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DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

RIO DE LA CASA GRAZING ALLOTMENT

Project Number: 25901
Pecos/Las Vegas Ranger District
Santa Fe National Forest
Mora County, New Mexico

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DECISION

INTRODUCTION

The Environmental Assessment (EA) for the Rio de la Casa 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 Rio de la Casa Allotment.

The EA is available for public review at the Pecos/Las Vegas Ranger District Office located at the Pecos/Las Vegas Ranger District Office and 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 described under Alternative 2 of the EA. The selected alternative will authorize managed livestock grazing on the Rio de la Casa allotment. The action consists of four components authorization of permitted livestock, new range facilities, adaptive management, and monitoring. The four components are described below.

Permitted Livestock: Issue 7 ten-year term grazing permits totaling up to 95 Cow/calf pairs from June 16th to September 30th (333 AUMs[1]) under a one or two herd deferred rotational grazing system. This is the number of AUMs that can be supported during times of favorable climate and resource conditions. The exact number of AUMs "authorized to graze"[2] on an annual basis would depend upon such things as the ecological condition of the allotment, available water, and forage, functional structural facilities, range readiness, and predicted forage production for the year. A utilization guideline of conservative use (40% 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.

Range Facilities: In consultation with the grazing permittees, construction of a new earthen tank has been identified in the Walker Flats pasture (Refer to Map) as the most effective, feasible and practical method of improving livestock distribution in the Walker Flats pasture. One of the two earthen tanks identified during the scoping period will be eliminated from consideration due to the inadequacy of the site to support an earthen tank.

In addition, approximately 0.25 miles of new interior pasture fence has been identified that will further enhance livestock management on the allotment. This fence would be constructed, as part of adaptive management, only if monitoring consistently shows livestock distribution and utilization does not improve with the construction of new earthen tank and the implementation of a one or two herd deferred rotation system in the Walker Flats.

Adaptive Management: The Proposed Action is adaptive; allowing the Forest Service and permittees to adjust the timing, intensity, frequency and duration of grazing, the grazing management system, and livestock numbers according to resource conditions. The exact number of AUMs authorized to graze on an annual basis would depend upon such things as the ecological condition of the allotment, available water, and forage production,

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[1] An AUM is the amount of oven-dry forage required by one animal unit for a standardized period of 30 animal unit days. An animal unit is considered one mature cow approximately 1,000 pounds, either dry or with calf up to six months of age, or their equivalent. The average value for animal month is 780 pounds of oven dry forage.

[2] Permitted livestock indicates the permitted 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.

condition of structural facilities, range readiness, and predicted forage production for the year. 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 water) are producing less than normal.

Monitoring: 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). 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.

If monitoring indicates that desired conditions are not being achieved, management would be modified in consultation with the permittee. Adjustments to the annual authorized livestock numbers (an increase or decrease) may occur during the grazing year, based on conditions and/or range inspections. An example of a situation that could call for adaptive management adjustments is drought conditions. If adjustments are needed, they are implemented through AOIs. This proposal meets the Forestwide standards and guidelines as well as those specific to the Management Areas in the Forest Plan. Monitoring protocols would follow the Interagency Monitoring Technical References (FSM 2206).

To reduce resource impacts, mitigation measure identified in Appendix A of this document will be implemented as part of permitted livestock grazing. These practices have been demonstrated to be successful when used on similar projects and are considered effective at reducing environmental impacts. They are consistent with applicable Forest Plan standards and guidelines and Best Management Practices. Implementation of the mitigation measures is mandatory and project design criteria are intended to preclude the occurrence of potentially significant environmental impacts.

REASONS FOR THE DECISION

The selected alternative best meets the project purpose and need and achieves desired conditions (EA p 4) in the following ways.

- The alternative is consistent with the 1987 Santa Fe National Forest Plan management direction, emphasis (Forest Plan, p 19), Forestwide standard, guidelines (Forest Plan, 66-68), standards, and guidelines for Management Areas B and H (Forest Plan, pp. 103 – 104 & 125 - 129).

- 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 growing season grazing for 95 Cow/calf pairs from June 16st to September 30th and light to conservative grazing 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 one 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 standards 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 on November 19, 2007. Scoping letters (PR 16) were sent to 42 interested parties and adjacent land owners on March 17, 2008 to invite comment on the proposed action. The District received four responses to the scoping letter. Comments received were reviewed by the District Ranger and the IDT. District representatives met with the permittee several times throughout 2007 – 2008 to identify issues, develop, and refine proposed management actions on the allotment (PR 9). The proposal has been listed on the Forest's quarterly Schedule of Proposed Actions since January 2008.

On August 27, 2008, The *Proposed Action, Alternatives, and Preliminary Effects Analysis* was made available for the 30 day notice and comment period (PR 49). The proposed action was mailed to five interested parties and grazing permittees. A legal notice was published in the *Albuquerque Journal* on August 27, 2008 notifying the public on the start on the 36 CFR 215 comment and notice period. The District received no comments during the formal 30-day comment period.

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 Rio de la Casa 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. 14 - 53). 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. 8 - 9). Regular pasture deferments along with light to conservative grazing intensities are predicted to maintain or improve long-term soil and watershed condition (EA pp. 17 - 21).

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 (EA pp. 14 - 53) 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. 14 - 53 and in a variety of specialist reports (PR 45, 58, 66, 70, and 76). 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 (EA pp. 51 - 52, PR 78). Mitigation measures included as part of the selected alternative are designed to preclude adverse effects to these resources (EA pp. 8 & 9). The proposed action includes provisions to survey for and avoid sensitive heritage sites prior to any ground-disturbing activities (EA p. 9). 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 22, 2008 (PR 78).

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 know occurrence of listed species (PR 45) 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 (EA p. 8 - 9, PR 45).

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. 8-9).

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 Rio de la Casa allotment falls within Management Areas B and H. The Forest Plan identifies Management Areas B and H as suitable for grazing (Forest Plan, pp. 103 – 104 & 125 - 129) 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 (EA, pp. 44 - 48). 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 (PR 58, 60). The proposal incorporates adaptive management actions necessary to adjust stocking to remain within capacity (EA p. 7). 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 (PR 45). Soil and riparian monitoring and effects analyses were conducted in accordance with accepted Forest Service monitoring techniques (PR 76) 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 (EA pp. 14 - 53) 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 (PR 45) 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 (EA p. 24 - 41, PR 45).

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 22, 2008 (PR 75)

Executive Order 13186 (Migratory Birds): There are no identified effects on migratory birds, Birds of Conservation Concern and Important Bird Areas (EA, pp. 41 - 43 and PR 45).

Executive Order 12898 (Environmental Justice): This decision does not impose disproportionately high adverse human health or environmental effects on minority or low-income populations (EA p. 51).

ADMINSTRATIVE 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 Jiron, Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico, fax: (505) 438-7657, 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 permittee 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 permittee under the 36 CFR 251 regulations must be filed simultaneously with the Santa Fe National Forest Supervisor Daniel J. Jiron (address above) and the Pecos/Las Vegas District Ranger, Steve Romero, P.O. Box Drawer 429, Pecos, New Mexico 87552 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 Steve Romero, Pecos/Las Vegas District Ranger at (505) 757 - 6121 or Brian Davidson, Interdisciplinary Team Leader (505) 438 - 7801.

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

STEVE ROMERO
Pecos/Las Vegas District Ranger

9/29/08
Date

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 horse grazing and range facility construction.

- Horses 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 horses 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. Horses 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 horse 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 horse 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 horses 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.