Decision Notice

and

Finding of No Significant Impact

for the

Grape Creek C&H Allotment Analysis

September 30, 2011
BACKGROUND
The 2,731 acre Grape Creek C&H allotment is located within the Albion Division of the Minidoka Ranger District, Sawtooth National Forest, Cassia County, Idaho. (See map at the end of the document. The current allotment management plan (AMP) for the Grape Creek Allotment was approved in 1977. The areas within this allotment have been grazed predating the Forest Service. Forest Service administration began in 1907 after the establishment of the Minidoka National Forest in 1906. Management of the allotments includes design features which have been successful in meeting and/or moving the allotment towards the Sawtooth National Forest Land and Resource Plan (Forest Plan) goals and objectives. Grazing on the allotment is managed following direction outlined in the Forest Plan. Compliance with Forest Plan direction has been managed through annual operating instructions (AOI) and direction contained in the Term Grazing Permits for the allotment.

Although a maximum season of use for livestock on each allotment is stated in the term grazing permit, this season may be shortened due to annual conditions or events such as, but not limited to, fire, drought, or saturated soil conditions, in order to meet Forest Plan goals and objectives. The number of days livestock spend in each pasture are modified annually to meet Forest Plan goals and objectives. Adaptive management actions include annual modification of season of use, duration and grazing intensity on the allotment or specific pastures within the permitted number of livestock and grazing season identified in the term permit. Adaptive actions also include modifications to grazing rotations and prescriptions, herding practices, salting and supplement use, management of water sources, forage use, monitoring practices including stubble height and other grazing use indicators, etc.

The Grape Creek allotment includes three existing water developments and approximately 3 three miles of fence. Present management of the allotment permits 81 cow/cal pairs to graze June 16 to September 15.

The Grape Creek allotment requires 247 Head Months (HMs) when fully stocked for the grazing season. Production data was collected in 2008. In 2008 the allotment produced 689, which is 279% of what is permitted.

SCOPE OF THE DECISION
The decision to be made as a result of this analysis is whether or not to continue to authorize livestock grazing on the Grape Creek allotment as proposed in the EA, and if so, under what restrictions and mitigation. This decision does not require an amendment to the Forest Plan.

THE DECISION
I have decided to implement alternative 3, as described in the 2011 Grape Creek Cattle and Horse Allotment Management Plan Analysis – Environmental Assessment (EA). This decision authorizes continued livestock grazing on the Grape Creek Allotment through a 10-year Term Grazing Permit. Livestock grazing will continue to be managed through an adaptive management strategy. The boundaries of the allotment, season of use, and permitted numbers remain unchanged from the current grazing permits. The adaptive management strategy described in the EA provides for adjustment of practices consistent with monitoring results needed to meet direction established in the decision and the Forest Plan.

My decision incorporates the elements of the existing livestock grazing management as described above in the background section. This decision also incorporates off site water in the upper and lower units and
a third riparian pasture. These practices comply with current direction in the revised Sawtooth Forrest Plan and other applicable laws, regulations agency direction. After reviewing the project monitoring and grazing administration records, I have determined that implementation of Alternative 3 will continue to meet or move toward achieving goals, objectives, and desired resource conditions identified in the Forest Plan.

This decision will be implemented through management through management direction incorporated in existing livestock grazing permits. Minor clarifications to existing management direction may derive from this decision, provided that the decision continues current adaptive management program in principle and practice and falls within the scope of the analysis. These clarifications are addressed in the AOI presented each year before the start of the grazing season.

New ten year grazing permits consistent with the current Forest Plan direction will be issued as a result of the decision. There are no changes from the existing grazing permits to the new grazing permits for the allotment boundary, season of use, or permitted numbers. Modifications to the new term grazing permits consistent with monitoring results may be required after the first grazing cycle and later if needed as an appropriate part of the adaptive management process.

Live stock will continue to be managed through an adaptive management strategy.

Existing key area monitoring will continue and additional key are monitoring will be established as needed.

RATIONAL FOR THE DECISION
It is my decision to implement Alternative 3 based upon the results of the analysis that is documented in the Environmental Assessment prepared for this project, relevant Forest Plan direction, laws and regulations, and my review of public comments received during the analysis process. I believe my decision provides a good balance between the various social and resource needs within the project area at this time. I have considered the values and interests of the livestock permittees as well as the values and experiences desired by other members of the public.

My decision to implement Alternative 3 is based on the following considerations:

The analysis of alternative 3 (EA) shows it to be consistent with the Forest Plan. Monitoring has shown current management to be effective in meeting or supporting positive trends towards achieving objectives of the resources affected by livestock grazing. The overall long-term trend for the Grape Creek C&H Allotment is stable to improving.

Monitoring indicates that the composition of desirable plant species has improved in comparison to data collected in 1969. It also shows that sagebrush cover, important habitat for Greater Sage-grouse, is increasing slightly consistent with expectations associated with changes in fire frequency from the historical fire regime. (Project Record).

Overall riparian condition on this allotment is satisfactory moving toward the objectives in the Forest Plan in response to past range improvement projects. This includes adherence to annual adaptive management actions implemented through the AOI. (Project Record)
Based on allotment administration records and monitoring, the grazing permittees are managing the Grape Creek allotment effectively and are meeting the management direction and use standards set forth in the Forest Plan. (Project Record)

This decision should contribute toward accomplishment of the Sawtooth Forest Plan Desired Condition of providing a sustainable level of forage, consistent with other resource management direction, through the Forest Service grazing permit system. In addition, rangeland forage quality will be maintained or improved in areas where vegetation and range management actions occur. (Forest Plan, p. III-44)

This decision is intended to respond to the Sawtooth Forest Plan Goal of providing “for livestock forage with in existing open allotments, in a manner that is consistent with other resource management direction and uses”. (Forest Plan, p III-44). An additional goal is to “Develop sustainable land uses and management strategies that contribute to economic development goals” (p.III-78). The Sawtooth Forest Plan recognizes the continuing need for forage production and has determined that the Grape Creek C&H Allotment is capable and suitable to support grazing by domestic livestock. (Forest Plan Project Record)

This decision is intended to meet the Sawtooth Forest Plan Objective of providing “a predictable supply of forest goods and services within sustainable limits of the ecosystem that help meet public demand.” (Forest Plan, p III-78)

Additionally, recommendations from the ID team were made to reduce effects of grazing related to Yellowstone Cutthroat Trout habitat (see issues below). These recommendations include the establishment of a riparian pasture in the south end of the lower unit. This equates to approximately 6,336 linear feet (1.2 miles) along Grape Creek. Although both Alternative 2 and 3 have the same length of Grape Creek that is accessible to livestock, 18,057 linear feet (3.42 miles), the riparian pasture limits the timing and duration of use. The riparian pasture will restrict use until after June 30. The time period before July 1 is important for spawning of Yellowstone Cutthroat Trout. The riparian pasture also limits the duration of access from 7 weeks (6/15-8/6) in Alternative 2 to 5 weeks (7/1-8/6) in Alternative 3. Development of “off site” water sources in both the upper and lower units. Implementation of these projects will take place as funding is available. Any additional analysis needed will be completed before implementation. Implementation will further reduce effects from livestock grazing.

**PURPOSE AND NEED**

National Forest System lands provide an important source of their livestock forage during parts of the year. Current and prospective permittees desire to continue grazing and have invested in base properties, livestock handling facilities, and range improvements. Public Law 104-19, Section 504(a) states: Establish and adhere to a schedule for the completion of NEPA, Act of 1969 (42 U.S.C. 4321 et seq.) analysis and decisions on all allotments within the National Forest System unit for which NEPA is needed (PL 104-19 section, General Provision 1995).

The need for this action includes:

The Forest Plan recognizes the continuing need for livestock forage production and has determined that the Grape Creek C&H allotments are capable and suitable to support grazing by domestic livestock.

Livestock management direction needs to be evaluated and if necessary updated to ensure that it is consistent with current Forest Plan management direction and objectives.
This action is intended to respond to the Sawtooth Forest Plan Goal (Vol. 1, p. III-44).
RAGO01 - Provide for livestock forage within existing open allotments, in a manner that is consistent with other resource management direction and uses.

This action is intended to respond to the Sawtooth Forest Plan Goal (Vol. 1, p. III-78)
SEGO03 - Develop sustainable land uses and management strategies that contribute to economic development goals.

This action is intended to meet the Sawtooth Forest Plan Objective (Vol. 1, p. III-78)
SEOB01 - Provide a predictable supply of Forest goods and services within sustainable limits of the ecosystem that help meet public demand.

PUBLIC INVOLVEMENT

Initial scoping to update the allotment management plan for the Grape Creek C&H Allotment was mailed to the range permittees, several interest groups, interested individuals, and other state and federal agencies in March 15, 2010. The purpose of that document was to notify interested individuals of the proposed action and decisions to be made, and to invite any comments or concerns regarding the proposed action. Concurrently with the mailing of the scoping documents, a legal notice was published in the Times-News newspaper notifying the public of the formal 30-day notice of opportunity to comment on the Proposed Action for the Grape Creek allotment. Five comment letters were received from this solicitation. Four were received within the 30 comment period, while one was received after the deadline. Listing in the Sawtooth Forest Quarterly Schedule of Proposed Actions (SOPA) has occurred since summer, 2010 to present.

Using the comments from: Jay Black, permittee, Cassia County Commissioners, Idaho DEQ, Idaho Dept Fish & Game, and Western Watershed Project, the interdisciplinary team developed a list of key issues to address.

Tribal Involvement
Consultation on this project has occurred with the Shoshone-Bannock Tribes of the Fort-Hall and the Shoshone-Paiute of Duck Valley on March 15, 2010 through formal letter (see Project record).

ISSUES
Scoping input was condensed to form key issues that guided the analysis documented in the EA. The issues are summarized below.

Issue 1 – Yellowstone Cutthroat Trout Habitat
Livestock grazing may affect Yellow cutthroat trout habitat and associated riparian area.

Measure – Linear feet of Grape Creek and riparian area accessible by livestock.

Issue 2 – Mule Deer Habitat
Authorizing livestock grazing may affect sagebrush/bitterbrush and aspen habitat which are critical for providing Mule deer food and cover throughout the year.

Measure – Acres of Sagebrush/bitterbrush potentially affected by livestock grazing.
Measure – Acres of aspen habitat potentially affected by livestock grazing.

**Issue 3 – Sagebrush Habitat**
Livestock grazing may affect sagebrush habitat for sagebrush obligate species and Greater Sage-grouse which is a Management Indicator Species (MIS) for the Sawtooth Forest. Adequate sagebrush cover is needed for early and late brood rearing for sage-grouse the Grape Creek Allotment.

Measure - Acres of sagebrush habitat potentially affected by livestock grazing.

**Alternatives**

**Alternative 1: No Action – No Grazing Alternative.**
“No action” is synonymous with “no grazing” and means that livestock grazing would not be authorized within the project area. (FSH 2209.13 – 92.31) Grazing would be eliminated on the Grape Creek Allotments and livestock grazing permits would be cancelled. In accordance with agency regulations (36 CFR 222.4), grazing would cease two years after notice of cancellation. Allotment management would not change during this two-year interval from the current management.

**Alternative 2: Current Management (Proposed Action)**
Alternative 2 is based on the current management actions being implemented, specifically, current management over the last 3 to 5 years. Current management direction is contained in the Forest Plan, term grazing permit, AMP if current, and annual operating instructions (AOI). (FSH 2209.13 – 92.31)

Under current management 81 cow/calf pairs are permitted to graze the Grape Creek allotment from June 16 to September 15. This allotment includes three existing water developments and approximately 3 miles of fence.

The permittees are responsible for maintaining improvements and have kept the improvements in satisfactory condition that adequately meet livestock management needs consistent with Forest Service standards. Fences and other improvements are built to meet Forest Plan standards and are wildlife friendly where required. When and if new improvements are needed, they will be evaluated and approved for construction following appropriate Agency procedures and clearances.

**Alternative 3: Current Management with Mitigation**
Alternative 3 is a proposal to modify the current grazing system. The current authorized grazing use is 81 cow/calf pair from June 16 to September 15, with a two pasture rotation system. This Alternative would establish a third riparian pasture to be used after July 1 each year on the Southern end of the lower Unit. In conjunction with this there will be additional water developments put in place in both the Upper and Lower units to help with livestock distribution. This change in grazing system would continue to allow for flexibility during the implementation of the grazing strategy. Adaptive management actions will continue to be modified as necessary to meet standards, based upon monitoring results.

**FINDINGS REQUIRED BY OTHER LAWS**

**Consistency with Forest Plan**
The decision, as designed with required mitigation and management requirements, is consistent with Sawtooth Forest Plan goals and objectives and standards and guidelines (EA).
National Environmental Policy Act (NEPA)
The Environmental Assessment, Decision Notice, and Finding of No Significant Impact documents are in compliance with NEPA and the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508) for implementing NEPA.

Federal & State Permits Required - No State or Federal (other than Forest Service) permits are required to implement the Proposed Action or any other alternative.

Endangered Species Act – This Act (ESA) provides for the protection and conservation of threatened and endangered plant and animal species. A biological assessment/evaluation consistent with the requirements of this act was prepared based on the preferred alternative. A ‘no effect’ determination was made for Threatened and Endangered botanical and wildlife species. Consultation with USFWS was not required with a ‘no effect’ determination. Likewise, there are no listed fish species on the allotment, thus consultation with US Fish and Wildlife Service is not required.

National Historic Preservation Act – This Act provides for the protection of prehistoric and historic resources. Archeological site investigation did not reveal known sites that would be jeopardized by the activity of grazing. If further investigation reveals additional sites and the activity of grazing is suspected to have a detrimental effect, than site protection would be implemented. Concurrence from the Idaho State Historic Preservation Office has been obtained on March 15, 2010.

Migratory Bird Treaty Act - This Act and subsequent Executive Order and Memorandum of Understanding (MOU) between the USDI Fish & Wildlife Service and USDA Forest Service provide for the protection of migratory birds. Based on the analysis, the Proposed Action is consistent with this Act.

Environmental Justice - In accordance with Executive Order 12898, all action alternatives were assessed to determine whether they would have disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority or low-income human populations. This assessment considered such programs, policies, and activities. No effects were identified during scoping or the formal 30-day comment period on the Proposed Action.

Inventoried Roadless Areas - The a portion of the project area is within the Cache Peak Inventoried Roadless Area (IRA). There are no new roads or trails proposed, nor are there any improvements to existing roads or trails proposed. Therefore, the Proposed Action and alternatives to the Proposed Action would not affect the status of IRA. A worksheet documenting the effects to the IRA attributes, as defined by the 2008 Idaho Roadless Rule, is part of the Grape Creek C&H Allotments EA project record.

Research Natural Areas / Recommended Wilderness
There are no Research Natural Areas or Recommended Wilderness within the project area.

APPEAL RIGHTS AND IMPLEMENTAION
This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand delivery, or express delivery) with the Appeal Deciding Officer. Written comments must be submitted to: USDA- Forest Service Appeal Deciding Officer, 324 25th Street, Odgen, UT. 84401; (801) 625-5605. The Notice of Appeal may alternatively be faxed to: USDA Forest Service, (801) 625-5277, ATTN: Appeals Deciding Officer, mailed electronically in a format (pdf, txt, rtf, or document compatible with Microsoft Office applications) to: appeals-intermtn-regional-
office@fs.fed.us: or hand delivered between the hours of 8:00 am and 4:30 pm, Monday through Friday, except legal holidays at Federal Building, 324 25th St., Odgen, UT.

Contents of an appeal must meet the requirements of 36 CFR 215.14. In case where no identification name is attached to an electronic message, a verification or identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Times News, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Times News newspaper of record, Twin Falls, ID., is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

CONTACT PERSON
For further information on this decision contact, Gilbert Jackson, Minidoka Ranger District, Rangeland Management Specialist, at,

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FINDING OF NO SIGNIFICANT IMPACT

FINDINGS
I have reviewed the Council on Environmental Quality Regulations for significance (40 CFR 1508.27) and I have determined this decision is not a major Federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared. This determination is based on the completed environmental analysis and assessment for this project and was made considering the following factors of context and intensity.

A Context
The effects of the proposed project are localized with implications for only the immediate area. Cumulative effects of past management, combined with the current proposal, ongoing activities and reasonably foreseeable actions are displayed and discussed in Chapter 3 of the 2011 Grape Creek Allotment Analysis EA and in the project file. These effects were considered in my determination. The selected alternative is consistent with the management direction and the standards and guidelines outlined in the 2003 Sawtooth Forest Plan.

B Intensity
The following were considered in evaluating intensity:

1. Environmental Effects- I considered beneficial and adverse impacts associated with the alternative as presented in Chapter 3 of the EA and in the project file. These impacts are within the range of effects identified in the Forest Plan. The overall impact of the selected alternative (Alt 3) will be beneficial, with no significant adverse impacts. Impacts from the selected alternative are not unique to this project. Previous projects having similar activities have had non-significant effects. On this basis, I conclude that the specific and cumulative adverse effects of the selected alternative are not significant.

2. Public health and safety- I find there are no known effects on public health and safety. (EA-Chapter 3) this project does not involve national defense or security.

3. Unique characteristic of the area- Based on field reviews, literature research, the Forest Plan and information in the EA and project file, I find there are no significant effects on unique characteristics such as historic or cultural resources, park lands, prime farm lands, wetlands or wild and scenic rivers. Based on field reviews, literature research, the Forest Plan and information in the EA and project file, I find there are no significant adverse effects to any environmental sensitive or critical resources. I conclude the selected alternative will have no effect on these unique resources (EA Chapter 3).

4. Controversy- I find the effects on the human environment are not highly uncertain, are very unlikely to involve unique or unknown risks and are not likely to be highly controversial because there is no known scientific controversy on the impacts of the project. There are opposing opinions regarding the proposed action and alternative; however, there is no substantial controversy over the effects themselves. The EA documents and discusses the effects in the project record. Public comments and opinion are contained in the project record and summarized in the EA, Chapter 1, Issues and the response comments.
5. **Uncertainty** - I find the effects analysis shows the effects are not uncertain and do not involve unique or unknown risk (EA - Chapter3). The selected alternative is well defined and located over a limited area. The project has little potential to present unknown risk to the human environment. The livestock grazing activities do not involve unknown risk and the effects are similar to those experienced in past years of this activity. Livestock grazing on the National Forest has occurred for about a century and the effects are well-known and understood. The EA discloses the effects to the environment and no effects were considered unknown or uncertain (Chapter3).

6. **Precedent** - The selected alternative is similar to other projects on the Sawtooth National Forest and on the National Forest System and does not set a precedent. Any future decisions will need to consider all relevant scientific and site-specific information available at that time. All proposed actions are allowed under the Forest Plan. This decision does not preclude the consideration and advancement of other proposals in the area.

7. **Cumulative Impact** - I find the cumulative impacts are not significant. This action is unrelated to actions with the potential to cumulatively contribute to significant impacts. Cumulative effects are addressed in each resource section in Chapter 3 of the EA. Past, present, and foreseeable future projects that interact with the selected alternative are few, and the combined effects are not significant. Impacts due to the selected alternative will not contribute to negative, long-term cumulative effects to any threatened, endangered, or sensitive species on the Minidoka Ranger District or Sawtooth National Forest (BA-BE).

8. **National Register of Historic Places; Significant scientific, cultural or historic resources** - I find that the action will have no adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The project area was surveyed and there are no known sites currently being affected by grazing activities. I find the action will not cause loss or destruction of significant scientific, cultural, or historical resources.

9. **Endangered or Threatened Species** - I find the action will not adversely affect any federally listed or proposed endangered or threatened species or Forest Service listed sensitive species or their critical habitat. A biological assessment/evaluation consistent with the requirements of this Act was prepared based on the proposed action. A ‘no effect’ determination was made for Threatened and Endangered botanical and wildlife species. Consultation with US Fish and Wildlife Service was not required with a ‘no effect’ determination. Likewise, there are no listed fish species on either allotment, thus consultation with NOAA Fisheries or US Fish and Wildlife Service is not required.

10. **Legal Requirements for Environmental Protection** - I find the action is consistent with Federal, State, and local laws and requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Sawtooth Forest Plan. This action does not threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment.
Based on the above, I find that there are no significant impacts and therefore an environmental impact statement will not be prepared.

SIGNATURE

/s/ Scott C. Nannenga

Scott C. Nannenga
Minidoka District Ranger

Sept. 29, 2011

Date

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