



United States
Department of
Agriculture

Forest
Service

Humboldt-Toiyabe
National Forest

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File Code: 1570-1
#08-04-17-0018 A215
Date: January 7, 2008

Katie Fite
Biodiversity Director
Western Watersheds Project
P. O. Box 2863
Boise, ID 83701

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Dear Ms. Fite:

In accordance with 36 CFR 215.18, I have reviewed the appeal record, Record of Decision (ROD) and the Final Environmental Impact Statement (FEIS) for the Great Basin South Rangeland Project on the Bridgeport Ranger District.

My review focused on the project documentation and the issues raised in the appeal you filed on behalf of Western Watersheds Project and the Sagebrush Sea Campaign. In reviewing your appeal, I have considered the recommendation of the Appeal Reviewing Officer regarding the disposition of your appeal. A copy of that recommendation is enclosed.

APPEAL DECISION

I am reversing the decision by Bridgeport District Ranger Cheryl Probert because additional documentation is needed to support the conclusions regarding effects on the yellow warbler.

This constitutes the final administrative determination of the United States Department of Agriculture under 36 CFR 215.18 (c).

Sincerely,

/s/ Edward C. Monnig
EDWARD C. MONNIG
Appeal Deciding Officer





File Code: 1570-1

Date: December 31, 2007

Route To:

Subject: Reviewing Officer Recommendation, Great Basin Rangeland Project,
Appeal #08-04-17-0018 A215.

To: Appeal Deciding Officer

This is my review and recommendation on the disposition of the following appeal on the Great Basin South Rangeland Project of the Bridgeport Ranger District of the Humboldt-Toiyabe National Forest, east of Bridgeport, California. Katie Fite and Mark Salvo filed the appeal on behalf of Western Watershed Project and Sagebrush Sea Campaign.

Project Background

The Great Basin South Rangeland Project area is located within portions of the Bridgeport Ranger District of the Humboldt-Toiyabe National Forest, east of Bridgeport, California. The project area is located in Nevada and California in portions of Mineral, Lyon, and Mono Counties. Physical features include the East Walker River, the Excelsior Mountains, Bodie Hills, Wassuk Range, Whiskey Flat, and Huntoon, Alkalai, and Aurora Valleys.

The project provides for management of 12 livestock grazing allotments on the Bridgeport Ranger District totaling 410,500 acres. Alternatives include No Action, Proposed Action, and No Grazing. The selected alternative was the Proposed Action, which will re-authorize livestock grazing on 11 allotments and close one allotment to grazing. This alternative includes allotment by allotment direction to incorporate rest into the management and/or reduce utilization standards. The selected alternative also incorporates adaptive management principles in order to address changed conditions in the future.

Cattle are currently authorized to graze 10 of the 12 allotments; two are vacant. The project area lies within Management Area #6, Bridgeport Pinyon-Juniper, of the 1986 Toiyabe Land and Resource Management Plan (LRMP) (Toiyabe Forest Plan). Management area direction emphasizes the key values of wildlife, dispersed recreation, grazing, and wild horse management. Approximately 35 percent of the project area includes lands transferred from the Bureau of Land Management (BLM) to the National Forest System (NFS) in the Nevada Enhancement Act of 1989 (Public Law (P.L.), 100-550). These lands are to be managed under the existing BLM Resource Management Plan (RMP). The 1986 Walker Resource Area RMP emphasizes improving rangeland and watershed conditions, maintaining wildlife habitat, and protecting and maintaining existing and potential fisheries and riparian habitats.

The project goal is to manage livestock grazing in order to achieve healthy, sustainable rangeland that provides forage for livestock and wildlife, clean water, and adequate habitat for wildlife and fish.

The need for the project is to re-authorize grazing with updated management practices to move towards desired conditions.



This analysis is being conducted at this time because the Rescission Act of 1995 (PL 504) required the development of a schedule to complete the National Environmental Policy Act (NEPA) analysis to re-authorize grazing.

Appellant's Request for Relief

The appellants are asking that the Final Environmental Impact Statement (FEIS) be set aside and a supplement prepared. In the interim, the most conservative use standards listed in the Environmental Impact Statement (EIS) should be applied to all grazing Annual Operating Instructions (AOI) and permits. Vacant allotments (Aurora and Squaw Creek) should be closed and Huntoon Valley closed as well – along with any other allotment where the Forest has identified significant adverse effects of grazing.

Appeal Summary

The appellants allegations focus on grazing utilization standards, invasive weeds, management indicator species and impacts that have not been adequately addressed, incorrect use of data and references, ignoring public comments and the FEIS not site specific enough to make the decision on the Proposed Action alternative.

Findings

As Appeal Reviewing Officer, my role is to review the substantive quality and correctness, or appropriateness of the project decision with respect to clarity, comprehension, effectiveness of public participation, and requested changes. My findings are based on my review of the decision and project record, in accordance with 36 CFR 215.19.

1. Clarity of the Decision and Rationale

The decision concerns the Great Basin South Rangeland Project area located within portions of the Bridgeport Ranger District of the Humboldt-Toiyabe National Forest, east of Bridgeport, California. The area contains 12 grazing allotments in which permits for continued use of the allotment need to be reissued, new, and best science applied to the area, sensitive area closed for protection, and utilization standards changed to move area towards a future desired condition.

The rationale for taking this action is that: (1) The Rescission Act is somewhat a driving force because of expiring permits, (2) ecological conditions are currently not showing an upward trend, (3) highly sensitive areas need to be protected through management, and (4) entire area is managed under plans that date back to 1986 and new science is available that is adaptive to the area.

2. Comprehension of Benefits and Purpose of the Proposal

The primary purpose of the action was to meet the intent of the Rescission Act of 1995 (PL 104-19 as amended). Based on the time table of the Act, 12 Allotments were to be analyzed to evaluate the impacts of reauthorizing grazing. Through this action the intent of Congress has been met.

The area being analyzed is unique in that it has two different agencies direction to meet. Both the Toiyabe LRMP (1986), representing about 65% and the Walker Resource Area RMP (1986), representing about 35%. The District identified these goals in the FEIS and also acknowledged that both plans were old and that new information has been developed since (FEIS, p. 7). They identified management practices and new science that would improve the management area and

move it towards a desired condition. In so doing the District addressed the need to take action beyond the Rescission Act and addressed new science and needs for the area to be managed differently to achieve the desired conditions.

3. Consistency of the Decision with Policy, Direction, and Supporting Information

The decision is consistent with the requirements of the Rescission Act of 1995 (PL 504), which required the development of a schedule to complete the National Environmental Policy Act (NEPA) analysis to re-authorize grazing. The allotments in the Great Basin South project area are scheduled for analysis and disclosure at this time.

The decision is consistent with the 1986 Toiyabe LRMP and the 1986 BLM Resource Management Plan that governs management by the Walker Resource Area RMP.

The FEIS concludes that there are only 40 acres of yellow warbler habitat, but that this habitat will not support yellow warblers, therefore there is no need for further analysis (FEIS, pp. 92-93). Other sections of the FEIS indicate that there are other riparian and aspen present in the project area, without explaining why these areas are not suitable habitat, even though the analysis indicates that the proposed action may improve these areas (FEIS, pp. 36-45).

4. Effectiveness of Public Participation Activities and Use of Comments

There has been a great amount of work to evolve the affected public with the proposal and the District should pat themselves on the back for the efforts that were taken. It was impressive the effort that was expended to have the public on the ground and talk about the values and what was going to be done and criteria that would be used, then to get concurrence from them on the methods and values used.

This has been a long process and all parties were kept in the loop as to where it was going.

5. Requested Changes and Objections of the Appellant

The appellants ask that the FEIS be set aside and a supplement prepared. The objection is that there is not adequate data analysis to draw conclusion and make an informed decision. The presentation of the information is complex and confusing. Conditions both current and desired are not site specific enough.

Relief requested is: That the most conservative use standards listed in the EIS should be applied to all grazing AOI and permits. Vacant allotments (Aurora and Squaw Creek) be closed and Huntoon Valley closed as well. Allotments closed where the Forest has identified significant adverse effects of grazing.

Some of the relief request is accomplished through the decision, such as: conservative utilizations applied to all allotments, one of the vacant allotments (Squaw Creek) will remain closed, and Huntoon Valley is proposed to be closed.

Recommendation

Based on my review of the FEIS, ROD and project record, I did not find sufficient documentation to support the conclusions regarding effects on the yellow warbler a management indicator species. Therefore, I recommend that the decision made by District Ranger Probert be reversed and further information about the yellow warbler habitat be included in the record.

/s/ John R Logan

John R. Logan
Appeal Reviewing Officer