

DECISION MEMO
Ault BLM Range Allotment Management Project

USDA - Forest Service Uinta National Forest
 Spanish Fork Ranger District
 Tooele County, Utah

DECISION TO BE IMPLEMENTED

Description of Decision

It is my decision to authorize continued current grazing management on the Ault BLM Allotment consistent with existing management in order to continue to meet or move toward desired resource conditions. My decision incorporates the following elements of the existing livestock grazing management. These practices comply with current direction in the Forest Plan and other applicable laws, regulations and higher level decisions. Project monitoring has determined that current management is meeting or satisfactorily moving toward desired resource conditions (Project record: Vegetation, Soils and Hydrology Reports).

- The Ault BLM Allotment will continue to be managed with the Boulder Wash Allotment, managed by the Bureau of Land Management, which has 17 units. The Ault BLM Allotment is part of one of these units and is grazed one year and rested the next year.
- The Ault BLM Allotment will continue to be permitted for on/off Term Grazing Permit for 30 cow/calf pairs from 11/16 to 12/16.
- The Ault BLM Allotment will continue to be managed under the Uinta National Forest 2003 Land and Resource Management Plan. Standards and guidelines from the Forest Plan applicable to my decision are listed below:

Graze-4 Standard: Limit grazing to meet the following utilization levels on non-riparian vegetation types based on the annual average of the current year’s growth. However, through June 15, minimum canopy cover and height requirements for greater sage grouse habitat in the Vernon and Strawberry Reservoir Management Areas (as shown in the table in Veg-7 on page 3-2) take precedence over the forage utilization standards in the following table.

Forage Utilization Standards

<i>Vegetation Type</i>	Forage Utilization	
	Very Early – Early Seral	Mid – Late Seral
General Uplands and Winter Range		
Upland shrublands (sagebrush, snowberry, mountain mahogany species, cliffrose, bitterbrush, saltbrush, and mountain brush)	40%	60%
Grasslands	45%	65%
Forest-wide		
Sub-alpine shrublands	25%	35%
Sub-alpine grasslands	40%	45%

Graze-9 Guideline: Implement intensive grazing management that provides periodic rest designed to achieve and maintain desired vegetation community composition and structure.

S&W-3 Guideline: Maintain at least 70 percent of potential effective ground cover to provide nutrient cycling and protect the soil from erosion in excess of soil loss tolerance limits.

WL&F-3 Guideline: Provide for wildlife movement through and/or around structures or project sites such as fences, spring developments, guzzlers, roads, and ditches.

Veg-7 Guideline: Manage approximately 80 percent of potential greater sage grouse breeding and winter habitat areas in the Vernon and Strawberry Reservoir Management Areas to support the percentages and heights of canopy cover listed in the table below. Breeding habitat should retain the given height levels of grasses and a diversity of forbs annually through June 15. Vegetation should be maintained in a mosaic of openings and shrubs.

Vegetation Requirements in the Vernon and Strawberry Reservoir Management Areas

Vegetation Type	Minimum % Canopy Cover	Minimum Height Canopy Cover ¹	
		Vernon Management Area	Strawberry Reservoir Management Area
Greater Sage Grouse Breeding Habitat (Maintain through June 15)			
Sagebrush	15-25%	16-32 inches	16-32 inches
Grasses	≥ 15%	≥ 6 inches	≥ 7 inches
Forbs	≥ 10%	≥ 6 inches	≥ 7 inches
Greater Sage Grouse Winter Habitat			
Sagebrush	10-30% ²	10-14 inches ²	10-14 inches ²
Grasses	N/A	N/A	N/A
Forbs	N/A	N/A	N/A

The Ault BLM Allotment is located near Vernon, Utah in T9S R5W Section 2, (see attached map).

Purpose and Need

The Ault BLM Allotment was obtained from the State of Utah in the Utah Schools and Land Exchange Act of 1998. The purpose and need is continue current grazing management on the Ault BLM Allotment, was has demonstrated to be meeting or satisfactorily moving toward desired conditions, to provide livestock forage to a permittee, and to implement grazing management direction in the 2003 Uinta National Forest Land and Resource Management Plan.

REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Category of Exclusion

Livestock grazing decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are in accordance with P.L. 108-447 Section 339 as follows: “For fiscal years 2005 through 2007, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if: (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and, (3) the decision is consistent with agency policy concerning extraordinary circumstances. The total number of allotments that may be categorically excluded under this section may not exceed 900.”

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it implements current livestock grazing management, the management of the allotment is shown by monitoring to be meeting or satisfactorily moving toward Forest Plan objectives, and there are no effects to extraordinary circumstances (as defined in FSH 1909.15) related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the project record.

Relationship to Extraordinary Circumstances

FSH 1909.15, Section 30.3 (1909.15-2004-3) lists the following as resource conditions that should be considered in determining whether extraordinary circumstances warrant further analysis.

Federally listed threatened or endangered species, or designated critical habitat, species proposed for Federal listing:

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered or result in adverse modification to such species' designated critical habitat.

In accordance with Section 7(c) of this Act, The U.S. Fish and Wildlife Service's 2006 Federally Listed and Proposed, Endangered, Threatened and Candidate species and Habitat in Utah by County was used to determine the potential effects to listed and proposed species. Potential effects of the proposed action on federally listed threatened or endangered species, or species proposed for federal listing are documented in a biological assessments which are part of the project record.

The proposed action will have *no effect* on the federally threatened bald eagle (*Haliaeetus leucocephalus*) which winters on the Vernon Management Area. The proposed action will have

no effect on the western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) which was classified as a candidate for listing under the ESA in 2001. The western yellow-billed cuckoo is not present on the Vernon Management Area.

The proposed action will have *no effect* on the Ute ladies'-tresses orchid because there is no habitat for these species in the project area.

Floodplains, wetlands, or municipal watersheds

Executive Order 11988 requires federal agencies to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “. . . the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.” The Ault BLM Allotment is not located in and will not have any direct or indirect impacts to floodplains (Project record: Hydrology Report).

Executive Order 11990 requires federal agencies to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.” The Ault BLM Allotment is not located in and will not have any direct or indirect impacts to wetlands (Project record: Hydrology Report).

Municipal watersheds are managed under multiple use prescriptions in land and resource management plans. The Ault BLM Allotment is not located in and will not have any direct or indirect impacts to municipal watersheds (Project Record: Hydrology Report).

Congressionally Designated Areas

The Ault BLM Allotment does not reside in, and the projects will not have any direct or indirect impacts on any congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas. The closest wilderness area is the Nebo Wilderness which is over 40 miles away (Forest Plan, FEIS pg. 3-581-582; Forest Plan Management Prescription Map, MP 1.4).

Inventoried roadless areas

The Ault BLM allotment does not lie with any inventoried roadless area. This decision will not affect inventoried roadless areas. The closest roadless areas are the Vernon Roadless area which is six miles to the south and southwest and the Red Pine Mountain Roadless Area (418031) which is seven miles to the southwest (Project record: Roadless map; Forest Plan FEIS, Appendix C).

Research Natural Areas

The project area does not reside in, and the projects will not have any direct, indirect or cumulative impacts on any research natural areas. The only Research Natural Area on the Uinta National Forest is located near the Current Creek Reservoir over 75 miles away from the Ault BLM Allotment (Forest Plan, FEIS pg. 3-592; Forest Plan Management Prescription Map, MP 2.4).

Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act cover the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. *A no historic properties affected* determination was made. Consultation on this finding occurred with the State Historic Preservation Office (Project record: Heritage Report).

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes. The intent of this consultation has been to remain informed about Tribal concerns. No tribal concerns or significant cultural resource issues were identified for this project (Project record: Heritage Report).

For projects that are categorically excluded, there is no need to repeat a detailed analysis of effects to all resources. In promulgating the categories, the Forest Service has concluded that projects that fit those categories do not individually or cumulatively have a significant effect on the human environment. Thus, once the analysis establishes that this project has no extraordinary circumstances and fits into a category, the responsible official can reach the conclusion that there will be no significant effects to the environment without further analysis.

The proposed action will be of limited context and intensity and capable of producing little or no significant environmental effects (40 CFR 1508.4) individually or cumulatively on the quality of the human environment; is within the category granted in by the Consolidated Appropriations Act; and there are no extraordinary circumstances related to the proposed action.

PUBLIC INVOLVEMENT

This project has been listed in the Uinta National Forest's "Schedule of Proposed Actions" (i.e. "NEPA Quarterly") since the spring of 2006. A scoping letter was sent to interested parties on July 28, 2006 and a request for comments was published in the *Provo Daily Herald* on August 1, 2006. These documents and notices are contained in the project record located at the Spanish Fork Ranger District. In response to these efforts, I received one letter regarding this project.

The comments received have been tracked in detail in a separate document in the project record. Comments were identified in categories as: beyond the scope of this decision; not site specific to the project area; addressed by Forest Plan direction; and addressed through consideration of environmental effects of the project. Comments identified as not site specific to the decision or beyond the scope of this decision were dismissed from further consideration. Comments identified as addressed by Forest Plan direction have been noted as part of the decision. Comments identified as addressed through consideration of environmental effects of the project have been noted in making the determination that there are no extraordinary circumstances related to the decision that may result in a significant environmental effect. These issues identified during development of the proposed action and from public response to scoping are addressed in the following section:

Issue: Lack of native plant diversity and cover consistent show significant impacts for grazing as proposed.

Vegetation studies on the Ault BLM Allotment reflect a diverse mix of native vegetation (Project record: Vegetation report).

Issue: Lack of ground cover is a result of grazing management in this area. Soils will be decimated from implementation of the proposed grazing plan.

Current soil studies show that ground cover meets Forest Plan guidelines on the Ault BLM allotment. Current grazing management has resulted in an upward trend for vegetation cover in as well (Project record: Vegetation and Soils report).

Issue: Threatened, endangered, potential candidate, and sensitive species and management indicator species that did have viable populations or habitat just 10-15 years ago now have been functionally extirpated or have experienced population crashes during Forest Plan implementation. If the Forest Service proposes to authorize the same grazing practices that will not be consistent with NFMA, USDA Department Regulation (FSM and FSH) or the Forest Plan direction to maintain the diversity and population viable of all native species.

Most of the TEPCS/MIS species with the potential to be found on the Uinta National Forest do NOT have suitable habitat within these two allotments. Those that are found there have not been extirpated nor had population crashes (Project record: Biological Assessment and Biological Evaluations, Neo-Tropical Migratory Birds and Management Indicator Species Report and Fisheries Report).

Issue: There needs to be a rigorous presentation and analysis of the effect to TES and proposed sensitive flora and fauna in the area. Original surveys should be conducted in the project area.

The effects to TES species are covered in the Biological Assessments and Biological Evaluations (Project record: Biological Assessment and Biological Evaluation).

Issue: The Forest is required by NFMA and the Forest Plan to ensure the fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. Pursuant to USDA Departmental Regulation 9500-4 wildlife monitoring activities will need to be conducted to determine if you are meeting and will still meet population and habitat goals for all existing wildlife and plants in the area.

A viability analysis was conducted fish and wildlife species and was included in the FEIS for the 2003 Forest Plan (Appendix F, FEIS, 2003 LRMP FEIS). This viability analysis contained a programmatic assessment of the effects of various activities, including grazing, on the viability of fish and wildlife species from implementation of the Forest Plan. This viability analysis concluded that implementation of the 2003 Forest Plan, including continuation of grazing, would not adversely affect the viability of fish and wildlife on the UNF. The 2003 Forest Plan established five MIS species, and defined monitoring and evaluation requirements for these species (Uinta National Forest 2003 LRMP, Appendix B). In accordance with NFMA, annual monitoring and evaluation has been conducted for these MIS (Project Record: 2005 State of the Forest Report). A capability and suitability analysis for each of these five species has been completed, and no suitable habitat for these five species exist on this allotment (Project Record: Suitably/Capability analysis). In addition, the effects of the proposed action on threatened, endangered, and sensitive species have been evaluated and this determined no effect to these species would occur (Project Record: Biological Assessments and Biological Evaluations). NFMA requirements for evaluating effects on viability and ensuring viability of species have been met.

Regulation 9500-4 also states that habitat goals for wildlife “will be accomplished through Forest planning process in response to targets identified in the Forest and Rangeland Renewable Resources Planning Act (RPA) program and public issues and concerns brought up in the planning process, consistent with available resources.” “Land and water management activities will integrate fish and wildlife habitat needs with other resources and programs and will, where possible, mitigate habitat losses, consistent with the Forest Plan goals and objectives as developed in the planning process.” This project is consistent with the Forest goals and objectives outlined in the Forest Plan.

Issue: The site-specific analysis for this project must include a rigorous analysis of efforts to migratory birds. Since the proposed activities are in the spring and summer we recommend you conduct surveys for migratory birds to assist in efforts to comply with the Migratory Bird Treaty Act.

Analysis of migratory birds comes from data collected from 1994 to 2006 in similar habitats in the Vernon Management Area (Project record: Neo-Tropical Migratory Birds and Management Indicator Species Report).

Issue: To analyze the effects to migratory birds the Forest should focus on species listed in the 2002 List of Birds of Conservation Concern and the Partner's in Flight Priority Species.

The migratory birds analyzed in the NTMB/MIS report discuss the 2002 List of Birds of Conservation Concern and the Partner's in Flight Priority Species (Project record: Neo-Tropical Migratory Birds and Management Indicator Species Report).

Issue: The proposed action on the allotments negatively impacts migratory bird resources. This makes compliance with the Migratory Bird Treaty Act and Executive Order 13186 critical with implication of this project.

Continuation of grazing on the Ault BLM Allotment will not have any effects on any of the Partners in Flight or Fish and Wildlife Service Birds of Conservation Concern. Their nesting season does not occur in the fall/winter when this allotment is grazed (Project record: Neo-Tropical Migratory Birds and Management Indicator Species Report).

This decision is in compliance with the Act, subsequent executive order, and memorandum of understanding between the USDI Fish and Wildlife Service and USDA Forest Service, which provides for the protection of migratory birds.

FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized pertinent ones below.

Federal Land Policy and Management Act

This Act allows the granting of easements across National Forest System Lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act.

National Forest Management Act and Forest Plan Consistency

This Act requires the development of long-range land and resource management plans. The Uinta National Forest 2003 Land and Resource Management Plan was approved as required by this Act. The plan provides for guidance for all natural resource management activities. The Act requires all projects and activities are consistent with the plan. The plan has been reviewed in consideration of this project. This project lies within the Vernon Management Area as identified in the Uinta National Forest 2003 Land and Resource Management Plan. (Forest Plan, pages 5-168 to 179). The management prescription for this area is 3.1-Aquatic, Terrestrial, and Hydrologic Resources. This decision is responsive to guiding direction contained in the Plan, and is consistent with the standards and guidelines contained in the Plan.

A site-specific analysis of grazing capability and suitability of livestock on the Ault BLM Allotments was completed. Capability and suitability of the land to support grazing is not a limiting factor (Project record: Capability/suitability analysis). A capability/suitability analysis for the Uinta National Forest's Management Indicator Species was completed. There is no habitat for any of the MIS species within the project area; therefore, implementation of the proposed action will not affect the capability or suitability for MIS within the project area.

National Environmental Policy Act

This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Sensitive Species (Forest Service Manual 2670)

This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. The USFS Region 4 Sensitive species list published in 2004 was used to determine the potential effects of the proposed action on sensitive terrestrial wildlife species. Potential effects of the proposed action on sensitive species are documented in biological evaluations which are part of the project record.

Of the eight terrestrial wildlife species, four (fisher, peregrine falcon, flammulated owl, and northern three-toed woodpecker) have no suitable habitat or occurrence within the Vernon Management area, or the project area. Three (spotted bat, western big-eared bat, and northern goshawk) have suitable habitat within the Vernon Management Unit, but not within the project area. Only the sage grouse has the potential to occur within the project area. This project will *not affect the viability of this species and not contribute to any decline* in the sage grouse population.

The proposed action will have *no impact* on the following sensitive plant species dainty moonwort, slender moonwort, Barneby woody aster, Garrett bladderpod, Rockcress draba and Wasatch jamesia, because no habitat for these species occurs in the project area.

There are no aquatic species, fisheries or aquatic resources present within the Ault BLM Allotment (Project record: Fisheries Report).

Clean Water Act

The purpose of this Act is to restore and maintain the integrity of waters. Section 313 of the Clean Water Act requires Federal Agencies to comply with all Federal, State, interstate and local requirements, administrative authority and process and sanctions with respect to the control and abatement of water pollution. Executive Order 12088 also requires the Forest Service to meet the requirements of the Act. The proposed action will comply with the Clean Water Act (Project record: Hydrology Report).

Clean Air Act (1977 as amended)

The Clean Air Act defines the National Ambient Air Quality Standards for various sources of pollutants that must be met to protect human health and welfare, including visibility. The entire Uinta National Forest lies within a Class II area of air quality. The project area is not within a non-attainment area. The generalized effects of grazing on air quality are detailed in the FEIS for the Uinta National Forest 2003 Land and Resource Management Plan. Although continuation of livestock grazing can generate dust, the Forest Plan provides for utilization standards that mitigate dust generation. The minimal vehicle use and livestock related impacts from forage consumption and carbon sequestration would not be measurable. Therefore, there would be no impacts to air quality from the proposed action on the project area or within the air shed. This decision is in compliance with the Clean Air Act

Environmental Justice (Executive Order 12898)

This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

Implementation of these proposals is consistent with other Federal, State, and local laws for the protection of the environment.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES.

Pursuant to 36 CFR 215.12(f) and *Earth Island Institute v. Ruthenbeck*, No. CIV F-03-386 JKS (E.D. Cal., October 19, 2005), this decision is not subject to appeal.

This decision is subject to appeal pursuant to 36 CFR 251.82(3). It may only be appealed by those who hold or, in certain instances, those who have applied for a written authorization to occupy and use National Forest System lands, if that authorization would be affected by this decision. Notice of appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of this decision. The notice of appeal should be sent to: Brian Ferebee, Forest Supervisor; Uinta National Forest; 88 West 100 North; Provo, Utah 84601; Fax Number (801) 342-5143. A copy of the notice of appeal must be filed simultaneously with Douglas H. Jones, Spanish Fork Ranger District; 44 West 100 North; Spanish Fork, Utah 84660. Appeals must meet the content requirements of 36 CFR 251.90.

IMPLEMENTATION DATE

This decision will be implemented immediately upon issuance, and may be implemented during the appeal process, unless the Reviewing Officer grants a stay (36 CFR 251.91).

CONTACT PERSON

For further information please contact Renae Bragonje during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Spanish Fork Ranger District - Uinta National Forest, 44 West 400 North, Spanish Fork, Utah 84660, or by phone at (801) 798-3571.

SIGNATURE AND DATE

DOUGLAS H. JONES
District Ranger
Spanish Fork Ranger District
Uinta National Forest

Date

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