

FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION NOTICE

Devil's Canyon Analysis Area Range Allotment Management Plans
For the
Devil's Canyon, Medicine Mountain, Lodge Grass, and Little Mountain
Cattle Allotments

USDA Forest Service
Bighorn National Forest
Medicine Wheel-Paintrock Ranger District
Big Horn and Sheridan Counties, Wyoming

Summary: I have reviewed the environmental assessment (EA) and the project file for the Devil's Canyon Analysis Area range allotments. I have determined that the environmental impacts of the selected action are not significant. Therefore, preparation of an Environmental Impact Statement is not required. I have decided to implement Alternative 3, which includes the consolidation and reforming of range allotment boundaries into three allotments to be referred to as Devil's Canyon Cattle & Horse (C&H), Medicine Mountain C&H, and Mexican Hill C&H. Other actions that are specific to this decision include rotational grazing systems, maximum forage allowable use levels not to be exceeded by the combined use of cattle and wildlife grazing, range improvements, prescribed burning in sagebrush and conifer encroachment, and monitoring of the range resource. The specific numbers of cattle and grazing seasons to be permitted are also included for each allotment. They will be as follows:

Devil's Canyon C&H Allotment	959 Cattle	July 1 to October 9
Medicine Mountain C&H Allotment	1,087 Cattle	June 26 to October 10
Mexican Hill C&H Allotment	119 Cattle	July 1 to October 15

INTRODUCTION AND BACKGROUND INFORMATION

The range allotments encompass the Lodge Grass Creek, Bucking Mule Creek, Porcupine Creek, Trout Creek, Deer Creek, and a portion of Duncom Creek drainages. The analysis area is located on the Bighorn National Forest in Big Horn County and Sheridan County approximately 35 miles east of Lovell, Wyoming in Townships 56-58, Ranges 90-92. Elevation ranges from 7,100 to 9,800 feet. The area encompasses approximately 65,052 acres of which 48 percent or approximately 31,447 acres are suitable for livestock grazing. Suitable rangeland is mainly comprised of big sagebrush-Idaho fescue plant communities with smaller areas of riparian meadow, and even smaller aspen and cottonwood sites. The area unsuitable to livestock grazing is in lodgepole pine, spruce-fir timber communities, and rock.

Purpose and Need

The purpose and need for this project is to implement range allotment management plan(s), designed to meet the Forest Plan management direction. The following goals are specific to the range resource as described in the Forest Plan: (Range, Chapter III: Management Direction, Forest Direction Page III-4,5).

1. Provide livestock grazing that satisfies requirements for local community stability.
2. Manage all allotments to reach “satisfactory” range condition. Satisfactory range is defined as good or better range conditions with a stable trend, or fair condition with an upward trend.
3. Use grazing systems and stocking rates that reduce conflicts between domestic livestock, recreation, and wildlife.
4. Manage riparian areas to reach mid to late seral ecological condition with rangeland riparian areas managed to achieve “satisfactory” or better condition.

There is also a need to provide updated direction on how any authorized grazing will be conducted through the allotment management plans. Specific rotations and grazing use limits are described to allow for improvement in range trends within vegetative communities that have been negatively affected by cattle grazing in the past. The areas of concern primarily involve specific reaches of riparian stream systems on the allotments. The overall upland range conditions are satisfactory. The environmental analysis and decision are also in accordance with Section 504 of Public Law 104-19 (Rescission Bill, signed 7/27/95), which directed the Forest Service to complete environmental analysis on grazing allotments. Decisions reached through this analysis may result in modifications to term grazing permits. Modifications will be documented in updated AMPs for the three allotments.

DECISIONS AND REASONS FOR THE DECISION

It is my decision to implement Alternative 3, the Proposed Action as described in Chapter 2 of the Environmental Assessment. Alternative 3 was developed to address the significant issues. The proposed action will incorporate the following elements by allotment.

Allotment Consolidation: Alternative 3 will result in combining the Lodge Grass C&H allotment with that portion of the Devil’s Canyon C&H allotment north of Devil’s Canyon proper. The Railroad Springs and Tillet’s Hole pastures of the Devil’s Canyon allotment (south of Devil’s Canyon proper) will be added to the Medicine Mountain C&H allotment. The old Little Mountain C&H allotment and old Cottonwood-Marcus pasture (presently run as pastures in the Devil’s Canyon C&H allotment), would become a separate allotment called the Mexican Hill C&H allotment. These changes will be further described as follows:

Devil's Canyon C&H Allotment:

- The Devil's Canyon C&H allotment would include what was previously considered the North Devil's Canyon allotment. In addition, a primary grazing pasture would be added that was the Upper Lodge Grass pasture of the Lodge Grass C&H allotment (that portion of the Lodge Grass allotment west of the existing Line Creek fence). Permitted grazing use would remain at 959 Cow/calf pairs for a 7/1-10/9 grazing season. Lodge Grass Canyon and Lodge Grass Basin pastures will also be included in the Devil's Canyon allotment, however they will be rested unless needed to provide rest elsewhere on the allotment. Use of the Lodge Grass Canyon and Basin pastures will be authorized under the Annual Operating Instructions. Authorization is not expected to occur more than two years in a ten-year period.
- Prescribed burning is proposed on approximately 1,991 acres including: approximately 110 acres in Reservation Hole, 706 acres in Bucking Mule, 554 acres on Hannan's Coulee Ridge, 225 acres on Big Tepee Ridge, and 396 acres in Lodge Grass pasture.
- Utilize portable electric fence to protect areas where a rider is not effective. Example: Portable electric fences can be used to protect aspen regeneration until sprouts have grown out of reach of browsing animals.
- Willow and aspen transects will be installed to partition use between livestock and wildlife where problems of forage competition exist.
- Removal of conifer encroachment in riparian areas, as well as aspen and cottonwood stands by cutting treatment or burning.
- Clear or construct trails away from stream channels where cattle are presently trailing along stream banks to allow easier movement of cattle and reduce impact to stream banks.
- Heavy maintenance and possible extension/reconstruction of Boundary Fence #01-03 on Montana state line.
- Evaluate the need for the Line Creek Fence #03-04 to control livestock movement into lower portion of Lodge Grass Canyon during first three years of implementation of the AMP. Remove fence if not needed, or reconstruct fence if needed for livestock management.
- Increase emphasis on noxious weed control mainly on the Reservation side of the Forest boundary in the Lodge Grass Basin pasture.
- Remove Lodge Grass Cow Camp.
- Reconstruct west side of Lodge Grass Horse Pasture into letdown fence #03-06, or remove fence if determined not to be needed.
- Install two cattle guards on FDR #105 (Hannan's Coulee Road) at Coulee fence #01-35 & Hannan's Coulee fence (Pole Gate) #01-35.
- Develop spring at top of Corpse's Hole.
- Develop spring at old Steel Granary.

- Construct two ponds and protect springs in north end of Lodge Grass pasture in T56N R91W sect 29 and 28.
- Develop two springs on Hannan's Coulee Ridge with existing tanks on site.
- Develop water for Intermission Horse Pasture.
- Relocate and reconstruct Cookstove Division fence #01-06. (1.5 mile)
- Reconstruct Hannan's Coulee Division Fence #01-04 into a barbed 4-wire letdown.
- Reconstruct Cookstove corrals.
- Reconstruct Cookstove Horse Pasture Fence #01-32.
- Evaluate the need for the Cindy Fence #01-17 within first three years of implementation of the AMP. Remove if not needed or reconstruct.
- Reconstruct Trout Creek Division Fence #01-05.
- The exchange of use agreement between users of grazing privileges on the Crow Indian Reservation and the Bighorn National Forest will remain in effect and will be reviewed and updated when the grazing permits are renewed.
- Archeological sites presently impacted by grazing will be protected using permanent or temporary fences and/or data recovery. Specified archeological sites will be identified for monitoring to evaluate the effects of grazing activity on site condition over time.

Medicine Mountain C&H Allotment:

- Incorporate the Railroad Springs, and Tillet's Hole (aka Elk Springs) pastures of the old Devil's Canyon allotment permanently into the Medicine Mountain allotment. The current permitted use is 1,087 cow/calf pairs and a grazing season of June 26 to October 10. There will be no increase in permitted Animal Months (AM's). The present deferred rotation system on the Medicine Mountain allotment will be maintained, with total rest built into some pastures. Tillet's Hole and Railroad Springs pastures will be rested every third grazing season (one year out of three). This does not mean that both pastures will be rested on the same year.
- Periodic rest of the Five Springs pasture is also an option. The Railroad Springs and Tillet's Hole pastures individually have more carrying capacity than the Five Springs pasture. This will allow for resting the Five Springs pasture one to two years out of ten. On the year(s) of rest, livestock will have to be trailed through the pasture to gain access to or be removed from the Forest. This means that some incidental use will occur for 1-2 days as livestock are pushed through Five Springs.
- Streambank stability projects, including hardening of stream crossings on Porcupine Creek, will be done in the area above the "Jaws". Other watershed (erosion stabilization) projects on old closed roads in the vicinity of the Jaws will be done. This will include water bars and seeding.
- Clear or construct trails away from stream channels where cattle are presently trailing along stream banks to allow easier movement of cattle and reduce impact to stream banks.

- Prescribed burning is proposed on approximately 1,551 total acres including: approximately 372 acres in the Five Springs area and 1,179 acres in the Railroad Springs and Tillet's Hole pastures.
- Utilize portable electric fence to protect areas where a rider is not effective. For example, portable electric fences can be used to protect aspen and cottonwood regeneration until sprouts have grown out of reach of browsing animals.
- Willow and aspen transects will be installed to partition use by livestock and wildlife where problems are identified by livestock permittees and/or the Forest Service.
- Removal of conifer encroachment in riparian areas and aspen and cottonwood stands by cutting or burning is proposed.
- Add approximately one mile of pipeline and two 10-foot stock tanks to the present system at Elk Springs Water Development #01-10.
- Relocate tanks at Railroad Springs Water Development #01-23.
- Relocate the Medicine Division Fence #01-08, which lies northwest of the Medicine Wheel National Historic Landmark, so that it is out of view of the site.
- Reconstruction or heavy maintenance and extension if needed on boundary fence #01-18 between Railroad Springs pasture and Mexican Hill allotment.
- Reconstruction of the Deadman Trail Drift Fence #01-36 between Cottonwood-Marcus and Railroad Springs Pastures.
- Permittees on Medicine Mountain and Mexican Hill allotments will be required to split maintenance of the boundary fence #01-18 between Mexican Hill allotment and Railroad Springs pasture.
- Extend Tillet's Hole Division Fence #01-15 on west end if needed to prevent drift between pastures.
- Construct a stock trail if needed between Lower Porcupine and Tillet's Hole pastures.
- Construct a new spring development with approximately 1 mile of pipeline in Upper Porcupine Pasture in T56N R91W SE 1/4 Sect 6 and NE 1/4 Sect 7.
- Construct a new spring development in South Medicine Pasture in T56N R92W SW 1/4 Sect 26.
- Remove, if not needed, or reconstruct the middle portion of the Gifford Fence #04-09A.
- Reconstruct two range exclosures #300-08 & #300-09 into letdown 4-wire fence, and one exclosure #300-01 into permanent 4-wire fence.
- Reconstruct Little Tepee Spring Development #04-19 & 04-19A. If the spring has completely dried up, then remove improvements.
- Install septic system at Medicine Mountain Cow Camp.
- Archeological sites presently impacted by grazing will be protected using permanent or temporary fences and/or a data recovery project will be implemented.

Lodge Grass C&H Allotment:

The present Lodge Grass allotment will be included with Devil's Canyon as described above.

Mexican Hill C&H Allotment

- The Mexican Hill C&H allotment would be a new allotment comprised of the former Little Mountain C&H allotment and the Cottonwood-Marcus pasture of the Devil's Canyon C&H allotment. Permitted use would be 119 cattle from July 1 to October 15. These cattle will be moved from the former Lodgegrass C&H allotment.
- Management on this allotment will be incorporated into a rotation with adjacent Bureau of Land Management and private pastures. A new management plan will be developed in cooperation with the permittee, BLM and Forest Service.
- Prescribed burning is proposed on an estimated 313 acres on Lowmiller Bench and 640 acres on Little Mountain pasture.
- Reconstruction, or heavy maintenance and extension if needed, on boundary fence #01-18 between Railroad Springs pasture and Mexican Hill allotment.
- Reconstruction of the Deadman Trail Drift Fence #01-36 between Cottonwood-Marcus and Railroad Springs Pastures.
- Permittees on Medicine Mountain and Mexican Hill allotments will be required to split maintenance of the boundary fence #01-18 between Mexican Hill allotment and Railroad Springs pasture.
- Repair and dredge out the Mexican and Hill Stock ponds #63-04 and #63-05.
- Reconstruct the Little Mountain Division Fence #01-11 into a 4-wire letdown fence.
- Remove non-functional grouse guzzlers on Mexican Hill. Two stock ponds, #63-04 and #63-05, are located less than ¼ mile from the guzzlers. These stock ponds provide reliable water for wildlife in the area with less maintenance required on the improvements.
- Archeological sites presently impacted by grazing will be protected using permanent physical barriers or temporary physical barriers and/or a data recovery project will be implemented.

Rangeland Monitoring:

A rangeland monitoring program incorporating vegetative trend analysis and monitoring of livestock forage utilization will be implemented. Trend monitoring will include permanent photo points and transects on willow, aspen and upland sites. Annual utilization monitoring will include implementation of Forest Plan Standards for uplands, the Bighorn National Forest Vegetation Grazing Guidelines for riparian areas and utilization standards for riparian woody species, aspen, and cottonwood.

The allowable use standards for utilization of the current year's growth by livestock and wildlife combined during the grazing season will be as follows.

Upland Range Sites

- Maximum of 40 percent use of current year's growth in first grazed pastures. (Prior to August 1).
- Maximum of 50 percent use of current year's growth in all other pastures. (After August 1).

Riparian Range Sites

- Average 5-inch (using longest leaf length measure) stubble height on wide-leaved carex species remaining if livestock leave a pasture prior to August 1.
- Average 7-inch (using longest leaf length measure) stubble height on wide-leaved carex species remaining if livestock leave a pasture after August 1.

Aspen and Cottonwood Stands

- Average 4-inch stubble height of all grass species within boundaries of aspen or cottonwood stands when livestock leave the pasture.
- Thirty to thirty five percent maximum annual utilization on terminal buds by wildlife and livestock is desired.
- Allow a maximum of 10% utilization on available terminal buds by wildlife and livestock during the time livestock are present within a pasture. The 10% will not include browsing that occurred prior to cattle entering the pasture.
- On aspen or cottonwood sites where utilization problems are perceived to exist, utilization measurements will be taken prior to livestock entering the pasture and monitored during the time they are in the pasture. All livestock should be removed from a pasture prior to exceeding the 10% utilization standard.

Willow and Bog Birch

- Fifty percent maximum annual utilization on terminal buds by wildlife and livestock is desired.
- Allow a maximum of 35% utilization on available terminal buds by wildlife and livestock during the time livestock are present within a pasture. The 35% will not include browsing that occurred prior to cattle entering the pasture.
- On willow and bog birch sites where utilization problems are perceived to exist, utilization measurements will be taken prior to livestock entering the pasture and monitored during the time they are in the pasture. All livestock should be removed from a pasture prior to exceeding the 35% utilization standard.

Table 2.2 lists the monitoring requirements for Alternative 3.

Table 2.2
Monitoring Requirements for Alternative 3

Monitoring Objective	Type Monitoring	Responsibility	Frequency
Monitor trend on upland sites	Cover-Frequency	Forest Service	5-10 yrs where determined necessary
Monitor trend on riparian sites	Photo points, Cross Sections, Longitudinal profile, Riparian Classification	Forest Service and Permittee	5-10 yrs where determined necessary
Monitor use on upland species	Utilization Height/weight curve Ocular estimates Grazing response index Clipped plots Visual Obstruction	Forest Service and Permittee	Annually on various key areas
Monitor use in riparian Key Areas	Stubble height and photo points	Forest Service and Permittee	Annually on various key areas
Monitor use within aspen stands	Stubble Height	Forest Service and Permittee	Annually on various stands
Monitor utilization on aspen. Partition use wildlife & livestock.	Permanent transects & photo points, individual twig marks	Forest Service and Permittee and WY Game & Fish Dept.	Annually for 3-5 years where determined necessary
Monitor utilization on willow. Partition use wildlife & livestock.	Permanent transects & photo points, individual twig marks.	Forest Service and Permittee	Annually for 3-5 years where determined necessary
Monitor stream bank stability/Bank alteration and trend	Permanent photo points & Greenline Stability	Forest Service and Permittee	Every 3-5 yrs where determined necessary

Design Criteria for Range Improvements and Best Management Practices
12/18/02

Fence Specifications

- All fences will be constructed to a maximum height of 42 inches with a bottom clearance minimum of 16 inches.
- Fence designs will include 4 wire, laydown, buck and pole, pole nail on, permanent and temporary electric, or barbed wire with top pole.
- All woven wire and permanent four wire fences will be phased out as fences are reconstructed.

- Range and wildlife enclosures will be constructed using various fence designs depending on the purpose of the enclosure/enclosure.

Water Developments

- Fence all spring and seeps that are developed for off site water.
- All stock tanks should be fitted with escape ladders for small mammals and birds.
- All tanks with overflows should be piped away from the tanks to a location that will provide surface water for small mammals and birds while minimizing erosion at the point of discharge.

Watershed Improvements and Protection

- Utilize tree stems to divert livestock where there is excessive trailing along stream channels.
- Utilize tree stems to trap sediment where livestock trailing is creating gullies.
- Harden streambanks and stream channels at low water crossings to reduce erosion.
- Harden streambanks at livestock watering points to reduce stream bank trampling.
- Replace culverts that are improperly located or improperly installed.
- Construct trails away from stream channels to reduce livestock trailing on upper banks.

Prescribed Burning

- Prescribed burns will be conducted in accordance with an approved burn plan. Burn unit boundaries will be allowed to follow topographic and man made features that will be most effective and logical to use as fire lines.
- All burn plans will be developed after consultation with Wyoming Game and Fish Department personnel to address desired mosaic patterns that will benefit wildlife species inhabiting the area.
- All prescribed burns will be designed primarily to maintain or improve wildlife habitat.

Alternatives Considered Based on Public Scoping

The interdisciplinary team developed the following three alternatives in response to public scoping, issues identified, and administrative requirements. The alternatives analyzed are Alternative 1- (No Action or No Grazing), Alternative 2- (Current Grazing Management), Alternative 3- (Proposed Action).

Alternative 1: No action or the “no grazing” alternative is required by the National Environmental Policy Act regulation in order to establish a baseline from which the effects of action alternatives will be disclosed. No action in this case will be no grazing, therefore no permitted livestock grazing would occur on the range allotments.

Alternative 2: Current management will continue as described in the existing allotment management plan and under the guidelines of the Bighorn National Forest Land and Resource Management Plan. The current allotment boundaries, pasture locations, and grazing rotations would be maintained.

Alternative 3: The proposed action will include the various components as described in detail in the previous section of this decision notice. Changes from current management will involve allotment consolidations, new range improvements, removal of old range improvements, intensified rangeland monitoring, and new grazing rotations with rest and/or deferment in use incorporated into the schedules.

SIDE-BY-SIDE COMPARISON

Table 2.3 shows a side-by-side comparison of how each of the three alternatives addresses issues and Forest Plan consistency.

Table 2.3

Issues	ALTERNATIVES		
	ALT 1 (No Grazing)	ALT 2 (Current Management)	ALT 3 (Proposed Action)
Livestock grazing and Management could effect plant communities.	10	5	8
Livestock grazing and management could affect aquatic and riparian ecosystems.	10	4	8
Livestock grazing and management could affect wildlife populations and habitat.	10	6	8
Livestock grazing and associated range improvements could affect cultural resources.	10	4	8
The development of improved livestock management systems could have an affect on economies and multiple use of the National Forest.	0	9	6
Consistent with Forest Plan.	0	6	8
0 = does not address issues 10 = fully addresses the issue N/A = not an issue			

Rationale for the Decision

It is my decision to implement Alternative 3 for the following reasons:

1. Alternative 3 allows for allotment consolidations that will provide opportunities for improved range management.
2. Alternative 3 will allow for opportunities to incorporate rest or shorter duration grazing of pastures into annual operating instructions.
3. Construction and reconstruction of water developments and fences, removal of obsolete range improvements, prescribed burning in decadent stands of sagebrush will provide for improved use of the forage base, and increased amounts of forage for livestock and wildlife.
4. Watershed stabilization projects have been identified for specific portions of streams systems where stream bank stability improvements are needed.
5. The overall stocking rate is lower under Alternative 3 than the average permitted use was over the past ten years. This is expected to stabilize the existing permitted use and improve range resource conditions.
6. A rangeland monitoring program will be continued that includes short term (annual) monitoring of grazing use, and long-term range monitoring of range trend on upland, riparian, and other vegetative communities.
7. Archaeology pre-historic sites will be fully protected, including full coordination with management and protection of the Medicine Wheel National Historic Landmark.
8. Water quality will be managed through implementation of State of Wyoming Best Management Practices.
9. Alternative 3 will have no adverse effects on any threatened or endangered species.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

This environmental assessment was completed in order to disclose the effects of the proposed action and subsequent alternatives for determining whether to prepare an Environmental Impact Statement (EIS), or a Finding of No Significant Impact (FONSI). After reviewing the analysis and a careful consideration of the environmental effects, I have decided to implement Alternative 3. I have determined that this is not a major federal action and will not have a significant effect on the human environment. Therefore, an environmental impact statement is not necessary. This determination is based on consideration of context and intensity as follows (40CFR 1508.27).

Context:

The 3 grazing allotments within the Devils Canyon analysis area are located on the Bighorn National Forest where the 1985 Bighorn National Forest Land and Resource Management Plan (Forest Plan) allocated the area to specific “Management Areas”.

There are many management areas within the large analysis area including:

- 3A Semi-primitive Non-motorized – Emphasis on non-motorized recreation.
- 3B Primitive Recreation- Emphasis on primitive recreation.
- 4B Wildlife Habitat- Emphasis on habitat management.
- 4D Aspen management
- 6A Livestock Forage Improvement
- 6B Livestock Grazing-Emphasis on improving and/or maintaining rangeland conditions.
- 7E Wood Fiber Production – Emphasis on timber management opportunities.
- 9A Riparian Area Management
- 10C Special Interest Area – Emphasis on preservation and protection.

Livestock grazing activities are allowed within all of the management areas as described in the Forest Plan. The primary management areas within the Devils Canyon analysis area are 4B and 6B, and 7E to a less extent. The 10C area is located directly around the Medicine Wheel National Historic Landmark, which has a special preservation plan in place for protection of the NHL. There are only minor amounts of 3A, 3B, 4D, 6A, and 9A areas within the analysis area. In review of the selected Alternative 3, I have determined that Alternative 3 is fully consistent with the management prescription and will meet the Forest Plan goals and objectives. The implementation of the actions associated with this alternative will not have a significant effect on local or regional societies or communities.

Forest Plan standards and guidelines will be met under Alternative 3. Specifically, general direction to manage livestock and wild herbivore forage use by implementing allowable use guides is fully addressed in Alternative 3.

Intensity:

ENVIRONMENTAL EFFECTS

I find that there are no significant direct, indirect, or cumulative impacts on the resources or components of the human environment associated with the decision being made. The impacts shown in the EA are small or limited in size as described in Chapter 4. The specific actions as described in detail in the decision notice portion of this document are designed to improve rangeland conditions and to minimize annual effects due to cattle grazing.

I find that there is no irretrievable or irreversible commitment of resources associated with Alternative 3. This determination is based on the previously demonstrated success of known grazing practices and range improvements. As disclosed in Chapter 4, the direct, indirect, and cumulative effects are all very minimal.

PUBLIC HEALTH AND SAFETY

I find no significant effect on public health and safety. Public health and safety was not identified as a major issue during the analysis process. Livestock grazing activities associated with the implementation of Alternative 3 are the same as those that have been on-going on National Forest System lands for many years without any measurable negative effects.

UNIQUE CHARACTERISTICS OF THE GEOGRAPHIC AREA

The area involved does not possess unique characteristics, which would set it apart from similar areas, with the exception of the Medicine Wheel National Historic Landmark that is only 110 acres in size. In this particular case, the Medicine Wheel NHL is managed under an historic preservation plan (HPP) approved in 1996 after extensive consultation with Native American Indian tribes, Wyoming Historic Preservation Officer, National Advisory Council for Historic Places, Big Horn County, and the Bighorn National Forest. The implementation of Alternative 3 is consistent with the HPP guidelines for range management and therefore the Medicine Wheel will be fully protected.

There are no specially designated wild and scenic rivers or ecologically critical areas. There are many riparian and aquatic ecosystems within the analysis area that could be considered by some definitions to fall into the category of wetlands. The effects of livestock grazing on riparian areas were fully disclosed in the EA, and those effects will be minimized through the improved management activities included under Alternative 3.

THE DEGREE TO WHICH THE EFFECTS ON THE QUALITY OF THE HUMAN ENVIRONMENT ARE LIKELY TO BE HIGHLY CONTROVERSIAL

The potential effects involved are not likely to be highly controversial. Permitted livestock grazing on designated range allotments has been an on-going multiple use

activity on National Forest System lands since the 1920's. The effects of livestock grazing on both upland and riparian resources have been fully disclosed in the EA. The Forest Service received very few public comments on this proposed activity indicating that this project is not highly controversial.

THE DEGREE TO WHICH THE ACTION MAY ESTABLISH A PRECEDENT FOR FUTURE ACTIONS

The proposed action does not set a precedent for future actions which possess significant effects. Livestock grazing has been permitted on National Forest System lands since the 1920's and the grazing management actions specifically included in Alternative 3 are range management actions that are not precedent setting.

THE DEGREE TO WHICH THE EFFECTS ARE REASONABLY CERTAIN AND DO NOT INVOLVE UNIQUE OR UNKNOWN RISKS.

The potential effects are reasonably certain and do not involve unique or unknown risks. The effects of livestock grazing on soil, water, vegetation, and other resources are well known and documented in numerous literature sources. The specific effects of this decision are disclosed in Chapter 4 of the EA.

THE DEGREE TO WHICH THE ACTION IS RELATED TO OTHER ACTIONS WITH INDIVIDUALLY INSIGNIFICANT, BUT CUMULATIVELY SIGNIFICANT IMPACTS

Considering the disclosures in the EA, I find that cumulative effects are not significant. The overall cumulative effects were summarized in the last section of Chapter 4 of the EA. The large size analysis area, which encompasses 65,052 acres, provided an ideal basis for assessing cumulative effects across the various watersheds. As example, areas of concern within the stream systems were identified to address cumulative effects and are illustrated on a Map 4.4 of the EA. In addition, cumulative effects were disclosed for Alternative 3 based on each significant issue and displayed throughout Chapter 4 of the EA. There are no other major federal actions within the affected watersheds such as timber sales or road construction that would cumulatively add to effects on resources that are affected by the livestock grazing activities.

THE DEGREE TO WHICH THE ACTION MAY ADVERSELY AFFECT AN ENDANGERED OR THREATENED SPECIES OR ITS HABITAT THAT HAS BEEN DETERMINED TO BE CRITICAL UNDER THE ENDANGERED SPECIES ACT OF 1973.

Based on the Biological Evaluation (located in the project file for this EA), there is no adverse affect(s) on any endangered or threatened species or its critical habitat. In addition, the proposed action is not likely to adversely affect Canada Lynx, which has habitat within the analysis area. The Lynx is a threatened species. The biologists have also determined that for the Forest Service sensitive species there may be some effect on

individuals, but actions will not lead to a listing of the species on the Endangered Species List.

This action would comply with other federal, state, and local laws.

PUBLIC NOTIFICATION AND APPEAL PROCESS

Legal notice of this decision will appear in the Lovell Chronicle and Greybull newspapers. Appeals must be postmarked or received no later than 45 days after the publication of the legal notice in the Lovell Chronicle, as specified in 36 CFR 215.13. The District Ranger shall promptly mail the decision document to those who request the specific document and to those who submitted comments on the proposed action either before or during the EA comment period. Copies of the EA will be provided upon request.

My decision is subject to administrative review pursuant to 36 CFR 215. Any appeal of my decision must be fully consistent with 36 CFR 215.14, Content of an Appeal, and must meet the following requirements:

1. State that the document is an appeal filed pursuant to 36 CFR 215;
2. The name and address of the appellant, and if possible, a telephone number;
3. Identification of the decision document by title and subject, date of the decision, and name and title of the deciding official;
4. Identification of the specific change(s) in the decision that appellant seeks or portion of the decision to which the appellant objects;
5. State how the deciding official's decision fails to consider comments previously provided, and if applicable, how the appellant believes the decision violates law, regulation, or policy.

Appeals must be filed with the Appeal Deciding Officer:

Regional Forester, Rocky Mountain Region
USDA Forest Service
PO Box 25127
Lakewood, CO 80225-0127

A concurrent copy must be sent to me:

Dave Sisk
Medicine Wheel-Paintrock Ranger District
604 East Main
Lovell, WY 82431
Ph. (307) 548-6541

For additional information about this project, the appeal process, or to receive a copy of the Environmental Assessment contact:

Medicine Wheel-Paintrock Ranger District
604 East Main
Lovell, WY 82431
Ph (307) 548-6541

If no appeal is received, implementation of this decision may occur on, but not before 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition.

DAVE SISK /s/ *David Sisk* Date April 22, 2004
District Ranger

EEO STATEMENT

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