



Decision Notice and Finding of No Significant Impact

Peralta Grazing Allotment Environmental Assessment

USDA Forest Service Region 3
Jemez Ranger District, Santa Fe National Forest
Sandoval County, New Mexico

Decision and Reasons for Decision

BACKGROUND: The Peralta Grazing Allotment Environmental Assessment (EA) describes four alternatives (no action, current management, proposed action, and reduced grazing) for managing cattle grazing on approximately 12,826 acres on the Jemez Ranger District of the Santa Fe National Forest. The EA describes the probable environmental effects of each alternative for the dual purpose of informing the public and enabling a more enlightened decision-making process. It also prescribes specific mitigation and monitoring requirements to mitigate the risk of adverse impacts to natural resources. The EA is available for public review at the Jemez Ranger District Office in Jemez Springs, New Mexico and on the Forest website at <http://www.fs.fed.us/r3/sfe/projects/projects/index.html>.

DECISION: Based on my review of all the alternatives, I have decided to approve the grazing management strategy developed as Alternative 4, the Reduced Grazing Alternative with the provision to allow for a cross-fence to create a pasture system in the Peralta Allotment as was analyzed under Alternative 3, the Proposed Action. Alternative 4 best meets the purpose and need for the proposed action as stated in the EA (Section 1.1). It will improve cattle distribution in upper Peralta Canyon by constructing two water developments and three miles of boundary fence. Additionally, this decision will reduce the amount of authorized AUMs in the permit from current management of 476 AUMs to 352 AUMs as based on a capacity analysis of the allotment (capacity analysis methodology available in the project record).

My decision to authorize the building of a cross-fence to create a pasture system (as was analyzed as part of Alternative 3, the Proposed Action) in addition to the changes authorized in Alternative 4, Reduced Management is to allow for adaptive management should there continue to be problems with grazing distribution. This cross-fence may be built as specified in the Peralta Grazing Allotment Environmental Assessment under the condition that monitoring indicates stubble height and/or utilization monitoring guidelines are not being met on a *consistent* basis in one or more key or critical areas. This cross-fence would allow for a pasture system to be developed in the Peralta Allotment, thus reducing the amount of grazing pressure in the upper portion of Peralta Canyon where monitoring over the last five years has shown consistent problems. Construction of fences to implement a pasture system is a New Mexico State and Environmental Protection Agency approved Best Management Practice and is advocated in the Forest Service Soil and Water Conservation Practices Handbook (FSH 2509.22 (R3)).

In addition to authorizing the cross-fence, this alternative will implement an adaptive management strategy by authorizing a range of AUMs for the allotment and tying the number of

cattle permitted each year to recent precipitation levels and allowing flexibility for season of use determined by monitoring of range conditions. This decision is based on the EA, which analyzed grazing impacts that would result given the full range of authorized AUMs using the adaptive management strategy.

This alternative will also maintain conservative utilization standards developed for the allotments, and contribute to the socioeconomic needs associated with traditional grazing in northern New Mexico (Forest Plan pp. 17, 82) and agency policy objectives for National Forest range management programs (Forest Service Manual 2202.1). Alternative 4 is briefly described below:

- Management – New ten-year term grazing permits will be issued for cows with calves and an allotment management plan will be prepared within 90-days following project implementation. Management for the allotment is described below:

Allotment	Normal Season	Range of Authorized AUMs	Permitted AUMs	Grazing System*
Peralta	6/1 – 10/31	0 to 422	352	1 pasture – Continuous – Season Long

* Should building of a cross-fence be implemented to establish a pasture system, the grazing system would be a two-pasture deferred grazing system

Cattle will be moved when utilization of key forage species in key use areas approaches established standards (not to exceed 40% utilization as measured in key and critical areas at the end of the growing season). Section 2.3.1 of the EA outlines required mitigations and project design criteria.

Mitigations or design specifications required as part of this decision include the following:

Soil, Water and Vegetation – the objective is to mitigate soil, water, and vegetation impacts from cattle grazing and range facility construction through incorporating elements of adaptive management.

- Cattle will not be moved onto an allotment or pasture until range readiness and facility inspections indicate that appropriate conditions exist;
- Key herbaceous riparian vegetation, will have an average minimum stubble height of four inches on the stream bank, along the green line, after the growing season and during spring runoff;
- Key riparian browse vegetation will not be used at levels exceeding 50 percent of the current annual twig growth that is within reach of the animals;
- Key herbaceous riparian vegetation on riparian areas, other than the stream banks, will not be grazed more than 40 percent;
- Stream bank instability attributable to grazing livestock will be limited to ten percent or less on a stream segment.
- Upland range resource values will be protected from unacceptable grazing effects as determined through monitoring (see above). Livestock grazing will be managed at a level corresponding to conservative intensity. Minimum acceptable stubble heights have been developed by the Forest Service for certain species (see section 3.5.1 Vegetation – Affected Environment). Residual plant material should not be reduced below those levels. Cattle will be moved when utilization of key forage species in key use areas approaches established standards.

- Salt will be placed so as to minimize impacts to riparian zones, meadow ecosystems, and other forest resources (USDA-FS 1987, pg 68). Salting locations will vary annually and will not be located within ½ mile of water sources when possible.

Wildlife – the objective is to mitigate impacts to wildlife from continued cattle grazing and from disturbance associated with the location and construction of range facilities.

- Construction and maintenance of range facilities will be evaluated and executed to have no adverse effect on threatened and endangered species (USDA-FS 1996, pg 68). If any listed or proposed Threatened, Endangered, or Sensitive species are found during project activities, work in the immediate vicinity of the sighting will stop until a Forest Service wildlife biologist has resurveyed the area and any newly recommended mitigation measures have been implemented.
- Allotment fence management will meet wildlife standards that allow easy migration and passage. All fences should be built to wildlife specifications (USDA-FS 1996, pg 66 and 67):
 - fencing on National Forest for wildlife specifications should be barbed wire 4 horizontal strands,
 - height – 40-42 inches,
 - spacing between top wire and second wire equals at least 12 inches,
 - bottom wire should be 16 inches from the ground,
 - all new fence sections should be marked with flagging to alert wildlife of new barrier, and
 - fences and loose wires will be removed as they are abandoned.
- Non-game entrance and escape ramps will be provided on water developments intended for livestock and wildlife use (USDA-FS 1996, pg 66). New and reconstructed livestock water developments will include wildlife access, cover, and escape considerations (USDA-FS 1996, pg 67).

Mitigations specific to sensitive wildlife species

- Proposed construction activities (fences, water trough placement, restoration of rock header dam) planned within suitable habitat should occur October 1 through February 28 to avoid disturbance during breeding season. If goshawk surveys were done in May/June at each project site and were negative for response, then construction **at that site** can proceed with no seasonal restrictions.
- Do not disrupt fractured rhyolitic rock outcrops, large woody debris piles, or large decomposing Douglas fir logs during placement of water troughs or fenceline construction.
- Do not construct fences during wet periods from July 1 through September 30, when salamanders would be on the surface.

Heritage Resources – the objective is to protect heritage resources (archaeological sites) from direct or indirect impacts caused by ground disturbing activities associated with the construction of range facilities.

- Range structures will be located so as to avoid concentrations of livestock on identified heritage resource sites. No ground disturbing activities will be conducted within known site boundaries.
- No salting will occur within or immediately adjacent to site boundaries.
- If any unrecorded sites are discovered during the course of project implementation, all project activities in the vicinity of the site(s) will cease and the District or Forest Archaeologist will be notified.
- The Forest will conduct a program of monitoring in the area as part of this project to determine the extent of grazing impacts on heritage resources. At a minimum, monitoring will occur halfway through the life of permit reissuance and just prior to reissuance in the future.
- Any additional range improvements not covered by this report will require additional heritage resource survey and/or clearance prior to construction.
- The site of the proposed cross-fence will be surveyed within two years of its construction to avoid all cultural and historic sites.

Recreation – the objective is to reduce encounters between recreation users and cattle and minimize impacts to scenic quality.

- Within Management Area L emphasize use of native or natural materials such as local rock, logs, and indigenous plant species for structural projects or facilities (USDA-FS 1996, pg 147).

- Improvements – The following improvements will be authorized per this decision:

Allotment	Proposed Action	Need	Purpose (Objective)
Peralta	Develop 2 springs	Currently Peralta Creek is the main water source within the Peralta Allotment. Livestock tend to congregate along Peralta Creek resulting in overuse of the area adjacent to Peralta Creek. Alternate water sources are needed to improve distribution in upper Peralta Canyon.	Relieve grazing pressure in areas adjacent to Peralta Creek.
Peralta / Del Norte	Reconstruct three miles of boundary fence	In the early 1990s this fence was partially removed. It has become apparent due to trespass that this fence is still needed.	Reduce drift of livestock between Del Norte Allotment and Peralta Allotment.
Peralta	Build a cross-fence across Peralta Canyon	The placement of a fence across the the Peralta Allotment would allow the allotment to be split into two pastures. This would allow the lower portion to be used more effectively.	Keep cattle in the lower portion of the allotment in order to alleviate the overuse should it be observed to be occurring in portions of the upper areas of the allotment.

- Monitoring – monitoring will include annual inspections to ensure compliance with permit terms and conditions. Grass species used for forage will be monitored as part of range readiness monitoring before the grazing season begins and forage utilization and/or stubble height will be measured (at a minimum) at the midpoint of the grazing season. In addition to compliance and range monitoring, documented archeological sites located in the allotment will be monitored periodically for impacts from livestock grazing throughout the life of the permit reissuance.

Issues raised during the planning process were addressed through project design, the application of Forest Plan standards and guidelines and project-specific mitigation measures, and the development of alternatives to the proposed action. Two key issues were identified during the analysis:

- potential impacts to the Rio Grande cutthroat trout from grazing in Peralta Canyon, and
- acres in satisfactory management status are not meeting desired conditions.

Other issues such as effects to soil and vegetation, water and riparian resources, wildlife, heritage resources, and economics were analyzed for each alternative.

This decision specifically addresses the two key issues in the following ways:

Impacts to the Rio Grande cutthroat trout (a Forest Service Region 3 sensitive species) in Peralta Canyon are primarily occurring upstream of the trout-inhabited portion of Peralta

Creek where impacts from grazing and recreational use adjacent to the creek has shown evidence of causing unstable stream banks, stream widening, a loss of woody riparian vegetation, and decreased root mass from forbs. These conditions were noted similarly in a 1975 survey where “effects of cattle grazing” has led to “poor condition of the creek banks” with “little or no riparian vegetation” (EA Section 3.6, page 52). Since recreational use volume is considered low in Peralta Canyon due to the difficult access to the area, most of the observed impacts are likely a result of grazing.

To address this issue of potential impacts to Rio Grande cutthroat trout in Peralta Canyon the decision will reduce numbers of livestock and establish two water catchments away from Peralta Creek to better distribute cattle in upper Peralta Canyon. Both of these actions are likely to maintain or nominally increase streambank and riparian conditions along Peralta Creek, thus having a similar effect on Rio Grande cutthroat trout populations.

If annual monitoring results consistently illustrate that the aforementioned actions do not substantially minimize or avoid overuse in the upper portion of Peralta Canyon, a cross-fence will be built at the southern end of the Rio Grande cutthroat trout population to keep cows from overgrazing adjacent to stream segments that currently support healthy trout populations.

Acres not meeting satisfactory management status is also specifically addressed through this decision. By reducing the number of cattle through this decision and improving distribution of cattle throughout the upper part of the Canyon by adding additional water source it is expected that the number of acres meeting satisfactory management status will increase. Monitoring data of stubble heights in key areas at least once a year within the allotment will help determine how many acres or meeting satisfactory management status. Annual operating instructions will also be used to adjust the number of cattle and season of use on an annual basis to ensure that management can adapt to climate and resource conditions.

In making this decision, I considered the probable environmental effects of Alternative 4, Reduced Grazing and other alternatives disclosed in the EA and the effects of the livelihood and well-being of the grazing permittees. Overall, I believe Alternative 4 (reduced grazing) appropriately balances sustainable management of National Forest System lands and resources with the permittee’s need to maintain an economically viable grazing operation.

PUBLIC INVOLVEMENT AND SCOPING: A scoping letter from the Jemez District Ranger was mailed to 31 interested or potentially affected individuals, groups, organizations, tribes, state and other federal agencies in February 2005. The letter described the proposed action, purpose and need, and invited public comments for proposed livestock grazing on five allotments. The Peralta Allotment was later removed from the analysis in order to undergo a separate NEPA analysis because of additional issues associated with that allotment.

Comments received during the scoping period were used to help define the current situation, identify the issues, finalize alternatives, and guide environmental analysis. Five responses were received from the February 2005 scoping letter.

In addition to scoping, numerous meetings were held with the allotment permittee and others throughout the analysis process. District staff met with the permittee and representatives from the Northern New Mexico Stockmen's Association on more than one instance to discuss potential management strategies and methods for evaluating ongoing management practices. Additionally, Jemez Ranger District Range Staff led a field trip with members of the Range Improvement Task Force to evaluate current range conditions and consider additional management options. Consultation with the neighboring interested tribes was conducted as well. The project was also listed on the Santa Fe National Forest online *Schedule of Proposed Actions* beginning in January of 2006 to the present.

On October 22, 2006; a legal notice inviting the public to comment was published in the Albuquerque Journal and the preliminary EA was mailed to 26 parties and posted online at: <http://www.fs.fed.us/r3/sfe/projects/projects/index.html>. The preliminary EA was sent to those parties that showed interest in the scoping letter or had notified the Forest Service of their desire to be mailed preliminary EAs. The public comment period closed at midnight on November 21, 2006 and three letters were received during this period. Two additional letters were received after the close of the 30-day comment period, yet information in these letters was still used to update the final EA.

I reviewed all comments received. Those comments not already addressed in the EA and the project record or in this Decision Notice / Finding of No Significant Impact were subsequently addressed by supplementing the effects analysis.

ALTERNATIVES CONSIDERED: The alternatives considered in detail appropriately defined the scope of the analysis and represented a range of reasonable alternatives within that scope. They include Alternative 1 – No Action (no grazing); Alternative 2 – No change from current management; Alternative 3 – Forest Service proposed action; and Alternative 4 – reduced grazing.

Alternative 1 was not selected. This alternative would not meet Forest Service Policy (FSM 2202.1) and the Forest Plan objective (Forest Plan pp. 17, 82) of contributing to the social and economic needs associated with grazing in northern New Mexico. Furthermore, it would not meet the purpose and need of the assessment which is for authorization of livestock grazing in a manner that moves toward Forest Plan objectives and desired conditions.

Alternative 2 was not selected. While this alternative would meet Forest Service Policy (FSM 2202.1) and Forest Plan objectives (Forest Plan pp. 17, 82) for contributing to the social and economic needs associated with grazing in northern New Mexico, and it would meet some of the physical and biological resource objectives; other objectives in the purpose and need, such as authorization of livestock would not be met. This alternative does not include reconstruction of fences and water catchments; therefore, the need to move towards desired conditions (EA, Page 9) to prevent unauthorized cattle between the Del Norte and Peralta allotments and facilitate the better distribution of cattle in the upper part of Peralta Canyon would not be met (EA, Section 1.1).

Alternative 3 was not selected. The proposed action alternative would meet Forest Service Policy (FSM 2202.1) and Forest Plan objectives (Forest Plan pp. 17, 82) for contributing to the social and economic needs associated with grazing in northern New Mexico, and it would meet some of the physical and biological resource objectives. This alternative, however, would result in additional resource impacts on Oaks Mesa that would likely cause impacts to wildlife and other resources to move management in a direction away from guidance in the Santa Fe National Forest Plan. Furthermore, this alternative would be predicated upon the ongoing maintenance of rock header dams on Oaks Mesa, which have been abandoned in the past as a result of their

isolation and difficulty to maintain to Forest Service standard. The proposed cross-fence that would be installed to create a pasture system in the allotment still may be implemented as authorized in this decision to reduce grazing impacts in the upper portion of the allotment.

Alternative 4 was selected. Like the previous alternative it will meet Forest Service Policy (FSM 2202.1) and Forest Service Plan objectives (Forest Plan pp. 17, 82) for contributing to the social and economic needs associated with grazing in northern New Mexico. It also best meets desired conditions of increasing management flexibility on the Peralta Allotment, improving relative distribution of livestock grazing, and reducing impacts to riparian vegetation and streambanks, which provide habitat for the Rio Grande cutthroat trout. This alternative best meets the purpose and need for improving cattle distribution through construction and reconstruction of boundary fences and water developments.

Appeals and Implementation

This decision is subject to appeal pursuant to 36 CFR 215 by individuals or organizations that submitted comments during the comment period (36 CFR 215.6). The appeal must be filed (regular mail, fax, e-mail, hand-delivery, or express delivery) with the Appeals Deciding Officer. Submit appeals to: Appeal Deciding Officer, Daniel Jiron, Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, 1474 Rodeo Road, Santa Fe, NM 87504-1689, fax: (505) 438-7834, e-mail: appeals-southwestern-santafe@fs.fed.us (.doc, .rtf, or .txt formats only). If hand delivered, the appeal must be received at the above address during business hours (Monday – Friday 8:00 am to 4:30 pm), 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, including attachments, must be in writing, fully consistent with 36 CFR 215.14, and filed (postmarked) within 45 days following the date the legal notice was published in the *Albuquerque Journal*. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon any dates or timeframes provided by any other source.

The Peralta Allotment permittee may appeal the Decision under 36 CFR 215 or 36 CFR 251, but not both. Under 36 CFR 251, a Notice of Appeal must be consistent with 36 CFR 251.90 and filed simultaneously with Forest Supervisor Daniel Jiron, Appeal Deciding Officer (above listed address) and Jemez District Ranger, John Peterson (P.O. Box 150, Jemez Springs, NM 87025; fax: 505-829-3223) within 45 days from the date of publication of the legal notice in the *Albuquerque Journal*.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Finding of No Significant Impact

After considering the environmental effects disclosed in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering 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. *Beneficial* as well as *adverse impacts* were considered (EA, Section 3). My finding of no significant environmental effects is not biased by the beneficial effects of this action; however, the implementation of Alternative 4 is expected to result in the better distribution of cattle and a reduction in trespassing cattle on the Del Norte Allotment from the Peralta allotment.
2. There will be no significant effects on *public health and safety*. Forest Plan standards and guidelines requiring monitoring of key and crucial areas would limit cattle presence and impacts along existing watercourses and streams, thus reducing the potential for impacts to recreational users. No vegetation manipulation is being proposed and as such there would be no associated safety concerns such as those related to smoke from burning or heavy traffic from hauling timber.
3. There will be no significant effects on *unique characteristics* of the area because no parklands, wetlands, floodplains, prime farmlands, wild and scenic rivers, or ecologically critical areas will be negatively impacted. Besides the presence of streams with floodplains in the canyon bottoms, none of the above unique characteristics are present.
4. The effects on the quality of the human environment are not likely to be *highly controversial*. The effects disclosed in Section 3 of the EA are based on the best available information and judgment of resource management professionals, who have applied their knowledge and expertise to similar projects on National Forest System lands and resources in the past. The predicted environmental consequences are based on known effects of actual management practices in this area, common resource management practices described in agency directives, prescribed in Forest Plans, and used by other land management agencies.
5. The environmental effects are typical for this type of project and do not involve *unique or unknown risks*. As stated previously, the effects described in the EA are based on the best available information and the judgment of resource management professionals. The EA does not indicate there will be any highly uncertain impacts.
6. The action is not likely to establish a *precedent for future actions* with significant effects. Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects.
7. The *cumulative effects* for wildlife, watershed, air, and other resources were considered and disclosed in Section 3 of the EA. All past, present, and reasonably foreseeable future actions were considered and it was determined that none of these actions would combine with the effects of this project to cause cumulatively significant impacts.
8. The grazing management program proposed in Alternative 4 (Section 3.7) will not adversely affect properties listed in or eligible to the National Register of Historic Places,

- and will not cause the loss or destruction of significant scientific, cultural, or historic resources. Implementation of this alternative will result in the decommissioning of one earthen stock tank located adjacent to an archeological site. This action is expected to reduce potential impacts to the site. Consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act has been completed and the SHPO concurred with the *no adverse effect* determination.
9. The grazing management program proposed in Alternative 4 will not adversely affect any plants or animal species listed or proposed for listing under the Endangered Species Act known to inhabit or frequent the area with the mitigation measures identified in the EA (Section 2.3). Consultation with the U.S. Fish and Wildlife Service has been completed and they concur with the resource specialist's determination of *may affect, not likely to adversely affect* for the Mexican spotted owl and the silvery minnow (see Project Record for Biological Assessment).
 10. The action *will not violate Federal, State, and local laws* or requirement for the protection of the environment.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS: The Peralta Grazing Allotment is located in management areas C, L, N, P, R, S, and X (Jemez National Recreation Area) which emphasize a variety of management prescriptions as detailed in the EA (Section 1.4). The Forest Plan analysis process established the suitability of the allotments for grazing (Santa Fe Forest Plan EIS, Appendix B, Description of Analysis Process and Jemez National Recreation Area Management Plan). Alternative 4 is fully consistent with Forest Plan standards and guidelines for these management areas as well as with forest-wide standards and guidelines established in the Forest Plan. Grazing under Alternative 4 with the prescribed conservative utilization standards in conjunction with project design criteria and mitigations meets Forest Plan wildlife and fish, soil and water, and riparian goals (Forest Plan page 19-20).

Implementing Alternative 4 will not threaten any wildlife species or habitats, including those classified as management indicator species in the Forest Plan as well as migratory birds (EA, Section 3.6). A Biological Assessment and Evaluation for threatened, endangered, and Region 3 sensitive species is included in the project file.

Alternative 4 will not impair land productivity and is therefore, consistent with the Multiple-Use Sustained Yield Act of 1960, as amended. Impaired soils on the allotment are located on steep slopes, areas not or only incidentally grazed by cattle. Actions included in this project that improve cattle distribution and grazing use may lead to improved soils.

A heritage resource clearance has been completed, with concurrence from the State Historic Preservation Officer. No group of people, including racial, ethnic, or socio-economic group will bear a disproportionate share of the consequences of this action.

INFORMATION CONTACT PERSON: For additional information concerning this decision, contact: Derek Padilla, District Range Staff, Jemez Ranger District, 051 Woodsy Lane, P.O. Box 150, Jemez Springs, NM, 87025. Phone: (505) 829-3535



DEREK PADILLA
Acting Jemez District Ranger



Date

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