



United States
Department of
Agriculture

Forest
Service

Fishlake
National Forest

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Richfield, UT 84701
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File Code: 1950

Date: February 27, 2004

Dear Interested Citizen:

WE WELCOME YOUR COMMENTS

We are initiating an analyses of the effects of reissuing 10-year term grazing permits to continue authorizing cattle grazing on the Tushar Mountain Range, Fishlake National Forest, Beaver Ranger District that will be documented in an Environmental Impact Statement (EIS). This analysis is required to comply with the Rescission Act of 1995 (Public Law 104-19). This law requires that environmental analyses be completed on all allotments, where needed, to support permitted grazing activity.

The attached scoping document details the proposed action considered in this EIS. The purpose of this document is to share this information with you and to request your comments, ideas, and suggestions. Public scoping is the process by which the Forest Service determines the extent of analysis necessary for an informed decision on a proposed action. It is an opportunity for you to enter the earliest phase of the decision-making process on proposals that affect you. Through this process, you have the right to explain your support, objections, and concerns. Your role is to inform responsible officials of the potential impacts that should be analyzed, the problems you foresee a proposal may cause, and the alternatives and mitigating measures that offer promise.

Comments or questions regarding the proposed actions should be submitted by April 5, 2004 to Tushar Mountain Range EIS, Attn. Dave Grider, Dixie National Forest, 1785 North Wedgewood Lane, Cedar City, UT 84720. If you do not have any comments, but wish to remain on the mailing list for this project, please send us a card or letter to let us know. As a cost-reduction measure, we would like to reduce our mailing list to those people who are truly interested in and affected by this project. If we do not hear from you by April 5, 2004, your name will be removed from the list. For more information, please contact Beaver Ranger District Range Specialist Doug Sorensen: (435)-438-2436 or Dave Grider, Interdisciplinary Team Leader, Dixie National Forest, 1785 North Wedgewood Lane, Cedar City, UT 84720; phone: 435-865-3731; e-mail: dgrider@fs.fed.us.

Thank you for your interest in livestock grazing on the Fishlake National Forest. We look forward to receiving your comments on our proposed action.

Sincerely,

MARY ERICKSON
Forest Supervisor

Enclosure



SCOPING DOCUMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
Reissuance of 10-Year Term Grazing Permits
On the Tushar Mountain Range
Beaver Ranger District
Fishlake National Forest
Utah

The Fishlake National Forest is beginning the Environmental Impact Statement (EIS) process under the National Environmental Policy Act of 1969 (NEPA) to disclose the environmental effects of reissuing 10-year term grazing permits to continue authorizing cattle grazing on eight grazing allotments (North-Indian Creek, Circleville, South Beaver, Marysvale, Pine Creek/Sulphurdale, Cottonwood, Ten Mile, Junction) within the Beaver Ranger District and located on the Tushar Mountain Range near the city of Beaver in Beaver and Piute Counties, Utah. NEPA requires that the potential effects of Federal actions and alternatives to those actions be disclosed to the public and that all interested parties be given an opportunity and encouraged to participate in the process. Following is a brief outline and a tentative schedule for this project:

- » Public Scoping (Present – April 5, 2004): Open comment period in which all interest parties may identify issues and concerns associated with and possible alternatives to the proposed action.
- » April 2004 – June 2004: Forest Service evaluates scoping comments, defines key issues, develops alternatives to the proposed action and prepares Draft Environmental Impact Statement.
- » June 2004: Forest Service releases Draft Environmental Impact Statement with Preferred Alternative identified for public comment.
- » September 2004: Deciding Officer issues Decision Notice identifying the selected alternative.
- » September 2004: Interested parties with standing (i.e. have participated in one or both public comment periods) have opportunity to appeal agency decision.

BACKGROUND INFORMATION

Cattle grazing on these eight allotments has, here-to-for, been authorized based on historic use and resource data that indicated suitability and rangeland conditions were adequate for livestock grazing. Even though, since enactment of the 1969 National Environmental Policy Act (NEPA), compliance has been a requirement, the Forest Service assumed that livestock grazing was a continuation of an existing use for which environmental effects were already addressed in Allotment Management Plans (AMPs) and range analyses, and therefore the intent of NEPA was being met. Although grazing on some allotments has since been authorized by site-specific NEPA, many Forest Service field managers also believed that Forest Land and Resource Management Plans (Forest Plans) adequately analyzed the effects of livestock grazing on the environment, while others thought that authorizing livestock grazing was an administrative action not requiring compliance with NEPA.

Subsequent court and legal interpretations have concluded that the decision to authorize grazing is a discretionary one to which NEPA attaches, and therefore prior to authorizing grazing, the area where grazing is permitted must be adequately and specifically analyzed with respect to effects of livestock grazing on the environment. This must be done to ensure compliance with the requirements of various laws and regulations, such as NEPA, the Endangered Species Act (ESA), the National Forest Management Act (NFMA), the National Historic Preservation Act (NHPA), etc.

FOREST PLAN DIRECTION

Development of this Draft Environmental Impact Statement follows regulations enacted by the National Forest Management Act of 1976 (NFMA), Title 36; Code of Federal Regulations, Part 219 (36 CFR 219); National Environmental Policy Act of 1969 (NEPA); Title 40: Code of Federal Regulations, Parts 1500-1508 (40 CFR 1500-1508); and is tiered to the Fishlake National Forest Land and Resource Management Plan (Forest Plan) – Final Environmental Impact Statement of 1986.

This analysis incorporates direction provided in the 1986 Forest Plan. The Forest Plan, based on considerations addressed in the Final EIS, guides natural resource management activities using established Standards and Guidelines for management of the Fishlake National Forest. It lists goals for the various resources as statements describing a desired condition to be achieved sometime in the future. Management goals for the Fishlake National Forest range function are listed on page IV-4 and pages IV-21 through IV-24 of the Forest Plan. These goals are summarized below:

- Provide livestock grazing consistent with range capacity and other uses to sustain wildlife populations and the local dependent livestock industry.
- Maintain rangelands being used by livestock in at least fair condition with stable or upward trend through the use of proper management and restoration measures.
- Encourage permittees to assume greater responsibility and latitude in managing permitted grazing use.
- Manage livestock and wild herbivores forage use by implementing proper use guides.
- Assure maintenance of range structural and non-structural improvements and promote permittee investment in new structural improvements.
- Control noxious weed infestations.

Allotment Management Plans (AMPs) direct management on individual grazing units called allotments. The AMP is the implementation document by which the Forest Service, in cooperation with the grazing permittees, develop management objectives, plan actions to accomplish those objectives, and plan the monitoring necessary to determine if progress toward the objectives is being made. Grazing management through implementation of AMPs is necessary to (1) prescribe the manner in and extent to which livestock operations will be conducted in order to meet multiple use, sustained-yield, economic, and desired resource conditions, (2) describe range improvements to be constructed and maintained, and (3) contain such other provisions relating to livestock grazing and other objectives found by the Secretary to be consistent with provisions of FLPMA, including mitigation measures and adaptive management provisions needed to relieve adverse effects from grazing and provide range managers with future flexibility to implement and adjust management over time to achieve desired resource conditions.

PROJECT AREA

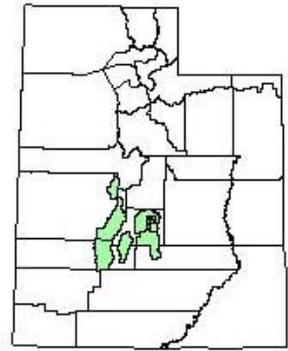
The Beaver Ranger District contains 11 National Forest grazing allotments. During the period from 1995 through 1997, Environmental Assessments (EAs) were completed for three of these 11 allotments (North Beaver, Clear Creek, Joe Lott-Fish Creek). However, the remaining eight allotments do not have current analyses and are the project area for this EIS. The allotment names and summary information for each allotment is shown in Table 1 below.

TABLE 1 ALLOTMENT INVENTORIES					
Beaver Ranger District					
Allotment	Acres	Livestock Class	Permitted Number	Season Of Use	Grazing System
North-Indian Creek	34,858	Cow-calf pairs	640	7/21-9/30	Deferred Rotation
Marysvale	6,338	Cow-calf pairs	147	6/1-9/30	Rest Rotation
Ten Mile	12,620	Cow-calf pairs	200	6/11-10/10	Rest Rotation
Circleville	38,019	Cow-calf pairs	359	6/1-10/15	Rest Rotation
Pine Creek/Sulphurdale	29,537	Cow-calf pairs	600	6/16-9/30	Rest Rotation
Junction	6,172	Cow-calf pairs	35	11/1-2/15	Winter
South Beaver	45,596	Cow-calf pairs	520	6/1-10/15	Rest Rotation
Cottonwood	500	Cow-calf pairs	30	6/1-7/31	Seasonal Deferred

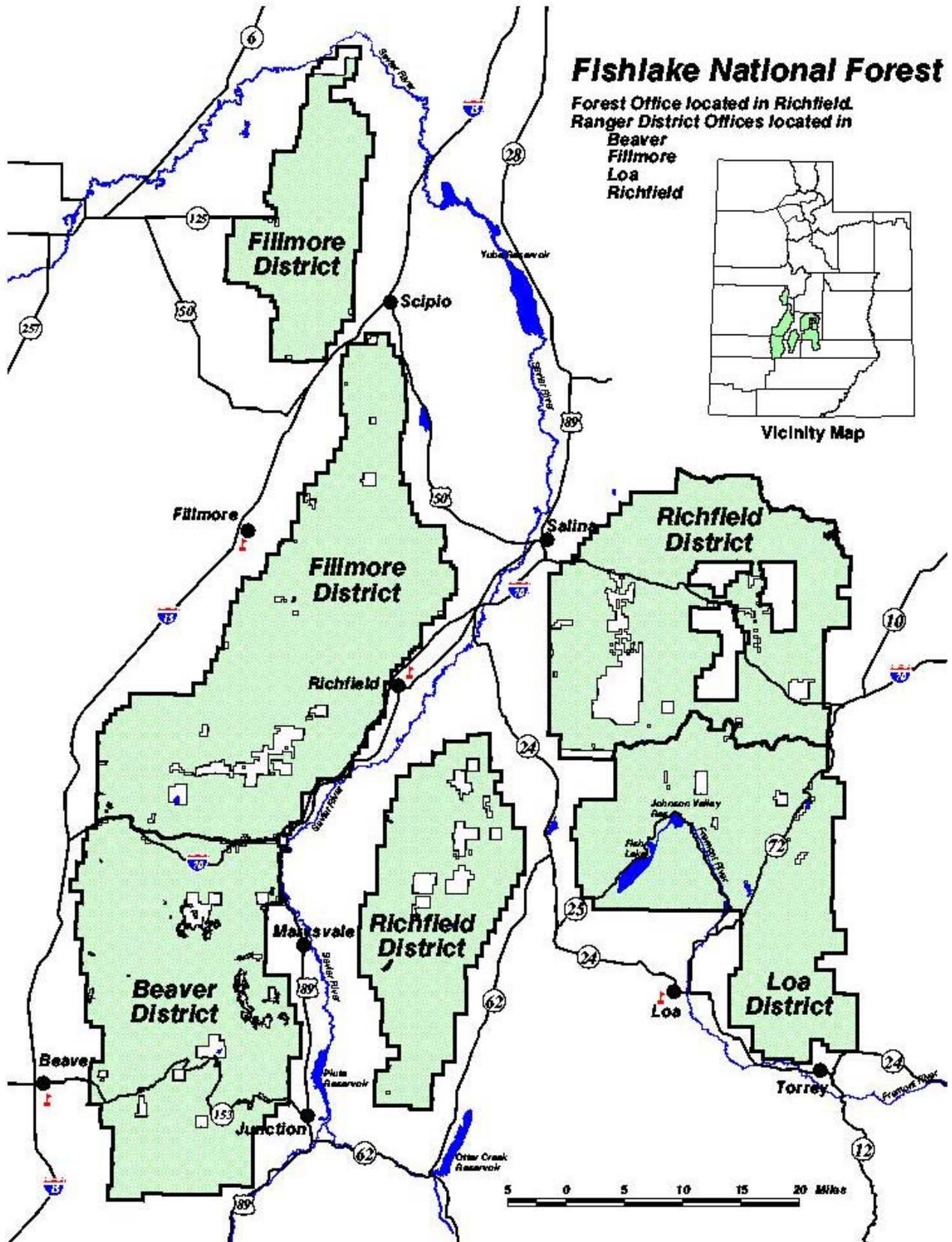
These eight allotments comprise 173,000 acres (two-thirds) of the 260,000-acre District on the eastern edge of the Basin and Range province. Elevations range from 5,200' in Sevier Valley to over 12,000' on Mount Belknap in the Tushar Mountain Range. Vegetation types range from sagebrush-grass and pinion-juniper in the valley floors to mountain brush, aspen, mixed conifer, and alpine-forb communities. Riparian ecosystems occur within many of these communities. Alpine riparian areas occur on Lake Peak and in the heads of North Creek. The major river drainage is Beaver River, which flows into the closed Great Basin. The South Beaver and North-Indian Creek Allotments include water bodies that are impaired or are tributary to streams that are impaired, but they do not exceed the State standard for total maximum daily load (TMDL) of pollutants, so the streams and lakes on these allotments are not included on the State's 303(d) list of waters not meeting water quality standards. The Circleville Allotment includes streams that flow to a segment of the Sevier River that is water quality limited, but no 303(d) streams are located directly within the Circleville Allotment.

Fishlake National Forest

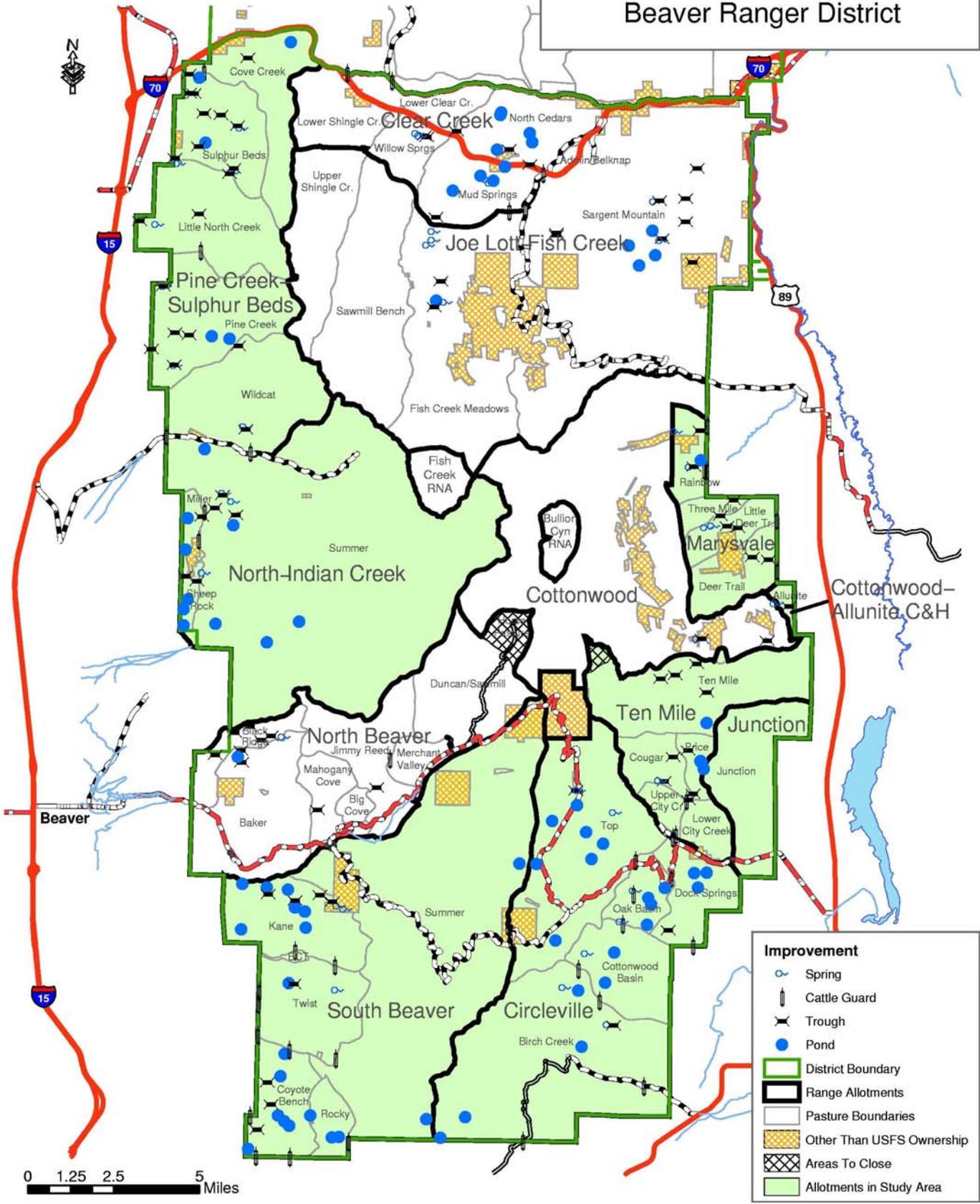
Forest Office located in Richfield.
Ranger District Offices located in
Beaver
Fillmore
Loa
Richfield



Vicinity Map



Project Grazing Allotments Tushar Mountain Range EIS Beaver Ranger District



PURPOSE AND NEED

The purpose of the proposed action is to authorize and conduct cattle grazing, on allotments included in this analysis, according to direction and objectives of the Forest Plan and in compliance with applicable laws, regulations, and policies. Term grazing permits and associated AMPs currently authorize cattle grazing on the Beaver Ranger District. The proposed action is needed to address significant grazing issues, relate existing conditions to desired conditions, and to conduct analysis in accordance with Section 504 of Public Law 104-19 (Rescission Bill, Signed 7/27/95) which directed the Forest Service to complete NEPA analysis on all grazing allotments.

The Fishlake Forest Plan provides the overall guidance for management activities in the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. If the decision is to reissue term grazing permits to continue cattle grazing, then management prescriptions, detailed in AMPs, will be implemented to outline how livestock will be grazed and to ensure concurrence with Forest Plan direction.

PROPOSED ACTION

Reissuing 10-year term grazing permits to continue authorizing cattle grazing, on eight allotments on the Tushar Mountain Range within the Beaver Ranger District, is proposed. Implementation of existing Allotment Management Plans (AMPs) would prescribe the manner by which livestock operations would be conducted and would:

1. Continue livestock grazing with current permitted numbers and seasons of use.
2. Revise allotment management plans to incorporate objectives and action plans to maintain or achieve desired conditions.
3. Maintain the existing inventory of structural range improvements, allowing maintenance and/or reconstruction when necessary.
4. Through appropriate re-treatment, maintain moderately high forage production levels on vegetation type-conversion sites where it is economically practical.
5. Cooperate with permittees in improving rangeland stewardship and compliance with forage utilization standards, management prescriptions, and livestock accountability.
6. Emphasize rangeland monitoring to assess the effectiveness of objectives and action plans in achieving desired conditions.

This proposed action does not intend to address livestock capacity and stocking rates. The number and class of livestock, season of use, and grazing system required to meet desired conditions is a permit administration decision, not a NEPA decision. Changes in numbers and seasons would not be addressed by the proposed action or alternative(s). The proposal does not intend to change the grazing systems currently in use.

None of the project allotments require new structural range improvements (fences or water developments) for cattle management. The proposed action does include provision for maintenance of existing structural and non-structural range improvements. Vegetation type-conversions (sagebrush and pinion-juniper to grass/forb types) would be subject to periodic maintenance on the North-Indian Creek, Marysvale, Circleville, Ten Mile, Cottonwood, South Beaver, and Pine Creek/Sulphurdale Allotments. Maintenance of existing structural range improvements would include 113 miles of

fences, 27 cattle guards, 48 developed springs, 48 stock ponds, 29 miles of pipeline, and 60 watering troughs. Noxious weed infestations would require treatment on all of the allotments except Ten Mile Junction, and Cottonwood, where no noxious weeds are currently inventoried.

INITIAL PUBLIC SCOPING

The initial scoping process (40 CFR 1501.7) began in February 1998. At that time, a Forest Interdisciplinary Team conducted an in-depth analysis of 36 cattle allotments (including the 8 allotments in this proposed action) and 6 sheep allotments in a Forest-wide multi-allotment level environmental analysis. A final decision was made, which was subsequently appealed, pursuant to 36 CFR 215.17, and Forest Supervisor Rob Mwroka withdrew the decision in June 2000.

Consequently, the Forest Supervisor decided to complete a Forest-wide environmental analysis that only addressed livestock forage utilization criteria, and to incorporate new grazing utilization criteria through an amendment to the Forest Plan. This EA was completed during 2001 and the Decision Notice was signed in February 2002 directing that the revised criteria be incorporated into Part 3 of the Term Grazing Permits. Accordingly, modifications to grazing permits have been made to comply with this guidance.

Concurrently, and upon review of the environmental analysis process and varying public interests, the Forest Supervisor decided that separate Environmental Impact Statements (EISs), for each group of allotments on each of the Forest's four mountain ranges and respective ranger districts, would be prepared to assess the effects of authorizing and permitting livestock grazing. Public comments received during the completion of the original multi-allotment Forest-wide EA referenced above will be incorporated into this EIS analysis process.

POTENTIAL ISSUES

The following concerns have been identified through initial public scoping and by the Forest Service interdisciplinary team of resource specialists. No determination has been made as to which will be examined in detail in the environmental impact statement. Your input is especially valuable here. It will help us determine which of these merit detailed analysis and also help identify potential issues that would be raised by implementing the proposed action.

1. Effect of livestock grazing within plant communities associated with riparian areas, aspen stands, and upland range sites.
2. Effect of livestock on maintenance and/or enhancement of water quality, fisheries habitat, and wildlife habitat including big game winter range.
3. Effect of concurrent and competitive cattle and elk grazing on the forage availability for each other, especially on the Pine Creek/Sulphurdale, Marysvale, Cottonwood, and South Beaver Allotments.
4. Effect of livestock on known habitats for threatened, endangered or sensitive plant and animal species.
5. Effect of livestock grazing within drainages being monitored for confirmation or removal from the State of Utah 303(D) List, and compliance with the Clean Water Act.
6. Effect of livestock management near developed campgrounds, in areas heavily used for dispersed recreation, and in areas of unfenced summer-home sub-divisions.
7. Effect of livestock grazing on heritage resources.
8. Effect of livestock grazing on establishment and spread of noxious weeds.

9. Effect of livestock grazing authorizations and management requirements on social and economic values of local and regional agricultural communities.

Comments will be used to identify any potential issues that should be addressed in the environmental impact statement. The analysis is being conducted in compliance with the National Environmental Policy Act (NEPA) and is designed to inform the Responsible Official of the potential environmental consequences of continued livestock grazing on these eight allotments. The analysis will also advise of any changes in grazing practices that should be considered.

DECISION TO BE MADE

The Responsible Official for this decision is the Beaver District Ranger. The decision to be made is “should 10-year term grazing permits be reissued to authorize continued cattle grazing on the eight allotments within the Tushar Mountain Range on the Beaver Ranger District.” If the decision is to reissue term grazing permits to continue cattle grazing, then management prescriptions, detailed in AMPs, will be implemented to outline how livestock will be grazed and to ensure concurrence with Forest Plan direction. The decision will also include how to implement all or a portion of the possible actions, alternatives to or variations of the possible actions, or additional related actions (including necessary range improvements) identified in the analysis. Decisions reached through the analysis may result in modifications to the AMPs and/or term grazing permits.

HOW TO GET INVOLVED

You are being provided with the opportunity to participate in the environmental analysis for this project. We are asking that you submit your comments in writing to assist in issue and alternative development. In addition to this scoping, the public may visit Forest Service officials at any time during the analysis and prior to the decision. The Forest Service is seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations that may be interested in or affected by the proposed action. No public meetings are scheduled at this time.

Issues identified in scoping will be used to develop alternatives to the proposed action. Alternatives will be analyzed and an environmental impact statement (EIS) will be prepared and made available for public review. Following publication of the EIS, interested parties will be provided 30 days to review the document and provide written comments. Comments will be reviewed, a Final EIS prepared and a decision made. The Final EIS will respond to all comments received on the draft document.

Comments or questions regarding the proposed actions should be submitted by April 5, 2004 to Tushar Mountain Range EIS, Attn. Dave Grider, Dixie National Forest, 1785 North Wedgewood Lane, Cedar City, UT 84720. Please include your name, address, phone number, and the title of the document on which you are submitting comments. Also, include specific facts with supporting rationale that you believe the deciding officer should consider in reaching a decision regarding this proposal. Additional information can be obtained from Dave Grider, Interdisciplinary Team Leader, by phone: 435-865-3731 or by e-mail: dgrider@fs.fed.us.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record for this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36

CFR Parts 215 and 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

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