

**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**CUMBRES C&H ALLOTMENT**

**USDA FOREST SERVICE  
ROCKY MOUNTAIN REGION  
RIO GRANDE NATIONAL FOREST  
CONEJOS PEAK RANGER DISTRICT  
LA JARA, COLORADO**

The Cumbres Grazing Allotment Environmental Analysis (EA) documents the analysis of four action alternatives and one no action alternative. This EA is on file at the San Juan/Rio Grande National Forest Supervisors Office at Monte Vista, Colorado and at the Conejos Peak Range District Office at La Jara, Colorado.

**This decision deals only with Forest Plan Management Areas 1.5, 3.1, 3.3, 3.4, 4.21, 5.11, 5.13, 5.41, 5.42, and 6.6, see Forest Plan.**

Based on the analysis and evaluation described in the Cumbres C&H Allotment EA, it is my decision to adopt Alternative 5 for implementation.

*My decision is based upon the following:*

1. The analysis described in the EA and the best science available to me and other Forest Service specialists. This includes the ecological condition of the allotment and its past and present history.
2. Alternative 5 best addresses key issues and concerns described in the EA. The following describes how the Alternative addresses each key issue:
  - Best addresses resource concerns for key issues 1 and 2, relative to soil, water, fisheries, TE&S by emphasizing these issues and through shorter grazing season, reduction in permitted numbers, and the implementation of a 6 pasture deferred grazing system, will reduce amount of time spent in any one pasture, allowing each pasture a period for regrowth.

- Concerns with Issue 3, 4, and 5, rangeland conditions, conflicts between other Forest Users, and competition between livestock and elk are addressed by bringing the allotment within the estimated stocking rate, implementing a more intensive management system, identifying other uses that contribute towards the problems with management of the allotment.

3. Alternative 5 best fulfills the purpose and need as described in the EA. It also best meets management goals, objectives and desired conditions in the Forest Plan, and best meets the theme and desired conditions for management areas 1.5, 3.1, 3.3, 3.4, 4.21, 5.11, 5.13, 5.41, 5.42 and 6.6.
4. Comments I received about this allotment during scoping and the 30 day comment period on the Draft EA, from the permittees, interested individuals, organizations, and other government agencies.
5. Concern about economic impact of a reduction in livestock numbers on permittees. The decision allows continued grazing of livestock on the Cumbres allotment, even at a reduced level, for the long term viability and economic stability of the citizens of Conejos County.

***The decision:***

1. Reduces the permit initially by 30% with future adjustments based upon monitoring results; shortens the season by 13 days and reduces the number of livestock from 2540 cow/calf pairs (c/c) to 2057 pairs, for a season total of 7069 Animal Unit Months (AUMs). Schedules implementation of reduction over the next three years, at the permittees choice with agreement of the Forest Service, targeting a 30% reduction to be fully implemented by the year 2001.
2. Institutes a six pasture deferred system of grazing with an on date of June 20 and an off date of October 7. On date will depend on range readiness and off date on utilization levels.
3. Will implement Forest Plan Standards and Guides of 25% utilization for areas identified as being in unsatisfactory condition and 45% utilization for areas of satisfactory rangeland condition. These areas will be identified prior to implementation of the decision. Stubble heights for riparian species within the water influence zone, such as, carex spp., rush spp., etc., for pastures grazed prior to July 1, will be no less than 4" and for pastures grazed after July 1, stubble heights will be no less than 6".
4. In order to determine if management objectives are being met, the Forest Service will perform monitoring studies every 5 years, or more frequently depending on need. Those studies will consist of:
  - Re-read cover frequency transects

- Utilization Inventories will be conducted, mapped and reviewed
  - Greenline transects will be established and re-read
  - Monitoring for stream bank stability and proper functioning conditions on the following streams: Cumbres Creek, Grouse Creek, Rio de los Pinos, Osier, Cascade, and Massey Gulch.
5. Association will establish and monitor permanent photo transects and production utilization cages. These monitoring locations will include Sheep and Bear Creek, Stateline Pasture, Pinorealosa Ridge, and additional site which may be identified during implementation of this Decision.
  6. Implement forage treatment strategies which may include high intensity, short duration grazing and prescribed fire to treat areas of decadent vegetation.
  7. Triggers the subsequent 10 year Allotment Management Plan (AMP), with built-in flexibility to respond to seasonal variances in rangeland conditions and weather conditions, via the Annual Operating Instructions. The AMP will develop an implementation schedule for the construction of new range improvements, over the 10 year life of the plan.
  8. If future monitoring indicates that we are achieving desired vegetative conditions, upward adjustments in the stocking level may be considered. However, if monitoring shows that management objectives are not being achieved, additional administrative changes to management strategies, such as, reductions in stocking levels, further division of pastures, on/off dates, allotment infrastructure, class of livestock, and any other influencing factor will be made.

My decision to reduce numbers on this allotment was not an easy one. I listened to the permittees response to the Draft EA, read and re-read their comments on the draft, met one-on-one with some of them and listened to their concerns about the Forest Service mostly seeing all the wrong things with the allotment but not acknowledging their efforts to improve riding and cattle distribution, and observe better compliance with utilization standards. I tried to understand their needs and viewpoints. I also weighed the evidence laid out by the analysis process that the allotment was not in good condition. I also pondered over the mandates made on me as a line officer of the U.S. Forest Service by the other owners of the National Forests, the American people by way of laws passed by the U.S. Congress. Legally, I'm required to protect the long-term productivity of the soil, provide clean water, maintain the diversity of plant and animal communities, and provide multiple benefits for people within the capabilities of the land.

In the end I had to go back to the best information I had to base my decision on. The overwhelming evidence and the best science available to me and to the specialists conducting the environmental analysis on the Cumbres allotment, pointed out to the plain fact of a downward ecological trend over most of this allotment. The evidence points out

that even with the best intentions of the permittees to run a "good operation", their best intentions have not achieved the results of healthy land and healthy water, we need to see on the ground.

The only responsible decision I could make and the most reasonable one, between the need to restore the health and productivity of the land against consideration to the economic impact on the permittees, was to institute a decision to reduce numbers of livestock permitted on the allotment. I know the permittees believe that a 30% initial reduction maybe the kiss of death to their family cattle operation, I sincerely believe that the long range impact on their families is to secure a healthier piece of public land to keep them in the cattle business for many generations to come.

I know this decision will help in important small ways on the short term, and that incremental small improvements will likely add up to a healthier land base in the long run. I expect a shortened grazing season that will bring cattle on just a little later will allow wet spring soils to dry out and get less compaction from the hooves of cattle, vegetation will be better developed and with the shorter overall grazing cycles, will be able to "bounce" back and go into the dormant season with better root storage and vigor. Impacts will be reduced on riparian vegetation, stream banks and fragile soils, all adding up to an expected upward trend in the ecological condition over the long haul.

I also agonized over the economic impact this reduction would have on the 22 holders of permits on this allotment. I know we have done a much better job in the Final Environmental Assessment addressing the economic impacts of a reduction on the permittees, see Chapter IV and Appendix L response to questions on economic impacts. But still, it does not take away my concerns or the impact that this reduction will cause to the 22 families affected by this decision.

***The alternatives considered in detail were:***

- Alternative 1: No Grazing
- Alternative 2: No Action
- Alternative 3: Three Pasture Deferred, Full Season, Full Stocking
- Alternative 4: Six Pasture Deferred, Reduced Stocking, Full Season
- Alternative 5: Six Pasture Deferred, Reduced Stocking, Shortened Season

These alternatives were developed in response to the Purpose and need, and Issues and Concerns raised during scoping.

**MITIGATION:**

Reducing livestock numbers and shortening of the grazing season on the Cumbres allotment, will not by itself achieve the results of improved ecological condition. A

number of mitigation actions will have to be implemented to achieve desired conditions on the allotment.

1. The 22 Term Grazing permits will be converted to one Association Permit for the Cumbres Allotment at the time the decision is implemented. This is perhaps the most desirable mitigation requirement needed to improve the manageability of this allotment; i.e. commitment and accountability of individual Association members to fix improvements, increase riding, clean pastures, and generally implement more intensive management.
2. The north side of the Osier Plantation fence will be upgraded to a 4 wire fence. A new section of fence will be constructed to shorten the amount of fence needed between the Sheep Creek and Osier pastures. The maintenance responsibility for these fences will be assigned to the Cumbres permittees. The remainder of the plantation fences will remain Forest Services responsibility.
3. Eartagging of permitted cattle will be implemented in 1999 to help identify unauthorized livestock. Coordination with Law Enforcement will continue, to reduce trespass of unauthorized livestock and livestock theft.
4. Additional water sources and storage will be identified under the Allotment Management Plan.
5. Cattleguards or painted cattleguards will be installed on Highway 17 between La Manga and Cumbres Pass, at Forest and Private inholding boundaries (Los Pinos Development area). Also, additional livestock warning signs will be installed. This will be accomplished in partnership with Colorado Department of Transportation.
6. Crossing permits and special use permit will continue to be used as appropriate for recreational horseback riding, cattle drives, and trailing of livestock to access adjacent National Forest and/or private land. Coordination with the Association will be maintained.
7. Additional cattleguards needed on the allotment will be installed as funding permits. Also, erosion control and waterbarring of primitive roads will be accomplished as funding allows.
8. Trujillo Meadows Campground fencing will be completed by the Forest Service
9. All mitigation measures identified in Chapters II, Section E Management Actions and Requirements, Mitigation Measures, Monitoring, are adopted as part of this decision.

### *Alternatives Considered but Not Selected*

**Alternative One: No Grazing .** This alternative would not meet the objectives of the Forest Plan as grazing on National Forest System Lands is an acceptable use of the land and the Cumbres Allotment has been determined to be capable of supporting this activity. This alternative would have the greatest financial impact on the permittees and Conejos County.

**Alternative 2: No Action .** This alternative will not meet the Forest Plan Standards and Guides as the allotment is considered to be overstocked with livestock numbers and the length of time spent in each pasture is too long. This has allowed livestock to graze lower pastures twice during the growing season, this practice has not given plants sufficient time to recover prior to going dormant for the winter. Also, unacceptable impacts to riparian areas would continue with this alternative.

**Alternative 3: Three Pasture Deferred, Full Stocking, Full Season.** Impacts very similar to Alternative Two. Full season/full stocking would still impact the resource as regrazing of the various pastures would occur each year. Animals would graze up the mountain then regraze on their way back down. With the heavy stocking rate on the allotment, this plan which was used in 1997 (an above average moisture year) and is being used during the 1998 grazing year (a below average moisture year) has ran into problems meeting allowable use guidelines.

**Alternative 4: Six Pasture Deferred, Reduced Stocking , Full Season.** This alternative could have met the intent of the Forest Plan but compared to Alternative 5, this alternative would have given a slower vegetative response to improved health and vigor. Also, the increased amount of time that would have been spent in each pasture, would allow heavier use of the available vegetation. The economic impact to the permittees would have been very similar to Alternative Five, as both alternatives have the same number of AUMs.

### ***Conformance with Legal Requirements***

I have determined that this proposed action is consistent with the various requirements of the National Forest Management Act (NFMA) as described below:

1. The actions are consistent with the Regional and Forest wide Objectives found in the 1996 Revised Rio Grande Forest Plan on pages II-1 through II-6, and consistent with Forestwide Standards and Guidelines found on pages III-1 through III-35, and also consistent with the Management Area Prescriptions found on pages IV-1 through IV-36.

**I have determined through the EA that this is not a major federal action that will significantly affect the quality of the human environment. Therefore an Environmental Impact Statement is not required. This determination is based upon the following:**

1. There is no irreversible commitments of/nor any irretrievable loss of resources.
2. According to the findings in the EA and Biological Evaluation , this action will have "no adverse effect" on any threatened or endangered species.
3. Actions associated with livestock grazing will have no significant effect on riparian functions and values. Riparian areas are expected to improve under the selected alternative.
4. Upland vegetation, with application of proper utilization guidelines, should improve the upland vegetation vigor, density and composition, as described in Chapter 4.
5. Actions associated with livestock grazing will not affect public health and safety.
6. There are no unique characteristics of this allotment which would set it apart from similar areas where there is experience with this type of project. Project actions will not affect floodplains or wetlands, park lands, prime farm lands, wild and scenic rivers, or ecologically sensitive areas.
7. As mitigated, the project actions will not adversely affect structures eligible or listed in the National Register of Historic Places, or cause loss or destruction of significant scientific, cultural, or historical resources.
8. Actions associated with grazing on this allotment comply with other Federal, State, local laws and requirements imposed for the protection of the environment.
9. The selected alternative, would continue to allow livestock grazing and management as a traditional and culturally important land use of the Rio Grande National Forest and the San Luis Valley area.
10. This project is within the scope of the Environmental Impact Statement for the Revised Land and Resource Management Plan for the Rio Grande National Forest, USDA 1996.

Pursuant to 40 C.F.R. 1508.13 and 1508.27, I have considered the potential "significance" of this action and have determined that there will be no significant effect on the quality of the human environment (including the natural and physical environment). Therefore, an Environmental Impact Statement is not needed.

***Appeal Procedure:***

For individuals who are holders of Grazing Permits on the Cumbres Allotment you may file an appeal under either 36 C.F.R. Part 215 or 36 C.F.R. 251, subpart C, but not both.

Individuals or organizations who participated in the analysis process, but not holders of a Cumbres Grazing Permit must file an appeal under 36 C.F.R. 215.

For appeals filed pursuant **36 C.F.R. Part 215**, a written appeal must be submitted within 45 days of the day after notice of this decision is published in the Valley Courier, Alamosa, CO to :

USDA, Forest Service, Region 2  
Attn: Appeal Deciding Officer  
POB 25127  
Lakewood, Colorado, 80225-25127

For appeals filed pursuant to **36 C.F.R. Part 251 subpart C**, file the notice of appeal within 45 days of the date the written decision is signed. The appeal of the written decision will be filed with:

San Juan - Rio Grande National Forest  
Attn: Appeal Reviewing Officer  
1803 West Highway 160  
Monte Vista, Colorado 81144

Appeals must meet the content requirements of the regulations. Appellants should refer to 36 C.F.R. 215.14(b) or 36 C.F.R. 251.90 as appropriate. A copy of the Environmental Assessment is available for public review at the Rio Grande National Forest Supervisors Office, 1803 W. Highway 160, Monte Vista, CO 81144, (719) 852-5941; or at the Conejos Peak Ranger District, 15571 Cty. Rd. T-5, La Jara, CO 81140, (719) 274-8971.

Pursuant to 36 C.F.R. 215.10(a), 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 (36 C.F.R. 215.10 (b)).

***Contact Person***

For further information regarding this decision or the Environmental Assessment, contact Gary Snell, Team Leader, at the Conejos Peak Ranger District.

/s/ Carlos Pinto

24 Aug 98

CARLOS PINTO  
District Ranger

DATE