Decision Notice (DN) and Finding of No Significant Impact (FONSI)  
Sept. 29, 2011  

Weiser  
Cattle & Horse (C&H) Allotments  
(Board Creek, Campgrade, Cherry Creek, Hungry, and Limestone Allotments)  
Environmental Assessment  

USDA Forest Service – Intermountain Region  
Payette National Forest  
Weiser Ranger District  
Washington County, Idaho  

Responsible Official:  
Gregory S. Lesch, District Ranger  
Weiser Ranger District  

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INTRODUCTION

An Environmental Assessment (EA) for the Board Creek, Campgrade, Cherry Creek, Hungry and Limestone Cattle and Horse (C&H) Allotments has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR 1500-1508), the National Forest Management Act and its implementing regulations, and the 2003 Payette National Forest Land and Resource Management Plan (Forest Plan). Their size and locations are briefly described below.

1) Board Creek Allotment covers approximately 88 acres of National Forest System (NFS) lands and 1 acre of private land in T17N, R4W Section 32.
2) Campgrade Allotment (approximately 165 acres of NFS lands and 318 acres of private land) in T17N, R4W, Sections 18, 32; T16N, R4W, Sections 4, 5, 8, 9.
3) Cherry Creek Allotment (403 acres NFS lands, 9 acres private land) in T16N, R4W, section 7; T16N, R5W, Sections 22, 23, 24.
5) Limestone Allotment (1305 acres NFS lands, 11 acres private lands) in T15N, R5W Sections 6, 7; T16N, R5W, Sections 30, 31; T16N, R6W, Section 25.

In general, only the Hungry allotment is in proximity to water courses and has the potential to affect fisheries. The Board Creek, Campgrade, Cherry Creek, and Hungry Allotments are “on-off” allotments (as described below).

A grazing allotment is a designated area of land available for domestic livestock grazing. It can include lands under several jurisdictions. When National Forest System (NFS) land comprises only a portion of an allotment, the Forest Service administers it with a “Term Grazing Permit with On-and-Off Provisions”. “On-off” allotments are often designated when small areas of NFS rangeland are isolated from other large blocks of NFS land. These isolated parcels of NFS rangeland (the “on” lands) cannot be effectively managed by themselves and must be included with lands of one or more other ownerships (the “off” lands) to make a logical grazing unit. The objective is to promote the efficient grazing use of lands under different ownerships, while at the same time achieving desired conditions on NFS lands.

Under this type of permit, the Forest Service administers livestock grazing only on NFS lands within the allotment. The grazing capacity of the NFS lands is determined by the Forest Service. The grazing capacity of the non-NFS lands is determined by the permittee, subject to concurrence by the Forest Service. The Forest Service term grazing permit specifies the season of use, livestock numbers for both “on” and “off” lands, the grazing area of the combined “on” and “off” lands, and the standards for grazing management for “on” lands only. “Off” lands cannot be grazed outside the season of use. The Forest Service has no direct control of the intensity of grazing on the “off” lands during the season of use, nor does it monitor the effects of grazing on the “off” lands. The Forest Service does not control management of improvements on “off” land but may cancel a permit if NFS lands or resources are adversely affected by the permittee’s failure to develop or maintain improvements on “off” lands.

Prior to the establishment of the Weiser and Idaho National Forests (which were later consolidated and renamed the Payette National Forest), grazing use was largely unregulated (Jones 1989). Historical records indicate that past livestock use was substantially more intensive and occurred for longer periods each season than is currently permitted.

Over the past 60 years, permitted livestock numbers and season of use were reduced, and grazing management systems were developed on the allotments (Jones 1989). During the same time period, monitoring protocols for rangeland vegetation were improved and the frequency of monitoring was
increased. The following are forage utilization standards that are listed in the current term grazing permits:

- Limiting forage utilization in early season or season long pastures to 40 percent in the uplands. Vegetative slow growth, after seed ripe conditions, or late season pastures – 50% use.
- Limiting forage utilization to 45 percent in riparian areas or 4 inch stubble height of hydric greenline species, whichever occurs first.
- If monitoring detects allowable use levels are exceeded, cattle will be removed from the affected pasture immediately.

The Campgrade, Cherry Creek, and Board Creek Allotments are managed under a deferred rotation grazing system in concurrence with the Idaho Department of Fish and Game (IDFG) Cecil D. Andrus Wildlife Management Area grazing rotation. One permittee is permitted to graze 86 head months between the dates of April 1 and October 31. One year the units are grazed early in the grazing season (not to exceed 14 days between April 1 and July 1) and the following year the units are grazed late in the grazing season (not to exceed 10 days between September 16 and October 31). On the Hungry allotment, one permittee is permitted to graze 77 head months from June 1 through October 15. On the Limestone Allotment, one permittee is permitted to graze 49 cow/calf pairs from June 6 to October 15.

PURPOSE AND NEED

National Forest System (NFS) lands can provide an important source of forage for domestic livestock. Current and prospective permittees desire to continue grazing. The Forest Plan acknowledges the continuing need for livestock forage production and has determined that the Board Creek, Campgrade, Cherry Creek, Hungry, and Limestone Allotments are capable and suitable to support grazing by domestic livestock.

Additionally, the Payette National Forest has a commitment to meet the requirements and schedule “for the completion of NEPA analysis and decisions” on all allotments within the NFS unit for which NEPA is needed as stipulated in Section 504 of the Rescission Act of 1995 (public Law 104-19, as amended). This environmental analysis was needed to determine if authorization of continued permitted livestock grazing at current levels and management practices achieve or move towards desired conditions and maintain compliance with current Forest Plan direction, and applicable laws and regulations. The purpose was to:

1. Comply with Public Law 104-19, Section 504(a), which requires the Forest Service to complete NEPA analysis on all allotments where needed, to authorize permitted grazing activity.
2. Respond to 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.
3. Respond to Forest Plan Objective (Vol. 1, p. III-77). SEOB01 – Provide a predictable supply of Forest goods and services within sustainable limits of the ecosystem that help meet public demand.
DECISION

It is my decision to implement Alternative 2 (the Proposed Action) as presented and analyzed in the Weiser Cattle and Horse (C&H) Allotments Environmental Assessment (EA). Elements of the selected alternative are to:

• authorize continued livestock grazing on the Board Creek, Campgrade, Cherry Creek, Hungry, and Limestone Allotments C&H allotments (as described in the Sept. 2011 Weiser Allotments EA), incorporating current Forest Plan management direction, standards and guidelines;
• allow permitted livestock grazing that meets or moves towards desired resource conditions as defined in the Forest Plan, and as further defined on a site- and resource-specific basis in this analysis (where necessary); and
• employ appropriate design criteria and continue an adaptive management and monitoring strategy for managing continued livestock grazing within acceptable resource conditions and environmental effects.

Forest Service delegated line officers (in conjunction with range management and resource staff) have considerable authority and discretion over most operational aspects of livestock grazing management on NFS lands based on monitoring of rangeland and other resource conditions. Timing of grazing, areas of use, numbers of livestock, including whether livestock are allowed, can be and often are adjusted under current agency administrative authorities and policies set forth in 36 CFR 222.4. Forest Service Manual and Handbook management direction for rangeland resources is found in:

• FSM 2200 Range Management, WO Amendment 2200-90-1, Chapters 10-50
• Intermountain Interim Directive FSH 2209.3-99-9 Grazing Permit Administration Handbook, Chapter 90 - Rangeland Management Decision Making
• FSH 2209.21 Rangeland Ecosystem Analysis and Management Handbook, R4 Amendment 2209.21-93-1, Chapters 10-40.

Term Grazing Permits (TGPs), Allotment Management Plans (AMPs), and Annual Operating Instructions (AOIs) incorporate Forest Plan management direction and all other applicable laws, policies and programs (such as ESA consultation), including direction from the project level NEPA decision. Under this decision, these will be updated and revised to comply with the 2003 Payette Forest Plan, the Rescission Act of 1995, and other applicable laws, policies and programs such as current and future Endangered Species Act (ESA) consultations with NOAA -Fisheries Service and U.S. Fish and Wildlife Service (USFWS).

TGPs, AMPs, and AOIs for these allotments will incorporate adaptive management and monitoring strategies that allow for changes in grazing management objectives and practices. Changes may be needed to address environmental concerns and effects and other resource management issues that may arise and be related to, or affected by, continued grazing in these allotments. Such changes will be based on monitoring results, and may consider issues including (but not limited to):

• timing restrictions in specific areas to manage potential conflicts with fisheries, riparian and stream channel conditions, water quality, wildlife or recreation, or to improve long-term vegetation conditions and health;
• periodic and/or extended periods of rest/non-use;
• allowable use standards to ensure retention of defined levels of vegetation cover and health;
• structural improvements including fences, alternative water sources and gates/guards and other modifications to facilitate livestock management;
• adjustments based on potential fire and other disturbance effects.

In addition, although northern Idaho ground squirrel (NIDGS) is not known to occur in the project area, based on slope, aspect, soils, vegetation and forage, suitable habitat for this threatened species may occur in or adjacent to the allotments. Based on GIS analysis and modeling of range suitability for cattle and NIDGS habitat, it appears that small portions of unoccupied NIDGS habitat may overlap with livestock grazing.

The proposed action would authorize continued permitted domestic livestock grazing on the allotments that is consistent with applicable laws and regulations, with ESA consultation with the USFWS, and in a manner that meets or moves towards Forest Plan and site-specific desired conditions. For example, the Biological Assessment /Biological Opinion (Richards 2008; USDI-Fish & Wildlife Service 2009) states that site-specific utilization standards will be incorporated into the Allotment Management Plans (AMPs) and AOIs in an effort to maximize available forage for NIDGS. For cattle allotments at NIDGS sites, use will be no greater than 40 percent in early August. Thus, Alternative 2 will have utilization standards that provide for adequate seed head and forb production that NIDGS need as part of their forage base. In the event that NIDGS are documented through ongoing field surveys by the USFS and IDFG, changes to grazing practices such as timing restrictions also may be necessary.

Specifically, the allotments will be managed as follows:

<table>
<thead>
<tr>
<th>Allotment</th>
<th>Grazing Season</th>
<th>Head-Months of Use (maximum)</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board Creek C&amp;H</td>
<td>Mar. 15 to Nov.15</td>
<td>16</td>
<td>On-Off allotment; grazing system designed to maximize livestock management while maximizing vegetative and wildlife resource objectives.</td>
</tr>
<tr>
<td>Campgrade C&amp;H</td>
<td>Mar. 15 to Nov.15</td>
<td>48</td>
<td>On-Off allotment; grazing system designed to maximize livestock management while maximizing vegetative and wildlife resource objectives.</td>
</tr>
<tr>
<td>Cherry Creek C&amp;H</td>
<td>Mar. 15 to Nov.15</td>
<td>22</td>
<td>On-Off allotment; grazing system designed to maximize livestock management while maximizing vegetative and wildlife resource objectives.</td>
</tr>
</tbody>
</table>
**Hungry C&H**  
Mar. 15 to Nov.15  
77  
On-Off allotment; grazing system designed to maximize livestock management while maximizing vegetative and wildlife resource objectives.

**Limestone C&H**  
Mar. 15 to Nov.15  
213  
Grazing system designed to maximize livestock management while maximizing vegetative and wildlife resource objectives.

**RATIONALE FOR DECISION**
I based my decision on my review of the analyses of the issues and environmental effects disclosed in the Weiser Allotments EA and on the project record. Other documents I considered in my decision include the 2003 Payette National Forest Land and Resource Management Plan. I carefully and objectively consider public comment. I selected Alternative 2 (the Proposed Action) because it meets the purpose and need, complies with the Rescission Act, and achieves Forest Plan management direction, requirements, and desired conditions.

More specifically, my decision is based on the following:

- The allotments contain lands that are capable and suitable for domestic livestock grazing. A capability and suitability analysis was completed and verified by the ID team for this decision (see Integrated Resource Report and IDT meeting notes in project record).

- It is Forest Service policy (consistent with the Forest Plan) to make forage available to qualified livestock operators from NFS lands that are determined to be suitable for grazing (FSM 2203.1).

- Livestock grazing management currently is meeting or moving toward desired conditions within the allotments (Integrated Resource Report and monitoring results in project record).

- Rangeland conditions for uplands and riparian areas have been assessed have been determined to have a stable to upward trend (Integrated Resource Report and monitoring results in project record). These trends are expected to continue to be maintained or improved as a result of adherence to the Forest Plan management direction, standards and guidelines, applicable mitigation measures and Best Management Practices (BMPs), and Forest Service policies and procedures for managing domestic livestock grazing on NFS lands, allotment-specific management plans (AMPs) and operating instructions (AOIs), and an ongoing adaptive management and monitoring strategies.

- Adaptive management strategies are identified (see EA Chapter 3). Many of these strategies are administrative in nature utilizing existing administrative authorities, policies, and grazing management practices (FSH 2209). Based on monitoring of range and other resource conditions with respect to Forest Plan management direction and desired conditions, potential adaptive management actions include modification of terms and conditions of the grazing permit,
adjustment of season of use, livestock numbers, class, and stocking rate, requiring rest or closure of certain areas or other grazing restrictions, alteration of travel routes, and managing for other or potential resource effects.

- Threatened or endangered species are not likely to be adversely affected, nor will any species move toward listing as threatened or endangered as a result of this decision to authorize continued grazing in these allotments (see EA chapter 3 EA, and wildlife specialist report and Biological Evaluation including Section 7 Biological Assessment in the project record).

PUBLIC, TRIBAL, AND AGENCY INVOLVEMENT

On June 30, 2011, the New Meadows Ranger District interdisciplinary team coordinator sent a letter that described the Proposed Action and requested scoping comments to approximately 175 potentially interested or affected agencies, tribes, grazing permit holders, organizations and members of the public. The letter included a post card to be returned to indicate an interest in receiving and/or reviewing and commenting on the preliminary EA when it became available for the 30-day formal comment period (as required by regulations at 36 CFR 215). A public news notice also was sent to the Weiser, Idaho Signal-American newspaper. One comment letter was received during the informal scoping comment period. Seven postcards were received requesting electronic or hard copies of the preliminary EA for. A summary of comments and how they were addressed is included in the EA and project record.

The Shoshone-Bannock Tribes of the Fort Hall Reservation and the Nez Perce Tribe were sent letters on June 30, 2011 requesting the opportunity to provide scoping comments and to consult, according to the protocols established with respective tribes. The Weiser Allotments EA project also was presented to the Nez Perce Tribe at the quarterly technical staff-to-staff meeting with the Payette National Forest on Aug. 18, 2011. The project and preliminary EA (of Aug. 2011) was presented to the Shoshone-Paiute Tribes of the Duck Valley Reservation at the Wings and Roots Program formal consultation meetings on Aug. 19, 2011 and for tribal comment on Sept. 8, 2011. No substantive concerns regarding the authorization of continued grazing on the allotments were raised by the tribes.

A preliminary EA was completed in August, 2011. It was mailed and/or e-mailed to the seven parties who asked for a copy by returning the postcard from the June 30 scoping request letter. In accordance with regulations at 36 CFR 215, a legal notice was published on Aug. 18, 2011 in the Signal-American, the newspaper of record for Weiser Ranger District activities, providing notice of the availability of, and opportunity to comment on the Proposed Action and preliminary EA for a formal 30-day comment period. One letter was received during this period. Comments received during the informal scoping period and formal EA review and comment period were considered and incorporated into the final EA completed in Sept. 2011. A summary of comments and how they were addressed is included in the EA (Appendix A); the comment letters are in the project record.

ISSUES

Issues serve to identify the environmental effects or consequences that may occur from a proposed action and alternatives and to compare trade-offs for the decision-maker and public to understand. Analysis of issues and the potential associated effects of the proposed actions and alternatives also provide opportunities to reduce potential adverse effects with project design features and/or mitigation measures. The concerns raised during the scoping and EA comment periods were evaluated against the following criteria.
• Was the concern beyond the scope of the project or not relevant to the action proposed. (Would a cause-and-effect relationship exist or not exist as a direct result of the proposed action?)

• Was the concern addressed and resolved though application of Forest Plan management direction and standards and guidelines, appropriate best management practices (BMPs), or other applicable laws, regulations, policies and requirements?

• Could the concern be addressed and resolved through implementation of project-specific design features and/or mitigation measures?

• Could the concern be adequately addressed and resolved in the effects analysis or in a specialist’s report?

Issues were addressed in two ways:

• Developing an alternative that best balances and/or resolves potential effects of the proposed action on various resources, including specific actions and design features;

• Effects analysis comparing and disclosing the relative resource effects among alternatives to ensure that Forest Plan resource management direction, standards and guidelines, and desired conditions are met.

Based on Forest Service resource specialist review and comments received from the public and potentially affected parties, the interdisciplinary team identified preliminary issues for consideration in the EA. Issues are of three types:

• Key Issues

• Non-Key Issues

• Issues Not Analyzed in Detail

Key Issues were used to develop alternatives, mitigation measures, or design features to address the effects of the proposed action. Non-Key Issues were analyzed in terms of potential environmental consequences but did not lead to a separate alternative. Issues Not Analyzed in Detail were not analyzed because generally the potential concerns were addressed through project design, were outside the scope of the analysis, were already addressed by Forest Plan management direction, standards and guidelines, other laws, regulations, policies or programs, or would be mitigated or resolved by applicable and appropriate standard operating procedures and/or BMPs for the proposed action(s).

Key Issues

1) Rangeland Vegetation and Health

Livestock grazing may affect rangeland vegetation and health by altering plant community composition and structure. Livestock grazing in riparian areas may affect desired conditions of riparian vegetation by altering plant community composition, and structure.

Non-Key Issues

1) Rangeland Vegetation and Health - Invasive and Noxious Weeds

Ground-disturbing activities associated with grazing can create opportunities for establishment of invasive weed infestations, which may result in increased invasive weed populations.
2) Riparian Resources/Fisheries Habitat

Livestock grazing in riparian areas may affect desired condition of bank stability, sedimentation and stream temperature. Livestock grazing has the potential to affect riparian ecosystems and streambank/channel conditions and to increase soil erosion and sediment delivery to streams, thus adversely affecting fish habitat and other aspects of aquatic ecosystems. Removal of riparian vegetation also has the potential to reduce stream shading which can affect stream temperatures.

3) Soils

Livestock grazing may affect long-term soil productivity by reducing ground cover and increasing surface erosion.

4) Wildlife

Livestock grazing can adversely affect wildlife and wildlife habitat primarily through disturbance and displacement of wildlife species and by altering vegetation and habitat conditions.

ALTERNATIVES CONSIDERED

Alternative 1 – No Action

The No Action alternative was considered in the Weiser Allotments EA as required by NEPA and Forest Service policies and regulations (36 CFR 220). Under this alternative, livestock would no longer be permitted to graze on the allotments. Grazing would be eliminated 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 – Proposed action

The proposed action would authorize continued permitted grazing on the allotments in a manner consistent with current Forest Plan (USDA Forest Service 2003) management direction, standards and guidelines, and other applicable laws, policies, and regulations. The proposed action would allow permitted livestock grazing that meets or moves towards desired resource conditions as defined in the Forest Plan and further defined in the EA (where necessary) for site- and resource- specific desired conditions. Continued permitted domestic livestock grazing on the allotments would employ an adaptive management strategy based on monitoring of resource conditions.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

There is Congressional intent to allow grazing on suitable lands (Multiple Use-Sustained Yield Act of 1960; Forest and Rangeland Renewable Resources Planning Act of 1974; Federal Land Policy and Management Act of 1976; and National Forest Management Act of 1976).

Consistency with Forest

This decision is based on the Sept. 2011 Weiser Allotments EA and project record. The allotments are within Management Areas that are designated for livestock grazing. The proposed action complies with the 2003 Payette National Forest Land and Resource Management Plan Forest Plan management direction, standards, and guidelines, including the applicable Soil and Water Conservation Practices (SWCP) and Best Management Practices (BMPs).
Endangered Species Act (as amended)

It was determined that the project is not likely to adversely affect threatened and endangered wildlife species or critical habitat (see wildlife analysis in Chapter 3 of the EA, Wildlife Resource Specialist Report and Biological Evaluation including Section 7 Biological Assessment of the Potential Effects of Managing the Payette National Forest on the threatened Northern Idaho Ground Squirrel and Canada Lynx for the Brownlee Section 7 Watershed and other supporting information in the project record).

Of these allotments, only the Hungry allotment has the (very unlikely) potential to affect fisheries subject to the ESA, as it is located upstream of critical bull trout habitat in the Wildhorse River (a tributary to the Snake River). Bull trout designated critical habitat (DCH) does not occur in or downstream of any of the other allotments. Bull trout are not known to occur within or downstream of any of the allotments. There will be no effects to bull trout from continued grazing on any of the allotments. Bull trout is also a Management Indicator Species for the Forest. Continued permitted livestock grazing in these allotments has no potential to affect viability of the species.

Botanical surveys conducted in the area of these allotments from 1993-2011 found populations or habitat for the Regional Forest Sensitive rare plants Tolmie’s Onion (Allium tolmiei var. persimile), Bank Monkeyflower (Mimulus clivicola) and Snake River Goldenweed (Haplopappus radiatus). Tolmie’s Onion and Bank Monkeyflower occur on the eastern edge of the Campgrade allotment. Habitat for Snake River Goldenweed occurs on the south end of the Limestone allotment. The Forest botanist determined that the Weiser On-Off Allotments may impact Tolmie’s Onion, Bank Monkeyflower and Snake River Goldenweed but not trend the species towards listing or affect viability of the species. No habitat for any threatened, endangered, proposed or candidate (TEPC) plant species has been identified in or near the allotments. No TEPC plant species are known to occur on the allotments and no habitat that would support these species occurs directly adjacent to them. Therefore, no effects would occur to any TEPC plant species.

National Historic Preservation Act (1966) and American Antiquities Act (1906)

As mandated by the NHPA, a cultural resources inventory was performed by the Forest Archeologist. It was determined that there will be no measurable effects to any Historic Properties with this decision. Consultation with the Idaho State Historic Preservation Office occurred and concurrence letters agreeing with the Payette Forest determination of “no adverse affects” were signed Jan. 18, Sept. 12, and Nov. 3, 2005.

Tribal Consultation

The appropriate cultural resources surveys and determinations were completed. The appropriate tribes were afforded the opportunity to provide input, to consult, or were formally consulted with, as described in the PUBLIC, TRIBAL, AND AGENCY INVOLVEMENT section above. No substantive concerns regarding the authorization of continued grazing on the allotments were raised by the tribes.

Clean Water Act

Given their locations, there is minimal potential for continued permitted grazing on these allotments in the manner proposed to affect waters of the State of Idaho. Compliance with Idaho Department of Environmental Quality water quality standards and implementation of applicable and appropriate Best Management Practices (BMPs) meets the requirements of the Clean Water Act.

ADMINISTRATIVE APPEAL AND IMPLEMENTATION
This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215 and 36 CFR 251. As specified in 36 CFR 215.1 (b), decisions which affect an authorized use or occupancy of National Forest System lands are subject to appeal by the holders of such authorizations (grazing allotment permittees) under either 36 CFR 215 or 36 CFR 251, but not both. Appellants must choose between the 36 CFR 215 or 251 regulations.

**36 CFR 215 Appeal Regulations.**

Appeals pursuant to the 36 CFR 215 regulations must meet the content requirements of 36 CFR 215.14. Only individuals or organizations that submitted comments or otherwise expressed interest in the project during the (Aug. 18 – Sept. 19, 2011) formal comment period (for review of the preliminary Environmental Assessment) are eligible to appeal. Comments received from authorized representative(s) of an organization are considered those of the organization; individual members do not meet appeal eligibility solely on the basis of membership in an organization.

Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this legal notice of decision in the Signal-American, Weiser, Idaho, the newspaper of record. This date is the exclusive means for calculating the time to file an appeal; timeframe information from other sources should not be relied on.

The Appeal Deciding Officer is the Payette Forest Supervisor. Appeals may be sent by postal or delivery service to:

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Appeal Deciding Officer
Intermountain Region USFS
324 25th Street
Ogden, Utah 84401
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Appeals also may be hand-delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday (Mountain Time).

Appeals may be submitted by facsimile (fax) to 801-625-5277. It is the responsibility of the appellant to verify receipt by the Forest Service.

Appeals also may be submitted electronically to: appeals-intermtn-regional-office@fs.fed.us E-mailed appeals must be submitted in rich text (.rtf), Word (.doc) or portable document format (.pdf) and must include the project name in the subject line.

**36 CFR 251 Appeal Regulations.**

Appeals pursuant to the 36 CFR 251 regulations must meet the content requirements of 36 CFR 251.90. The notice of appeal, including the reasons for appeal, must be postmarked or received by the Appeal Reviewing Officer within 45 days of this decision. The notice of appeal must be filed with:

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Keith B. Lannom, Supervisor
Payette National Forest
800 W. Lakeside Ave.
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A copy of the notice of appeal also must be filed simultaneously with:

- Gregory S. Lesch, District Ranger
  Weiser Ranger District
  Payette National Forest
  851 E 9th Street
  Weiser, ID 83672

If no appeal is filed within the 45-day period, implementation of the decision may begin on, but not before, the fifth business day following the close of the appeal-filing period (36 CFR 215.15). If there are multiple appeals of the same decision, the implementation date is determined by the latest appeal disposition date.

**IMPLEMENTATION DATE**

If no appeal is filed within the 45-day period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal-filing period (36 CFR 215.15). Except for emergency situations (36 CFR 215.10(c)), when an appeal is filed, implementation may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR 215.2). In the event of multiple appeals of the same decision, the implementation date is controlled by the date of the last appeal disposition.

**DOCUMENTS AND PROJECT RECORD**

Copies of the EA and DN/FONSI were mailed to permittees and those who commented during the scoping period or previously requested it. The documents have been posted on the Payette National Forest web site at: [www.fs.fed.us/r4/payette/publications/index.shtml](http://www.fs.fed.us/r4/payette/publications/index.shtml). Copies of the EA, DN, and FONSI and the project record are on file at the Payette National Forest, Council Ranger District, 2092 Highway 95, Council, ID 83612. (The Council Ranger District is where the range management-related files for both the Weiser and Council Districts are stored.) These documents are also available on compact disc (CD) or in hard copy upon request. The project record is on file at the Weiser Ranger District office. For more information contact Amy Baumer, Payette National Forest Range and Weed Program Manager, New Meadows Ranger District, P.O. Box J, 3674 Highway 95, New Meadows, Idaho 83654, phone (208) 347-0300.

**FINDING OF NO SIGNIFICANT IMPACT**

This Finding of No Significant Impact (FONSI) incorporates by reference the Weiser C&H Allotments EA, the Project Record including specialists’ reports and supporting data and information, Biological Evaluations, Biological Assessments, Biological Opinions, Letters of Concurrence, and monitoring reports on file at the Weiser Ranger District Office and/or Payette National Forest Supervisor’s Office.

I have reviewed the Council on Environmental Quality (CEQ) regulations regarding determination of significance of environmental impacts (40 CFR 1508.27) and have determined that the proposed action selected in this decision is not a major Federal action that would significantly affect the quality of the human environment. This determination is based on the thorough environmental assessment process completed for this project and the following factors.
A) CONTEXT

The context of the Selected Alternative is limited to the Weiser Allotments EA (Board Creek, Campgrade, Cherry Creek, Hungry, and Limestone Allotments) project area. [40 CFR 1508.27(a)].

This action occurs on the Weiser Ranger District, Payette National Forest. It involves authorization of continued livestock grazing within the Board Creek, Campgrade, Cherry Creek, Hungry, and Limestone Allotments. My decision to select Alternative 2 (Proposed Action) will have effects that are summarized in the EA with more detailed information in the Integrated Resources Report, other information in the project record. Cumulative effects of past management, combined with ongoing activities, and reasonably foreseeable actions are displayed and discussed in Chapter 3 of the EA and the project record. Actions will be limited to those disclosed in this document. Further, my decision is consistent with the Management Area(s) direction, desired future conditions, and Forest Plan standards and guidelines specified for the area(s). After careful consideration of the EA, Integrated Resource Report and other supporting information in the project record, along with field visits to the allotments, I conclude that specific and cumulative adverse effects of the decision are not significant (see EA Chapter 3).

B) INTENSITY FACTORS

1) The decision will not result in any significant beneficial or adverse effects [40 CFR 1508.27(b)(1)].

Based on the analyses presented in the EA, specialist reports, botany, fisheries and wildlife Biological Evaluations (BEs) and Biological Assessments (BAs) and other supporting information in the project record, the proposed action selected in this decision does not result in significant adverse effects and are within an acceptable range identified in the Forest Plan. Effects of the decision are not unique to this project. The application of Forest Service grazing management administrative authorities, policies and procedures, Forest Plan standards and guidelines, specific project design features and mitigation measures, and an adaptive management and monitoring strategy will ensure that desired conditions will be attained or progress toward attainment will continue.

2) There will be no significant effects on public health and safety [40 CFR 1508.27(b)(2)].

The proposed action will not adversely affect public health and safety. Proposed activities will meet State of Idaho water quality standards under the Clean Water Act (see EA Chapter 3). This project does not involve national defense or security.

3) The decision will not result in any significant effects on any unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas [40 CFR 1508.27(b)(3)].

Based on field reviews, literature research, the Forest Plan, and information in the EA, Integrated Resource Report and project record, this decision results in no significant effects on unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, or ecologically critical areas. Based on that same information, no significant adverse effects are anticipated on any environmentally sensitive or critical resource areas. The analyses documented in the EA and the project record discloses that the proposed action will not result in any major effects on Inventoried Roadless Areas (IRAs). Grazing is not a prohibited use in IRAs and it does not compromise the roadless character or the undeveloped character of the IRAs. The project area does not contain any park lands or prime farmlands.
4) The Selected Alternative (proposed action) will not result in any effects that are likely to be highly controversial [40CFR 1508.27(b)(4)].

Controversy in this context refers to scientific dispute over the effects of the Federal action, not opposition to its implementation by the public or organizations. The scientific bases for the environmental analyses and this decision are contained in the project record and summarized in the EA (EA Chapter 3), and are supported by scientific research as referenced in the EA, Integrated Resources Report, and the project record. Public comments and opinions are summarized in Appendix A of the EA and contained in the project record.

5) The Selected Alternative (proposed action) will not result in any highly uncertain, unique, or unknown risks [40 CFR 1508.27(b)(5)].

The effects on the human environment are not highly uncertain and are unlikely to involve unique or unknown risks (see EA chapter 3). This action is similar to livestock grazing actions taken on many National Forest System lands. The management activities associated with this decision are typical of those successfully implemented in the past on the Payette National Forest. Issues of public concern and potential environmental effects of the proposed action have been adequately addressed and disclosed in the environmental analysis. There are no highly uncertain, unique, or unknown risks associated with the proposed action.

6) The decision does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b)(6)].

The proposed action will not set a precedent for future actions with significant effects. This decision applies only to grazing on the five allotments discussed in the EA. Future proposed actions of this nature would be subject to site-specific analyses as needed and implementation would be based on those analyses. Any future decisions will need to consider all relevant scientific and site-specific information available at that time.

7) The analysis documented in the EA discloses that the decision will not result in any significant cumulative effects [40 CFR 1508.27(b)(7)].

The cumulative effects of the proposed action are not significant. Cumulative effects are addressed and disclosed for each resource in Chapter 3 of the EA. Past, present, and foreseeable future actions that interact with the proposed action that is the subject of this decision were evaluated and the combined effects are not significant (see EA Chapter 3).

8) The decision will not adversely affect sites or objects listed or eligible for listing in the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historical resources [40 CFR 1508.27(b)(8)].

As mandated by the NHPA, a cultural resources inventory was performed by the Forest archeologist. It was determined that there will be no measurable effects to any historic properties or cultural resources resulting from this decision. Consultation with the Idaho State Historic Preservation Office occurred and concurrence letters agreeing with the Payette Forest determination of “no adverse affects” were signed Jan. 18, Sept. 12, and Nov. 3, 2005. If additional sites are located during implementation of the proposed action, measures will be taken to avoid adverse effects. The Forest archaeologist will be notified so the sites can be evaluated for eligibility to the National Register. The proposed action will not cause loss or destruction of significant scientific, cultural, or historical resources.

9) The decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27 (b)(9)].
The proposed action will not adversely affect any threatened, endangered, proposed or candidate species and/or critical habitat. See FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS, Endangered Species Act above, Chapter 3 of the EA, the Integrated Resources Report, wildlife specialist report and BE/BA, fisheries and botanist BEs, and other supporting information in the project record.

10) The decision is consistent with Federal, State, and local laws and requirements imposed for the protection of the environment [40 CFR 1508.27(b)(10)].

The proposed action is consistent with Federal, State, and local laws and requirements for the protection of the environment, and is consistent with the 2003 Payette Forest Plan. Chapter 1 of the EA discusses consistency of the proposed action with applicable laws and regulations pertaining to natural resource management.

C) CONCLUSION

Based on the environmental analyses summarized in the Weiser Allotments EA (Sept. 2011), the detailed supporting information in the project record, and the discussions above, I find that there will be no significant adverse effects resulting from the proposed action to be implemented by this decision. Therefore, an environmental impact statement will not be prepared.

GREGORY S. LESCH  
Weiser District Ranger, Payette National Forest  
Date  
9/29/11