



United States
Department of
Agriculture

Forest Service



Santa Fe
National Forest,
Region 3

September 2009

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

CAJA DEL RIO GRAZING ALLOTMENT

Project Number: 25902
Espanola Ranger District
Santa Fe National Forest
Santa Fe County, New Mexico

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Table of Contents

DECISION	1
REASONS FOR THE DECISION	2
OTHER ALTERNATIVES CONSIDERED	2
FUTURE REVIEW OF THE DECISION	3
PUBLIC INVOLVEMENT	3
FINDING OF NO SIGNIFICANT IMPACT	3
FINDINGS RELATED TO OTHER LAWS	4
ADMINISTRATIVE REVIEW OR APPEAL	5

DECISION

INTRODUCTION

The Environmental Assessment (EA) for the Caja del Rio grazing allotment was prepared by an Interdisciplinary (ID) team. The EA discusses the reasons for taking action in the project area, which include moving the area towards the desired conditions. The EA discusses environmental effects of permitted grazing activities on the Caja del Rio grazing allotment.

The EA is available for public review at the Espanola Ranger District Office located or at the Santa Fe National Forest website <http://www.fs.fed.us/r3/sfe/projects/index.html>

DECISION

Based upon my review of the alternatives and the analysis in the EA, I have decided to approve the grazing management strategy as described under Alternative 2 of the EA. The selected alternative will authorize managed livestock grazing on the Caja del Rio grazing allotment. The action consists of the following components:

Permitted Livestock: The number of livestock “permitted to graze” would be authorized up to 492 cow/calf pairs and 28 bulls (8,305 AUMs¹) from March 1st to February 28th (year-long) under twelve - ten year term grazing permits. A utilization guideline of conservative use (40 percent forage utilization as measured at the end of the growing season) would be employed to maintain or improve rangeland vegetation and long term soil productivity. An annual increase in authorized AUMs may be allowed if extensive monitoring shows evidence that there is a favorable climatic condition that provides sufficient forage production to support additional AU’s during the growing season.

Range Facilities: In consultation with the grazing permittees, several range facilities have been identified (Refer to Map) that will further enhance livestock management on the allotment. These range facilities are intended to improve livestock distribution and improve upland rangeland conditions. The following new range facilities have been identified for construction:

- 6.2 miles of new pipeline with three new drinkers

Adaptive Management: Adaptive management focuses on the results of the short-term and long-term resource monitoring, as opposed to selecting one specific course of action that will not be deviated from over time. Adaptive management allows for adjustments in timing, intensity, frequency and duration of grazing, the grazing management system, and livestock numbers according to resource conditions and allows for the flexibility necessary to meet utilization guidelines and long-term desired conditions.

The exact number of livestock authorized² to graze on an annual basis would depend on such things as resource condition of the allotment, available water, annual forage production, condition of structural facilities, and range readiness. Anything less than the full permitted livestock numbers represents a condition in which capable acres and other integral components of the range management, such as livestock waters, are producing less than required to support full permitted livestock numbers. Adjustments to the Annual Operating Instructions (AOI) which specifies the timing, intensity, frequency, and duration of cattle grazing may occur during the grazing year, based on conditions and range inspections by the district range staff and grazing permittees.

Monitoring would determine whether the project-level decision is being implemented as planned (implementation monitoring) and, if so, whether the objectives identified in the Forest Plan, Annual Operating Instructions (AOI) and Allotment Management Plan (AMP) are being achieved in a timely manner (effectiveness monitoring).

¹ **Animal Unit** (AU) is considered one mature cow approximately 1000 lbs, either dry or with calf up to 6 months of age, or their equivalent, based on a standardized amount of forage consumed. **Animal Unit Month** (AUM) is a measure of the amount of forage required by a 1000 lb cow or its equivalent for one month based on a daily allowance of 26 lbs. of dry matter (DM) intake per day (Society for Range Management 1998, USFS 1997).

² **Permitted** livestock indicates the livestock that are permitted by the Term Grazing Permit. **Authorized** livestock is the number of livestock that are authorized annually and billed for grazing on NFS lands.

Allotment monitoring would be open, cooperative, and inclusive process with the permittees. Implementation and effectiveness monitoring are critical to determine when or if adaptive management changes should be made and to guide the direction that those changes take.

This decision will be incorporated into an Allotment Management Plan (AMP), scheduled to take affect during the 2010 livestock grazing season. Grazing permits, and their associated AMP and AOI, will be issued as implementing actions. The decision is expected to remain in effect until new information or changed conditions warrant a new analysis of the allotments. The selected alternative includes numerous design criteria intended to maintain or enhance watershed, riparian habitats and upland vegetation conditions. It also includes short-term and long-term monitoring requirements designed to measure the effectiveness of the actions on achieving or moving toward the desired conditions.

REASONS FOR THE DECISION

The selected alternative best meets the project purpose and need and achieves desired conditions (EA p X) in the following ways.

- The alternative is consistent with the 1987 Santa Fe National Forest Plan management goals and objectives (Forest Plan, p 17 - 22), Forestwide standard, guidelines (Forest Plan, 50 - 97), standards, and guidelines for Management Areas G, K, and M (Forest Plan, pp. 121 – 124, 143 – 145 & 150 - 151).
- The alternative best achieves Forest Service Policy (FSM 2202.1 & 2203.1) and the mission of the Santa Fe National Forest Plan (Forest Plan pp. 1 & 17) to manage for multiple use and sustained yield and to contribute to a viable rural economy.
- The alternative will provide for yearlong grazing for 492 cow/calf pairs and 28 bulls from March 1st to February 28^h under conservative grazing intensities that will maintain or promote improvement in upland vegetation and soil condition and will provide residual herbaceous vegetation to provide year-round habitat for wildlife species requiring herbaceous cover.
- The permitted numbers reflect the range of variability that affects capacity on the allotments and the proposal provides a framework that allows for timely adjustments in authorized use in response to changes in grazing capacity.
- The alternative will provide an adaptive management framework that is designed to control the timing, intensity, frequency, and duration of grazing and will allow the Forest and grazing permittees to adapt management to changing resource conditions.
- The alternative provides for the construction and repair of infrastructure to improve livestock distribution, which will maintain or increase vegetative cover, promote litter accumulation and protect soils and riparian vegetation. Proposed improvements will control livestock distribution and will provide a mechanism to increase pasture deferment and management flexibility.
- The alternative provides a basis for sharing responsibility for successful implementation of this decision with the permittees.

OTHER ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered two other alternative (No Action), summarized below. A comparison of the effects of these alternatives is found in Chapter 2 of the EA.

Alternative 1: No Action (No Grazing). Under this alternative, grazing would not be permitted and use of the allotments by domestic livestock would be discontinued. The permittees would be given one year from the date of the decision to remove livestock from the allotments. Range facilities would be evaluated for wildlife, watershed, and soil protection needs. Improvements contributing to resource protection or enhancement, such as water developments important for wildlife, would be maintained where feasible using other program funds. Periodic inspection of structural improvements would be used to determine whether maintenance or removal is needed. Removal or maintenance of improvements would be authorized by a separate decision. Where possible,

maintenance of allotment boundary fences would be reassigned to adjacent permittees with the understanding that livestock are to be kept off of the allotment.

While this alternative would meet the natural resource objectives defined for the allotments, it would not be consistent with Forest Service Policy (FSM 2202.1) and the Forest Service Mission (Forest Plan, Appendix F) to manage for multiple use and sustained yield and to contribute to a viable rural economy.

FUTURE REVIEW OF THE DECISION

In accordance with Forest Service Handbook direction [FSH 1909.15(18) and 2209.13(96)], an interdisciplinary review of the decision will occur within 10 years, or sooner if conditions warrant. If this review indicates that management is meeting objectives and achieving desired condition, the initial management activities will be allowed to continue. If monitoring demonstrates that objectives are not being met and management options beyond the scope of the analysis are warranted, or if new information demonstrates significant effects not previously considered, a new proposed action will be developed and further analysis under NEPA will occur.

PUBLIC INVOLVEMENT

This project was initiated in November 19, 2007. Scoping letters were sent to 41 interested parties and adjacent land owners on March 27, 2008 to invite comment on the proposed action. The District did not receive responses to the scoping letter.

On December 19, 2008, The *Proposed Action, Alternatives, and Preliminary Effects Analysis for the Caja del Rio grazing allotment* was made available for the 30 day notice and comment period. The proposed action was mailed to sixteen interested parties and grazing permittees. A legal notice was published in the Albuquerque Journal on December 26, 2008 notifying the public on the start on the comment and notice period. The District received three responses during the formal 30-Day comment period. No new alternatives or significant issues were identified during the 30-day comment period.

Responses to public concerns submitted during the 30-Day comment and notice period can be found in appendix C of the EA.

FINDING OF NO SIGNIFICANT IMPACT

After considering the context and intensity of the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment as defined in the Council on Environmental Quality implementing regulations at 40 CFR 1508.27. Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Context: The action is a site-specific action that by itself does not have international, national, region wide or statewide importance. Effects are limited to the locale of Caja del Rio grazing allotment.

Intensity: The following discussion is organized around the ten significance criteria described in the National Environmental Policy Act (NEPA) regulations at 40 CFR 1508.27.

1. Both beneficial and adverse impacts were considered in the analysis (EA, Chapter 3, pp. 11 - 33). Grazing as proposed will result in removal of renewable herbaceous and some woody vegetation, but will be limited to light to conservative levels (0 - 40% utilization) in order to allow for the retention of litter and plant stubble to provide soil cover and wildlife habitat. Adverse effects have been reduced or eliminated through project design and mitigation measures (EA pp. 7, 8). Regular pasture deferments along with light to conservative grazing intensities are predicted to maintain or improve long-term soil and watershed condition.
2. No significant effects on public health and safety were identified. The scope of the grazing authorization is limited to the implementation of managed livestock grazing and the installation and maintenance of structural range facilities. These actions are not expected to present significant hazards to workers or the public.

3. The project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources considered to have unique characteristics. None of these features are found in the allotment.
4. The effects on the quality of the human environment are not likely to be highly controversial. The environmental analysis process has documented the expected environmental effects of the proposed action and no action alternatives. These effects have been disclosed in Chapter 3 of the EA and the selected action has been designed and mitigated to address the various issues raised. The analysis represents the judgment and expertise of resource management professionals who have applied their knowledge to similar projects and resources in the past. The management practices proposed are commonly-used resource management practices described in agency directives, prescribed in the Forest Plan and used by other land management agencies. The intensity of grazing and management practices proposed are consistent with the best available science and current direction. While some members of the public are opposed to permitted grazing on public lands, others view the Forest Service as too restrictive in its management; this action is not highly controversial within the context of the National Environmental Policy Act.
5. The effects analysis indicates the effects are not uncertain, and do not involve unique or unknown risk. The Forest Service has considerable experience with the types of activities to be implemented. The effects described in the EA are based on the judgment of experienced resource management professionals using the best available information.
6. The decision to reissue grazing permits for the allotment does not 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 and project feasibility.
7. The cumulative impacts of the action on soils, vegetation, and terrestrial and aquatic wildlife resources were considered and disclosed in the EA in Chapter 3, pp. 15 - 43 and in a variety of specialist reports (PR 68, 87, 88, 89, and 107). The direct and indirect effects of the proposal are expected to be minor in the short term and beneficial or neutral over the long term. None of the effects are considered significant for reasons described herein. No past or future actions have been identified that will combine with the effects of the proposed action to cause cumulatively significant effects.
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. Mitigation measures included as part of the selected alternative are designed to preclude adverse effects to these resources. The proposed action includes provisions to survey for and avoid sensitive heritage sites prior to any ground-disturbing activities. A Heritage Resources Evaluation report was prepared and submitted to the State Historic Preservation Office (SHPO) with a determination of no adverse effect to cultural resources. Concurrence from SHPO was received on September 28, 2009 (PR 110).
9. No formal consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act was required because there are no known occurrence of listed species (PR 89) and there is no critical habitat for listed species on the allotment. Management practices have been incorporated into the proposed actions that are sufficient to avoid effects to other wildlife species habitat (EA p. 8, PR 89).
10. This selected alternative is in full compliance with all federal, state and local law requirements imposed for environmental protection. Best Management Practices (Mitigation Measures) to protect water quality are included in the selected alternative (EA p. 7).

FINDINGS RELATED TO OTHER LAWS

National Forest Management Act: The Santa Fe National Forest Plan was adopted on July 1987 and has been amended several times. The 2005 Forest Service planning regulations state that projects must be consistent with the plan (36 CFR 219.8 (e)). The Caja del Rio grazing allotment falls within Management Areas G & L. The

Forest Plan identifies these management areas as suitable for grazing and is consistent with Forest Plan goal and objectives. Light to conservative utilization, prescribed mitigation measures and adaptive management strategies will meet the Forest Plan goals for range, wildlife, soil, water and riparian resources. There are no identified effects to management indicator species or sensitive species that will affect their Forest-wide populations or long-term viability. Other NFMA consistency findings relate to the management of suitable timberlands. The project area does not contain any suitable timberlands; therefore, the other NFMA consistency requirements do not apply.

My conclusions regarding the effects of the proposed action are based on a thorough review of the relevant scientific information and consideration of responsible opposing views; and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. Proposed grazing management was developed using data obtained and interpreted according to accepted monitoring practices for identifying rangeland condition and capacity. The proposal incorporates adaptive management actions necessary to adjust stocking to remain within capacity. Grazing intensity levels are consistent with existing scientific literature regarding proper utilization levels. The effects analysis for listed, sensitive and management indicator species is based on the most recent survey and distribution information. Soil and riparian monitoring and effects analyses were conducted in accordance with accepted Forest Service monitoring techniques and are based on site-specific data collected within the project area. Based on the documentation in the record, I conclude the best available science was considered in developing and analyzing the proposal.

Multiple Use Sustained Yield Act: The selected alternative will not impair land productivity and is therefore consistent with this law.

Endangered Species Act: No formal consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act was required because there are no known occurrences of listed species and there is no critical habitat for listed species on the allotment. Management practices have been incorporated into the proposed actions that are sufficient to avoid effects to listed species habitat.

National Historic Preservation Act: A Heritage Resource Investigation was completed with a finding of no adverse effect on cultural resources. Concurrence from SHPO was received on September 28, 2009 (PR 110).

Executive Order 13186 (Migratory Birds): There are no identified effects on migratory birds, Birds of Conservation Concern and Important Bird Areas.

Executive Order 12898 (Environmental Justice): This decision does not impose disproportionately high adverse human health or environmental effects on minority or low-income populations.

ADMINISTRATIVE REVIEW OR APPEAL

This decision is subject to appeal in accordance with regulations at 36 CFR 215. Individuals or organizations that provided comments or otherwise expressed interest in the proposed action during the August 2008 comment period may appeal. A notice of appeal must be in writing and clearly state that it is a Notice of Appeal being filed in pursuant to 36 CFR 215. Appeals must be filed (regular mail, email, fax, hand-delivery, or express delivery) with the Appeals Deciding Officer, Daniel J Jirón, Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico, fax: (505) 438-5390, email: appeals-southwestern-santafe@fs.fed.us (email message, .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.

Appeals, including attachments, must be in writing, consistent with 36 CFR 215.14 and filed (postmarked) within 45 days of the date of legal notice of this decision 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 on dates or timeframes provided by any other source.


The allotment permittees may choose to appeal the decision under the regulations listed at 36 CFR 251, Subpart C or 36 CFR 215, but not both. An appeal by the permittees under the 36 CFR 251 regulations must be filed simultaneously with the Santa Fe National Forest Supervisor Daniel J. Jirón (address above) and the Espanola District Ranger, Sanford Hurlocker, P.O. Box 3307, Española, New Mexico 87533 within 45 days of the date of publication of legal notice in the *Albuquerque Journal*.

For additional information concerning this decision or the Forest Service appeal process, contact Sanford Hurlocker, Espanola District Ranger or Donald Serrano, Espanola Range Staff at (505) 753-7331.

IMPLEMENTATION DATE

If no appeals are filed within the 45-day filing period, implementation of the decision may occur on, but not before, five business day 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. Implementation means actually issuing the new permit or accomplishing any ground disturbing actions. Field preparation work needed to implement this decision may proceed immediately.

SIGNATURE AND DATE



SANFORD HURLOCKER
Española District Ranger

29 Spt '09

Date

Santa Fe National Forest

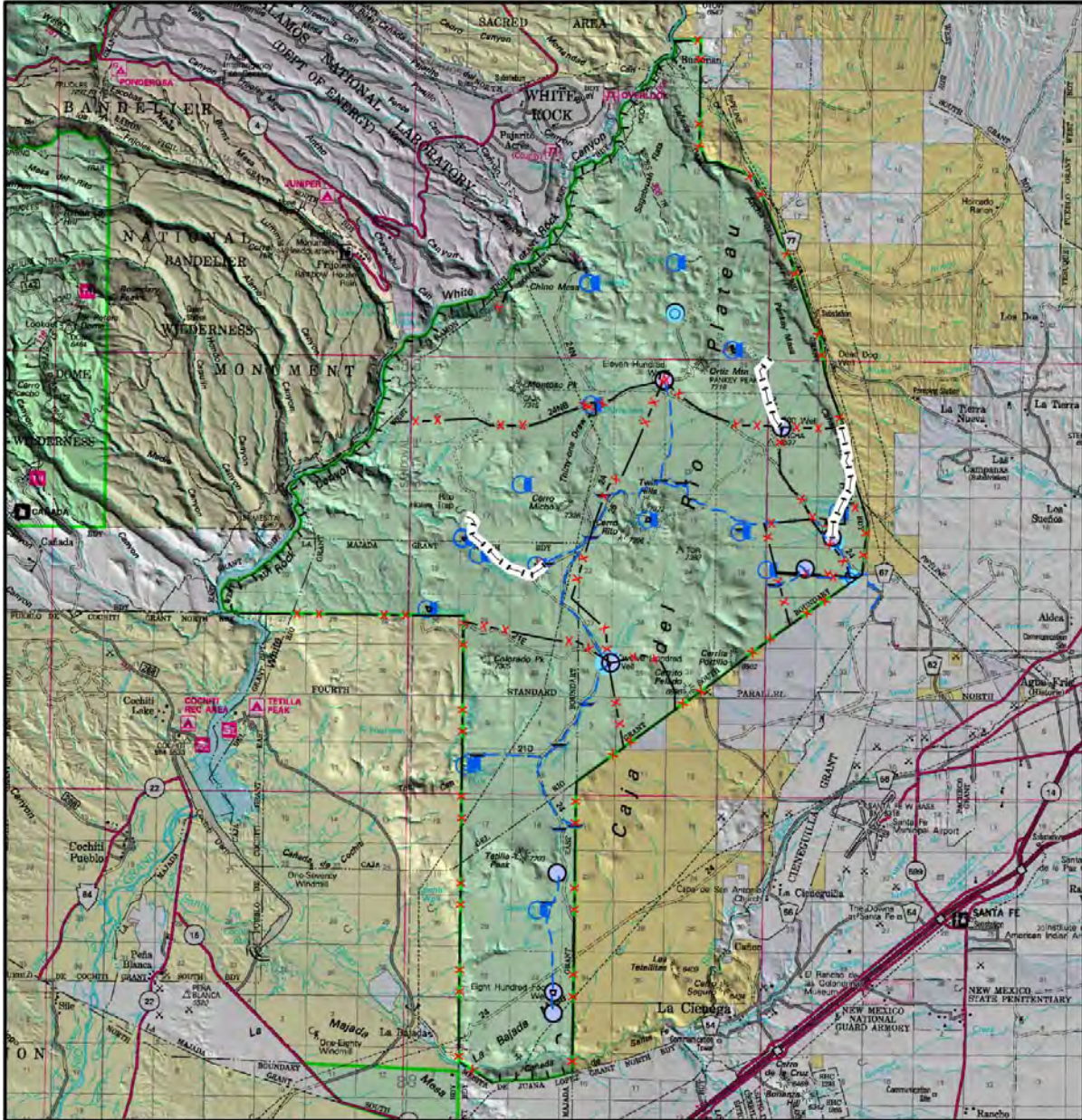


Caja del Rio Grazing Allotment
Proposed and Existing Range Facilities

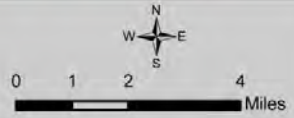
bkd 9/5/08

Legend

- +— Proposed pipeline
- T— Natural Barrier
- X— Fence
- Pipeline
- Corral
- Earthen Tank
- Trick Tank
- Water Storage Tank
- Water Troughs
- WELL



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APPENDIX A - MITIGATION MEASURES

To mitigate resource impacts from the proposed action, the following measures will be implemented. The mitigation measures included here are required and limited to those for which the Forest Service has authority. These mitigation measures have been used on previous projects and are considered to be effective in reducing environmental impacts. With full implementation of applicable Forest Plan standards and guidelines, project design criteria, and all prescribed mitigation measures, no potentially significant adverse environmental impacts would be expected to occur.

Soil, Water and Vegetation – the objective is to mitigate soil, water, and vegetation impacts from cattle grazing and range facility construction-

- Cattle will not be moved onto the allotment or allotment pastures until range readiness and facility inspections indicate that appropriate conditions exist;
- Key herbaceous riparian vegetation will have a minimum stubble height of 4-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 30 percent during the growing season or 40 percent during the dormant season;
- Stream bank instability attributable to grazing cattle will be less than ten percent on a stream segment.
- Upland range resource values will be protected from unacceptable grazing effects as determined through monitoring (see above). 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. Residual plant material will 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 in locations to minimize impacts to riparian areas, meadow ecosystems, and other forest resources. 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 accomplished to have no adverse effect on Threatened and Endangered species (USDA-FS 1996, pg 68). If any listed or proposed T&E or Forest Service 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 fences will meet wildlife standards that allow easy migration and passage. All fences will be built to wildlife specifications (USDA-FS 1996, pg 66 and 67):
 - 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 cattle and wildlife use (USDA-FS 1996, pg 66). New and reconstructed water developments will include wildlife access, cover, and escape considerations (USDA-FS 1996, pg 67).
- Cattleguards will be designed to prevent small animal entrapment.

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 concentrating cattle 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.
- Scattering slash over trailing areas, eroding areas, bedding down areas and areas being affected by trampling and/or construction slash barriers and/or slash fences to redirect cattle around sites when accessing water sources and/or covering sites with sufficient slash to prevent cattle from entering the sites' boundary.
- 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 monitoring in the area as part of this project to determine the extent of grazing impacts on heritage resources (PR 109 pg.78 or PR 110 pg.3). 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.