quality and long-term soil productivity on the allotments. Grazing will continue to be managed with a deferred rotational system and with improvements that assist with livestock distribution.

The grazing intensity proposed is a continuation of current practices and is based on condition and trend studies completed in 2007, actual use data on each allotment from at least the past 20 years (see Appendix 2), and the effects of this use on resource conditions. It also reflects the annual forage production available for cattle on the allotments considering climate, forage use by wildlife, and the duration, timing and intensity of the proposed livestock grazing.

Term Grazing Permits will be issued for up to ten years, and additional permits may be issued as long as desirable resource conditions continue to be maintained or are moving further toward desired future conditions.

New Range Improvements

(See EA Appendix 1 for maps showing locations of improvements)

The Proposed Action includes the following structural improvements:

Akers and Prather Allotments combined:

1. Install 6.0 miles of 1 ¼" polyethylene pipe.
2. Install eight livestock water troughs.
3. Clean out 4 existing earthen tanks.

Miller Flats Allotment:

1. Install 5.1 miles of 1 ¼" polyethylene pipe.
2. Install eight livestock water troughs.
3. Clean out 2 existing earthen tanks.
4. Install three 12,000-gallon water storage tanks.

Curtis Canyon and Smith Allotments have no new improvements proposed.

[1] Holechek, J.L. and D. Galt. 2000. Grazing Intensity Guidelines. *Rangelands* 22 (3):11-14.

Maintenance of Existing Range Improvements

The Term Grazing Permits will include a list of all improvements which the permittees will continue to maintain at a level that effectively serves their intended purposes. Range improvements will be inspected periodically during the term of the permit to document condition. Annual Operating Instructions (AOIs) will identify range improvements in need of maintenance or reconstruction.

Adaptive Management

The Proposed Action includes the application of adaptive management principles. Adaptive management is designed to provide sufficient flexibility so that management can be adjusted in recognition of changing circumstances such as drought, fire, or seasonal fluctuations in forage production. If monitoring indicates that progress toward desired conditions is not being achieved on a particular allotment, management will be modified in cooperation with the permittee(s). Changes may include administrative decisions such as the specific number of livestock authorized annually, specific dates of grazing, class of animal (cow/calf pairs vs. steers or heifers, etc.) or livestock herd movement, but such changes will not exceed the limits for timing, intensity, and duration defined in this proposed action. Timing is the time of year the livestock are present in a pasture. Intensity is the degree to which herbage is removed through grazing and trampling by livestock. Duration is the length of time livestock are present in a given pasture.

When adjustments are needed, they are implemented through the Annual Operating Instructions, maintaining numbers and management in such a way that annual indicators of progress toward desired conditions, such as forage use, are consistent with achieving those desired conditions. This proposed action allows plant, soil, wildlife habitat, and watershed conditions to be maintained or improved.

Under the adaptive management approach incorporated into this proposed action, annual rangeland monitoring may indicate the need for administrative changes in livestock management within the scope of the proposed action. The need for these changes would be based on the magnitude of, or repeated re-occurrence of deviations from guidelines provided, or because of indications of a lack of progress toward desired resource conditions. Annual Operating Instructions and Allotment Management Plans (AMPs) would be modified as appropriate to adapt management within the parameters of this proposed action. These changes may include such things as adjustments in the number of head stocked on an allotment in a particular year or season, or periods of rest, deferment or non-use of portions or all of an allotment for an appropriate period of time, as conditions warrant. The timing of such management changes would reflect the urgency of the need for adaptation. This approach to management would more proactively respond to the need for management changes and address of climatic conditions and other dynamic influences on the system in order to more effectively make progress toward or maintain desired conditions for rangeland resources.

Future proposals to use other resource management tools, such as prescribed fire for the control of juniper encroachment, will be subject to analysis under the National Environmental Policy Act. Adaptation of livestock management may be applied to accommodate use of these tools.

Monitoring

The Proposed Action includes monitoring. The type and frequency for this monitoring will include:

Compliance Monitoring: This will involve scheduled and unscheduled inspections to ensure that all livestock and grazing management measures stipulated in permits, AMPs and AOIs are being implemented (*e.g.* cattle numbers, on/off dates, rotation schedules, maintenance of improvements, mitigation measures).

Annual Rangeland Monitoring: Annual indicators of rangeland conditions such as forage utilization, stubble height, species composition and/or soil cover will be monitored on each allotment at key areas, and other areas may be monitored as necessary and feasible. In addition, other parameters such as soil moisture and pellet groups may be monitored as appropriate. Methods may include accepted range science protocols and/or the Rapid Assessment Methodology (RAM) developed by the NM Range Improvement Task Force (C.D. Allison, *et al*, 2007[2]).

The purpose of annual rangeland monitoring is to determine:

1. If individual plants have had an opportunity to recover, grow and reproduce following grazing impacts;
2. If sufficient residual forage remains across an allotment at the end of the growing season to provide for other resource values or requirements such as soil stability, wildlife habitat, and dormant season use;
3. If maintenance or improvement of rangeland conditions are indicated;
4. If management adjustments are warranted for the following season to provide for the physiological needs of the primary forage species.

Holechek and Galt (2000, 2004[3]) provide appropriate residual forage guidelines as indicators of grazing intensity for common forage species and growth forms. These guidelines are used as a tool to assist in maintaining or improving range conditions. Under this Proposed Action, grazing intensity, as measured at the end of the growing season, will be managed for light to moderate levels in pinyon-juniper and ponderosa pine habitats, and light to conservative levels in mixed-conifer habitat.

Meeting or exceeding guidelines established for annual indicators is not in and of itself a management objective, as point-in-time measurements do not provide conclusive information about resource condition and trend. When and where residual forage conditions on an allotment are obviously better than that called for under these guidelines, actual measurements may or may not be recorded every year for all key areas; however, at a minimum, observed general forage conditions at the end of each growing season will be documented by rangeland managers in each allotment file. The level of forage use may be revised as conditions warrant and as monitoring indicates the status of progress toward desired future conditions.

The key forage species to be monitored on these allotments in blue grama-dominated grasslands will be blue grama (*Bouteloua gracilis*), and sideoats grama (*Bouteloua curtipendula*); and blue grass (*Poa pratensis)* in mixed-conifer stands. As an annual indicator, residual forage conditions will be determined by ocular estimates (where conditions are obvious), or by measuring forage

[2] Allison, Christopher D., *et al*. 2007. Rapid Assessment Methodology for Proactive Rangeland Management. *Rangelands* 29 (2): 45-50.

[3] Holechek, J. and D. Galt. 2004. More on Stubble Height Guidelines. *Rangelands* 26 (4):3-7.

stubble height (residual leaf length of key forage species) using generally accepted sampling methods such as those called for in the Rapid Assessment Methodology.

Effectiveness Monitoring: Scheduled and unscheduled monitoring of the effectiveness of management activities in maintaining or achieving the desired conditions listed above will occur. This will involve monitoring of range condition and trend, including soil and watershed condition indicators, at established sites using accepted range science protocols.

Other Alternatives Considered:

In addition to the Proposed Action, the Interdisciplinary Team considered a No Action Alternative (No Grazing), and a Continue Current Management Alternative, as required by NEPA and FSH 2230.13 Chapter 90.

Rationale for the Decision

Key Considerations in My Decision

I have selected the Proposed Action Alternative for the following reasons: livestock grazing is a legitimate use of National Forest System Lands, which monitoring and the EA demonstrate has been and can be managed on these allotments along with, and without impairment to the other resources present; the selected alternative provides for the construction of new structural improvements which will provide greater management flexibility and a more even distribution of livestock and wildlife grazing across the allotments that is currently achieved with existing improvements; the Proposed Action Alternative provides for the combining of two allotments which reduces the administrative workload related to these allotments for the Forest Service. Although there are expected to be minor effects to soils and water, these effects will be less than under the Continue Current Management Alternative because of the additional structural improvements which provide for the more even distribution of grazing impacts.

I did not select the Continue Current Management Alternative because it does not provide for the benefits of the Proposed Action described above.

I also did not select the No Action Alternative because it does not meet the purpose and need for action, to continue the authorization of livestock grazing consistent with federal laws and regulations and Forest Plan direction, and because no significant issues were raised through public involvement or by the Interdisciplinary Team that would have justified my selection of this alternative.

The analysis of effects is documented in the EA for Akers, Curtis Canyon, Miller Flats, Prather and Smith Grazing Allotment Management. Reference publications and resource specialists' analyses are included in the project record. I have considered the following laws, regulations and policies, as applicable, in making my decision:

Lincoln National Forest Land and Resource Management Plan (Forest Plan) Standards and Guidelines:

This proposed action is in accordance with Forest-wide standards and guidelines contained in the Lincoln National Forest Plan regarding the administration of livestock grazing on

National Forest System lands. The project area is contained within Management Areas 4I, 4N and 4U on the Sacramento Ranger District. Additional Management Area-specific standards and guidelines apply to the Proposed Action Alternative. These standards and guidelines are listed in Chapter 1 of the EA (pp. 6-7). Resource specialists addressed these standards and guidelines in their reports and at Interdisciplinary Team Meetings, and have determined that the Proposed Action Alternative is consistent with the Forest Plan.

Endangered Species Act:

Consultation with the US Fish and Wildlife Service, NM Ecological Services Field Office (FWS) is not required. Findings of No Effect were made for all federally listed and proposed Threatened or Endangered plant and animal species and their critical habitats, based on analysis of the selected alternative by the professional Biologist assigned to the Interdisciplinary Team, as documented in the Biological Assessment. A further review of effects findings will be conducted if new species are proposed or listed for this area, or if unanticipated effects are found. This review could result in the initiation of consultation with the FWS at a future date if effects findings so indicate.

FSM 2670 Sensitive Species:

Based on currently available survey information, the professional Biologist assigned to the Interdisciplinary Team has determined that five species on the Regional Forester's Sensitive Species list are known to occur within the project area and may be affected by the proposed livestock grazing activities, as documented in the Biological Assessment. Forest Service Manual 2670 direction for management of FS sensitive species has been reviewed and applied to the Proposed Action.

Some individuals or habitat of the five sensitive species may be impacted by implementation of the Proposed Action Alternative, but this alternative will not affect the viability of the species or result in a trend toward federal listing of any of the species as threatened or endangered. The Proposed Action Alternative is consistent with the Forest Plan and Forest Service Manual direction.

Migratory Bird Treaty Act:

The Forest Service is required to address losses of migratory birds listed on the Partner's In Flight priority bird list that visit or use the Forest, and their nests. The professional Biologist has found that implementation of the Proposed Action Alternative is expected to maintain or increase suitable habitat on the allotments for migratory birds through the construction of new water sources and by the attraction of insects to areas of livestock use. Disturbances to or loss of birds or nests due to livestock presence or from other activities related to livestock management that may result in unintentional take are expected to be infrequent and will not rise to a level that affects the total population size for any species. There are no Important Bird Areas or over-wintering areas on the allotments that could be affected. The Wildlife, Fish and Rare Plant Report in the Project Record contains a full list of migratory birds addressed for this analysis, their habitat types, and the impacts and effects anticipated.

FSH 2209.13 Chapter 90 – Rangeland Management Decisionmaking:

The Proposed Action Alternative is consistent with Forest Service Handbook direction regarding Rangeland Management Decisionmaking as it incorporates adaptive management principles into the decision, providing appropriate flexibility that will allow resource managers to respond to changing resource and climatic conditions over time. The Interdisciplinary Team established and used a systematic process that involved the permit holders in the development of the Proposed Action and considered the primary resource areas of concern. The appropriate alternatives, as called for by Chapter 90, were considered by the Team in the development of the environmental analysis and documentation.

Federal and State Permit Requirements:

Implementation of the Proposed Action Alternative may require State or local permitting prior to construction of new water system structures. Any such permits, as required, will be acquired by the permit holder.

National Historic Preservation Act:

The Forest completed a compliance report pursuant to the National Historic Preservation Act and consulted with the New Mexico State Historic Preservation Office (SHPO) and with the Mescalero Apache, Hopi and Zuni Tribes. Discussion of the affects of the Proposed Action Alternative is found in Chapter 3 of the EA under Effects on Archaeological Resources. Intensive surveys of the locations identified for construction and installation of range structural improvements have been conducted. Routine maintenance of existing earthen tanks has been cleared and clean-out of tanks will be cleared as needed in the future. No known grazing-sensitive sites or priority heritage assets are present on any of the allotments. A finding of no adverse effects on archaeological resources has been made for each of the alternatives and has been concurred with by the SHPO.

Executive Order 11990:

This order requires all Federal agencies to avoid adverse impacts associated with the occupancy and modification of floodplains. The Proposed Action Alternative was analyzed for its effects, and is expected to have minimal or no impacts in floodplains.

Executive Order 11988:

This order requires all Federal agencies to avoid adverse impacts associated with destruction or modification of wetlands. The Proposed Action Alternative was analyzed for its effects, and is expected to have no impacts on wetlands, as none are located within the project area.

Executive Order 12898:

This order requires all Federal agencies to incorporate environmental justice into their mission. I have determined that the Proposed Action Alternative would not disproportionately affect minority or low-income populations.

Other Alternatives Considered but Eliminated from Detailed Analysis:

No issues were raised either during public scoping or by the Interdisciplinary Team requiring the development of additional alternatives to the Proposed Action Alternative; therefore no other alternatives were considered and eliminated from detailed analysis.

Public Involvement

Notice of the intention to initiate analysis of the proposed action for these allotments has been provided in the Schedule of Proposed Actions (SOPA) as of 1/1/07 at http://www.fs.fed.us/sopa/ . A public scoping letter dated 5/21/07, describing the proposed action for management of these allotments and requesting information regarding concerns or opportunities related to the proposal, was sent to the permit holders of the allotments under consideration, to adjacent allotment permit holders, to members of the public and non-profit groups and livestock-interest entities who had expressed interest in livestock grazing activities. The letter was also sent to state, county and local governmental entities. On 5/22/07, a legal notice was published in the *Alamogordo Daily News*, newspaper of record for the Sacramento Ranger District, notifying any other interested parties of the opportunity to provide input related to the proposal.

Four scoping response letters were received: one from the permit holder on two of the allotments being analyzed, one from the Hopi Tribe, one from the State of New Mexico Environment Department and one from the NM Department of Agriculture.

Concern was expressed regarding woody species of pinyon, juniper and oak-brush that have invaded over the last 90 years and the possible need to return traditional fire or to control the invading species through harvest management. This concern is acknowledged and recognized as a legitimate concern; however, the proposed action and this analysis pertain only to actions to be accomplished through the authorization and management of livestock grazing. Control of pinyon and juniper density cannot be accomplished through livestock management; therefore, address of this concern was determined to be outside of the scope of this action and analysis.

A second concern was expressed regarding “wildlife invasion” by elk and their potential to create negative impacts for livestock grazing on the allotments. The commenter encourages the monitoring of the elk herd size and control of their impacts by the NM Game and Fish Department so that elk can co-exist with livestock grazing. This concern was acknowledged by the Interdisciplinary Team. Management and control of the local elk herd is the responsibility of the NM Department of Game and Fish and is therefore outside the scope of this action and analysis.

The same letter expressed concern for the loss of Mexican spotted owl habitat to past wildfires in the area and provided encouragement for working toward healthy ecosystems that would allow natural fire to work but not destroy “every tree for miles”, probably allowing the return of the owls over time. This comment is acknowledged and was considered during this analysis. Because the reintroduction of natural fire is outside the scope of this proposal, and because no effects are anticipated for the Mexican spotted owl due to the current absence of suitable mixed-conifer habitat because of the wildfires, this comment does not represent an issue or create the need for an additional action alternative.

The Hopi Tribe expressed their desire to be informed of any projects that adversely affect prehistoric cultural resources and of the actions to be taken to protect such sites. The professional Archaeologist assigned to the Interdisciplinary Team has conducted and reviewed surveys of the allotments being analyzed and prepared the Archaeological Report for submission to the State Historic Preservation Office in compliance with the National Historic Preservation Act of 1966.

The report makes a finding of no adverse effects on cultural resources. The Project Record contains the records and report documenting the review and surveys and the clearance process. No known grazing-sensitive sites or priority heritage assets are present. If any sites are located at a future date that could be adversely affected, the Tribe will be provided copies of the survey reports and protective measures to be applied. The State Historic Preservation Office has concurred with the finding of no adverse effect for the actions under consideration in this analysis.

The NM Environment Department noted that there are numerous small springs but no other perennial waters present on these allotments; that the allotments are located in the uplands associated with the Rio Penasco and Agua Chiquita Creek, a tributary to the Rio Penasco. They see no indication, based on the information provided, that grazing plans will have a negative impact on the watershed. The Soil and Watershed Report, part of the Project Record for this analysis, provides further site-specific information on the effects of the alternatives considered in detail.

The NM Department of Agriculture responded that they do not currently have any specific issues, concerns or opportunities for consideration.

On May 27, 2008, legal notice was published in the *Alamogordo Daily News* initiating a 30-day public comment period. Copies of the Environmental Assessment were mailed to those interested individuals who had responded to scoping, as well as the current permit holders on the allotments involved. No comments were received during the notice and comment period; therefore this decision is not subject to appeal pursuant to 36 CFR 215.12.

Finding of No Significant Impact

After consideration of the environmental effects described in the EA, I have determined that the selected actions will not individually or cumulatively have a significant effect on the quality of the human environment, having taken into account the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.

Although I acknowledge that this finding will allow for a continued benefit to current and future permit holders provided the authorization to graze livestock on these allotments, I have carefully weighed this effect against the known, potential and perceived negative effects of livestock grazing on other Forest resources in and around the project area. This beneficial effect may not come without a cost to the Forest and its resources. I have a particular interest in maintaining sustainable range resource conditions, as well as concern for potential negative effects on wildlife and FS sensitive plants, archaeological resources, and soil and watershed conditions. Having weighed these concerns against the benefits to resource management and the permit holders, I have determined that the Proposed Action Alternative is the most feasible way to continue to provide for the sustainable use of National Forest System lands while providing for use by livestock producers. I am satisfied that the project design providing for adaptive management and monitoring will minimize or eliminate the potential for any long-term negative effects on other forest resources.

2. The degree to which the proposed action affects public health or safety.

To date, no issues or concerns have been raised regarding effects on public health and safety from the continued authorization of livestock grazing on these allotments..

3. Consideration of unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.

There are no known grazing-sensitive archaeological sites or priority heritage assets within the project area, therefore none will be affected. No parklands, prime farmlands, wetlands or ecologically critical areas have been identified within the project area; therefore no effects to these resources are anticipated. The stream reaches of the Rio Penasco that are considered eligible for Wild and Scenic River classification are all located upstream from the five allotments being analyzed here. Therefore, there will be no direct, indirect or cumulative effects from the selected alternative on this resource value.

4. The degree to which the effects to the quality of the human environment are likely to be highly controversial.

Although the effects of livestock grazing on National Forest System lands and resources throughout the Western United States has been the subject of considerable litigation and debate among advocacy groups and to some extent within the scientific community, the Proposed Action Alternative was developed to incorporate management practices that have been shown over recent years to be successful in maintaining or improving range and other resource conditions on livestock grazing allotments. Research also indicates that grazing intensities allowed under this decision should provide sufficient residual forage and cover to allow for continued progress toward or maintenance of desired resource conditions, as described in Chapter 3 in the EA. The effects on the quality of the human environment are not highly controversial because there is no substantial dispute existing as to the size, nature or effects of the Proposed Action Alternative. For this project, we considered and reviewed numerous publications and research in support of and in opposition to our conclusions about effects to soils, water quality, wetlands, vegetation, and wildlife. We also considered and integrated studies, monitoring results and published research findings into our analyses. The degree of public interest and the number of respondents to opportunities for scoping and comment on the EA were very few and no significant issues were raised. Controversy in the context of this FONSI applies to determining whether the EA or an EIS is the appropriate level of analysis, rather than the mere existence of opposition to a use.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The Lincoln National Forest has considerable and ample experience with implementing activities such as those proposed here (authorization of cattle grazing, range structural improvements, adaptive management, and resource monitoring). The environmental effects analysis conducted and documented in the EA demonstrates that the effects are not uncertain and that they do not involve unique or unknown risk. The expected effects are not unlike those resulting from similar livestock management on these allotments over the past 20 or more 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.

Livestock grazing on these allotments has a long history which is well documented in the Project Record and the associated allotment files. The action is not likely to establish a precedent for future actions with significant effects because this is a site-specific analysis undertaken to decide whether or not to continue to authorize cattle grazing within the project area and if so, in what manner. This decision applies only to National Forest System lands and is well within the laws, regulations, Forest Service direction and the Forest Plan as they relate to these activities on NFS lands.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

Resource specialists reviewed past, present and foreseeable future activities that have or are likely to occur in and around the project area and each provided an analysis of potential cumulative impacts associated with those other activities, as documented in the EA and the Project Record. No significant cumulative effects were identified by the resource specialists on the Interdisciplinary Team, and no specific cumulative effects were surfaced during scoping or the 30-day public comment period.

No significant effects were found that would require the preparation of an Environmental Impact Statement.

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.

Consultation with the New Mexico State Historic Preservation Office and three Native American Tribes revealed no concerns regarding impacts to historic or cultural resources. Surveys and a review of known archaeological sites on the five allotments have been completed. No known grazing-sensitive sites or priority heritage assets are present on any of the allotments. Intensive surveys of the locations identified for construction and installation of range structural improvements have been conducted. Routine maintenance of existing earthen tanks has been cleared for archaeological concerns and clean-out of tanks will be cleared as needed in the future. A finding of no adverse effects on archaeological resources has been made for each of the alternatives and was concurred with by the New Mexico SHPO on August 9, 2007.

9. The degree to which the action may adversely affect an endangered or threatened species or habitat that has been determined to be critical under the Endangered Species Act of 1973.

Potential effects of the Proposed Action Alternative on Threatened and Endangered species have been analyzed and documented in the Biological Assessment & Evaluation which is a part of the Project Record. There are no effects on federally-listed Threatened, Endangered or proposed plants or animals, or on critical habitat, from implementation of the selected alternative as there are no individuals or suitable critical habitat on any of the allotments.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

No Federal, State, or local law or requirement will be threatened with violation because of implementation of this action.

Administrative Review and Appeal Opportunity

No comments were received during the notice and comment period initiated on May 27, 2008, therefore, this decision is not subject to administrative review (appeal) pursuant to 36 CFR 215.12.

Implementation Date

Implementation of this decision may occur upon publication of legal notice of the decision in the *Alamogordo Daily News*, the newspaper of record for the Sacramento Ranger District.

Copies of the Environmental Assessment and Contact for Further Information

Copies of the Environmental Assessment are available from the Sacramento Ranger District, P.O. Box 288, Cloudcroft, NM 88317, or the Lincoln National Forest Supervisor's Office, 1101 New York Avenue, Alamogordo, NM 88310, in either paper or electronic format. The Lincoln National Forest website, at http://www.fs.fed.us/lincoln can also be accessed for copies of the environmental documents.

For additional information concerning this decision, contact Gary Ziehe, Natural Resources Staff Officer, or Linda Barker, Range NEPA Team Leader, Lincoln National Forest at (575) 434-7200, or at the Lincoln National Forest address listed above.

Signature and Date

Approved by:

_/s/ Donna L. Owens_____ __9/10/08_____
DONNA L. OWENS **DATE**
District Ranger (Responsible Official)
Sacramento Ranger District