

FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION NOTICE  
Paintrock Analysis Area Range Allotment Management Plans  
For the  
Dry Medicine Lodge, Forks and Trapper Creek  
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 Paintrock 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 two allotments to be referred to as Forks Cattle & Horse (C&H), Medicine/Trapper Creek Cattle, Horse & Sheep (C,H&S) 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, sheep, and wildlife grazing; range improvements; prescribed burning in sagebrush and conifer encroachment; and monitoring of the range resource. The specific number of cattle and grazing seasons to be permitted are also included for each allotment. They will be as follows:

**Medicine Lodge/Trapper Creek C, S & H Allotment**

Variable Season and Variable Number not to exceed 1012 Head Months Cattle (cow/calf) or 5060 Head Months Sheep E/I from July 10 to Sept. 30

**Forks C&H Allotment**      467 Cow/calf and 99 Yearling      July 11 to October 10

**INTRODUCTION AND BACKGROUND INFORMATION**

The range allotments encompass the Trapper Creek, Dry Medicine Lodge and Medicine Lodge Creek drainages. The analysis area is located on the Bighorn National Forest in Big Horn County approximately 30 miles east of Greybull, Wyoming in Townships 50-52, Ranges 87-88. Elevation ranges from 6,720 to 11,540 feet. The area encompasses approximately 38,000 acres of which 35 percent or approximately 13,400 acres are potentially 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 majority of the upland rangelands are in satisfactory condition. The environmental analysis and decision are also in accordance with Section 504 of Public Law 104-19 (Recission 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 Preferred Alternative 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 Dry Medicine Lodge C,H&S allotment and Trapper Creek C & H Allotment will be combined into one allotment. The Forks C&H allotment will remain as one allotment but will have two rotations. These changes will be further described as follows:

## **Dry Fork Medicine Lodge and Trapper Creek Allotments:**

The Dry Fork Medicine Lodge C,H&S and Trapper Creek C&H will be combined to the Medicine Lodge-Trapper Creek C,H&S Allotment. The Allotment will be permitted for 1012 Head Months (based on Cow/calf pairs) of use for both cattle and sheep, with the option to run variable number and variable season. A rest rotation system of grazing will be implemented, with rest areas determined annually during the development of the Annual Operating Instructions. Emphasis will be placed on areas of concern and wildlife needs when scheduling rest areas. Areas of concern are areas that have been determined to have degraded resource conditions. The area above timberline from Dutch Oven Pass around to Horse Shoe Lake, including Lake Emerald and Lakes of the Rough, will remain within the allotment boundary but will not be included in future grazing rotations.

- Construct approximately 300 feet of fence on the trail between Iron Mountain and Dry Fork Medicine Lodge Creek to control drift of cattle through Dry Fork Medicine Lodge and into Mill Creek.
- Construct riparian enclosure fence to exclude livestock grazing from the Mill Creek stream channel and adjacent riparian area.
- A one mile section of three wire electric fence is proposed for construction on the slope approximately ½ mile east of and paralleling Forest Road 17 and crossing the head water of Mill Creek. This fence is intended stop drift from the Upper Trapper Creek and Mill Creek area into lower Mill Creek.
- The boundary fence 410282/410284 between Trapper Creek and Dry Medicine Lodge Allotments has exceeded its life expectancy. This fence should be evaluated for reconstruction and possible relocation to an area where significantly less fence would be required.
- Utilize portable electric fence, tree barriers, and short pole fences to detour trailing along stream channels where problems exist or have potential to exist. Specifically North and South Trapper Creeks.
- Clear trails through timber stands adjacent to riparian areas and stream channels to lessen livestock trailing along streams channels and through riparian areas.
- Maintain emphasis on noxious weed control and detection of new infestations. Presently Canada thistle is the only known listed noxious weed present on the allotment.
- Archeological sites presently impacted by grazing will be protected using permanent or temporary fences and/or data recovery.
- Construct off site water developments on upper Mill Creek. This will include piping water from Mill Creek to stock tanks on the slope north of Mill Creek.
- Removal of conifer encroachment in riparian areas, as well as aspen and cottonwood stands, by mechanical treatment or burning is proposed.
- Willow and aspen transects should be installed to partition use by livestock and wildlife where problems are perceived to exist.
- Prescribed burning is proposed on an estimated 600 acres of Big Sagebrush communities.
- Relocated and install new tank on water development #410217.

### **Forks C&H Allotment:**

- The Forks C&H Allotment will be maintained as one allotment with 5 pastures. Two separate rotations will be a management option authorized in the Annual Operating Instructions. The two rotations will include: 1) The Anthony Park and Trout Creek pastures which would be included in the adjacent Paintrock Basin Allotment rotation. 2) Upper and Lower Cold Springs and Medicine Lodge pastures run as a separate three pasture rotation. The option of separate rotations will be authorized under the following conditions:
  - a. All resource objectives are being met.
  - b. Permittees and Forest Service are in agreement.
  - c. Two grazing seasons advance notice would be given if there is a need to change from two separate rotations back to a 5 pasture deferred rotation, with all livestock run in common.
  
- 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 by livestock and wildlife where problems of competition are perceived to exist by Wyoming Game and Fish Personnel, permittees and USFS.
- 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.
- Remove the abandoned boundary fence between Trapper Creek allotment and Forks allotment on the north side of Medicine Lodge Canyon.
- Mineral supplement may be used in some areas to draw livestock away from high use areas.
- Maintain emphasis on noxious weed control and detection of new infestations. Presently Canada thistle is the only known listed noxious weed present on the Allotment.
- Removal of conifer encroachment in parks, riparian areas and aspen and cottonwood stands by mechanical treatment or burning is proposed.
- Prescribed burning is proposed on an estimated 2220 acres of Big Sagebrush communities including areas of conifer encroachment. These areas include 1220 acres Medicine Lodge Pasture, 810 acres Cold Springs pastures and 190 acres on the Anthony Park pasture.
- 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.

- Forest Service complete reconstruction of Trout Creek Exclosure fence and assign maintenance to permittees.
- Fence and install tanks on three ponds in Upper Cold Springs pasture (402130, 402121 and 402079)..
- Fence spring on Mill Creek in Lower Cold Springs pasture. This is a new stock water development.
- Develop spring north of Cold Springs Campground and install tank. This is a new stock water development.
- Bentomat the pond below the double gate in north end of Upper Cold Springs pasture (402079).
- Clear trail from pond and aspen stand north side of Medicine Lodge Canyon up to the parks below the Lower Medicine Lodge Trail.
- Replace and relocate tank on water development # 402077.
- Construct two short sections of fence across hunter-developed trails on Medicine Lodge Creek near Round Lake. Hunters have developed two trails that allow cattle to drift between Trapper Creek and Forks allotments.

**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.
- Allotments with S-1, S-2 and U-3 status are required to meet 5-inch (using longest leaf length measure) stubble height on wide-leaved carex species remaining if livestock leave a pasture after August 1. Dry Fork Medicine Lodge was given U-3 status. Trapper Creek and Forks allotments were given U-2 status

and are required to meet the average 5 and 7 inch (using longest leaf length measure) guidelines.

### **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 guideline.

### **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 guideline.

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 WGF and Permittee	Annually on various key areas
Monitor use within aspen stands	Stubble Height	Forest Service, WGF 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, WY Game & Fish Dept. 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 wires lay down, 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 stream banks and stream channels at low water crossings to reduce erosion.
- Harden stream banks 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 burning will be conducted in accordance with an approved burn plan.
- 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**

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**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	10
The development of improved livestock management systems could have an affect on economies and multiple use of the National Forest.	0	6	9
Consistent with Forest Plan.	0	8	10
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 consolidation 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 known sites.
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 three grazing allotments within the Paintrock 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.
- 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.
- 8A Wilderness-Emphasis on pristine wilderness conditions.
- 8B Wilderness-Emphasis on primitive wilderness conditions.
- 8C Wilderness-Emphasis on semi-primitive wilderness conditions.
- 9A Riparian-Emphasis on riparian and aquatic ecosystems.

Livestock grazing activities are allowed within all of the management areas as described in the Forest Plan. The primary management areas within the Paintrock Canyon analysis area are 4B and 6B, 8A, 8B, 8C and 7E. There are only minor amounts of 3A, 4D, and 6A 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 are 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. 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 was 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 has 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 analysis area, which encompasses 37,018 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, Figure 18 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 that would cumulatively add to effects on resources that are affected by 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 and 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

This decision is subject to administrative review (appeal) pursuant to federal regulations at 36 Code of Federal Regulations (C.F.R.) Part 215.

This decision is also subject to administrative review under 36 C.F.R. Part 251 Subpart C by term grazing permit holders or applicants. However term grazing permit holders or applicants must choose to appeal under either 36 C.F.R. 251 or 215, but not both.

Appeals (including attachments) must be in writing and filed with the Appeal Deciding Officer within 45 days following the date of publication of a legal notice of this decision in the Casper Star Tribune, Casper, Wyoming. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed.

A copy of the environmental analysis is available for public review at the Medicine Wheel/Paintrock Ranger Districts, Bighorn National Forest, 604 East Main, Lovell, Wyoming 82431. Please direct questions about this analysis to David Sisk, District Ranger at 307-548-6541.

### **Appeals filed under 36 CFR Part 215:**

At a minimum, an appeal filed under 36 CFR 215 must include the following (215.14):

State that the document is an appeal filed pursuant to 36 CFR 215.

1. List the name and address of the appellant(s) (215.2) with a telephone number, if available;
2. Provide a signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
3. When multiple names are listed on an appeal, provide identification of the lead appellant (215.2) and verification of the identity of the lead appellant upon request;
4. Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;
5. Identify the specific change(s) in the decision that the appellant seeks and the rationale for those changes;
6. Identify any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
7. State why the appellant believes the Responsible Official's decision fails to consider the substantive comments previously provided; and,

8. State how the appellant believes the decision specifically violates law, regulation, or policy.

Per 36 CFR 215.13 (a), only those individuals or organizations who submitted substantive written or oral comments during the comment period for the proposed Rangeland Management Planning on the Paintrock Analysis Area may appeal this decision.

Appeals filed under 36 CFR. 215 may be filed electronically and must be in WORD, RTF, or PDF format. For electronically mailed appeals, the sender should normally receive an automatic electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automatic acknowledgment of the receipt of the appeal, it is the sender's responsibility to ensure timely receipt by other means.

Pursuant to 36 CFR. Sec. 215, if no appeal is filed, 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.

#### **Appeals filed under 36 CFR. Part 251 Subpart C:**

1. State that the document is an appeal filed pursuant to 36 CFR 251;
2. State the appellant's name, mailing address, and daytime telephone number;
3. Show the title or type of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
4. Provide a statement of how the appellant is adversely affected by the decision being appealed;
5. Provide a statement of the facts of the dispute and the issue(s) raised by the appeal;
6. Provide specific references to any law, regulation, or policy that the appellant believes to be violated and the reason for such an allegation;
7. Provide a statement as to whether and how the appellant has tried to resolve the issue(s) being appealed with the Deciding Officer, the date of any discussion, and the outcome of that meeting or contact; and
8. A statement of the relief the appellant seeks.
9. Appeals filed under 36 C.F.R. 251 must have a copy of the appeal simultaneously sent to the Deciding Officer.

An appellant may also include in the notice of appeal a request for oral presentation (251.97) or a request for stay of implementation of the decision pending decision on the appeal (251.91).

Pursuant to 36 CFR Sec. 251, if no appeal is filed, 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 occur during the appeal process, unless the Reviewing Officer grants a stay (251.91).

## **Where to File a 36 C.F.R. 215 Appeal**

### Mail:

USDA Forest Service  
Rocky Mountain Region  
Attn: Appeal Deciding Officer  
PO Box 25127  
Lakewood, CO 80225  
Fax: (303) 275-5075

### Delivery:

USDA Forest Service  
Rocky Mountain Region  
Attn: Appeal Deciding Officer  
740 Simms Street  
Golden, CO 80401-4720  
Hours: Mon-Fri 7:30 am – 4:30 pm

Email: [appeals-rocky-mountain-@fs.fed.us](mailto:appeals-rocky-mountain-@fs.fed.us)

## **Where to File a 36 C.F.R. 251 Appeal**

### Mail or Delivery only:

Appeal Deciding Officer  
USDA Forest Service  
Bighorn National Forest  
Supervisor's Office  
Attention: Bill Bass (*Forest Supervisor*)  
2013 Eastside Second Street, Sheridan,  
Wyoming 82801  
307-674-2600  
Fax: (307) 674-2668

Notices of Appeal that do not meet the requirements of 36 C.F.R 215.14 or 36 C.F.R. 251 as appropriate will be dismissed.

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

Medicine Wheel-Paintrock Ranger Districts  
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.

DAVID SISK /s/ David Sisk Date September 9, 2004  
District Ranger

#### EEO STATEMENT

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