



DECISION MEMO

Badger Grazing Allotment

September 2007

USDA Forest Service, Mt. Hood National Forest
Barlow Ranger District
Wasco County, Oregon

Introduction

This grazing allotment management plan (AMP) is being updated to comply with Public Law 104 of the 1995 Rescissions Act, which includes this allotment in the national schedule for completion by 2010. Also, this AMP is consistent with the requirements in Section 339 of the Fiscal Year 2005 Consolidated Appropriations Act (Public Law 108-447), which authorizes allotments meeting specific conditions to be categorically excluded from documentation in environmental assessments or environmental impact statements under the National Environmental Policy Act (NEPA) through September 30, 2007.

There is an underlying need to update the existing Allotment Management Plan (AMP, 1971). A Coordinated Resource Management Plan (CRMP) was developed in 1973 that identified a plan for the permittee to incorporate his private land, National Forest System land and adjacent timber company land (Mt. Fir Lumber Company) into a workable year round operation. In lieu of a current AMP, Mt. Hood Land and Resource Management Plan (Forest Plan) standards and guidelines for utilization were incorporated into grazing permits and Annual Operating Instructions (AOI) and have been monitored for compliance on an annual basis.

Background

The area that makes up the Badger Grazing Allotment has supported livestock grazing since 1893 when it was placed under control of the Federal Government and had no real regulation of grazing until transfer of the Forest Reserves from the Department of the Interior to the Department of Agriculture (Forest Service) in 1906.

Historical records indicate that the current permitted stocking levels (80/pair) are a fraction of the former levels that were permitted in this area. For example, a 1949 AMP stated that prior to 1922 approximately 1,720 cattle and 1,200 sheep were allowed to graze in the general area called the Wamic-Jordan Cattle & Horse (C&H) Allotment. The sheep were removed from this area in 1939, and the cattle numbers were reduced to around 1,350 head. Around 1939, the Wamic-Jordan C&H was further divided up into smaller allotments. Two of these smaller allotments became the Jordan/Little Badger, and the 3-Mile/Little Badger Grazing Allotments, which make up the current allotment configuration. The Badger Grazing Allotment was established in 1965. See Table 1 for details on historical use.

Table 1: Historical Permitted Stocking Levels for the Badger Grazing Allotment

Year	Name	Total #'s
1942	Jordan/Little Badger, 3-Mile/Little Badger	438/pair
1943	Jordan/Little Badger, 3-Mile/Little Badger	490/pair
1944	Jordan/Little Badger, 3-Mile/Little Badger	455/pair
1945	Jordan/Little Badger, 3-Mile/Little Badger	510/pair
1946	Jordan/Little Badger, 3-Mile/Little Badger	485/pair
1948-49	Wamic (Jordan Creek)	668/pair
1951	Wamic (Jordan Creek)	650/pair
1955	Wamic (Jordan Creek)	636/pair
1965-70	Badger	109/pair
1971-73	Badger	100/pair
1974-75	Badger	55/pair
1976-78	Badger	80/pair
1979	Badger	151/yearlings
1980	Badger	117/cows
1981	Badger	80/pair
1983	Badger	128/pair
1985-91	Badger	80/pair
1992-93	Badger	Non-Use/Rested
1994-98	Badger	80/pair
1999	Badger	50/pair
2000	Badger	60/pair
2001-07	Badger	80/pair

Proposed Action

The Barlow Ranger District on the Mt. Hood National Forest proposes to continue the authorization of livestock grazing on the Badger Grazing Allotment. The current livestock management plan identifies 80 cow/calf pair under a five pasture deferred rotation grazing system from May 15th to September 30th each year.

The location of the Badger Grazing Allotment is T.2S, R.11E, Sections 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, and T.3S, R.11E, Sections 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36, and T.3S, R.12E, Sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, and T.4S, R.11E, Sections 1, 2, and T.4S, R.12E, Section 6 (Wasco County). The allotment is approximately 20,340 acres. See Appendix 1 for a vicinity map and Appendix 2 for a map of the allotment area.

The proposed action is to maintain current management, which is meeting or satisfactorily moving existing management toward goals and objectives outlined in the Forest Plan (FP, 1990). Specifically, the Forest Management Goal is (page Four-4, #33):

Manage vegetation and provide quality forage conditions for commercial domestic livestock. Prevent unacceptable damage to other resource values from commercial livestock grazing.

The proposed action also identifies the need to reconstruct two current range improvement projects. The first project is the Camp Friend fence that was located near Camp Friend and the headwaters of Cedar Creek by Cedar Creek Spring. The fence was removed in 1994 due to excessive deadfall trees and the observation that cattle were not utilizing this area; thus, there was no longer a need for this structure. The fence will be reconstructed in two phases, based on need. Phase one is reconstruction of “wing” fencing on each side of the existing cattle guard on the 2730 Road in SE ¼ Sec. 32. This is expected to control livestock drift into the Cedar Creek headwaters area. If further monitoring indicates this does not adequately control livestock access into the Cedar Creek drainage, a fence will be reconstructed along the 2730-190 Road. This fence will be reconstructed to provide extra protection against any livestock drift into the Cedar Creek drainage, which flows into Fifteen Mile Creek. The project is located in T2S, R11E, Sec. 27, 32, 33, 34.

The second range improvement project is Redtail Pond. This range improvement project was developed in 1976-1978. The project involved creating a fenced off water pond with allowable access for use by livestock, deer, elk, and other small wildlife species. The proposed action will be to reinforce the current fence around the pond and establish a watering trough outside this fenced off area, to allow for a watering opportunity for livestock. The project is located in T3S, R11E, Sec. 23 SWSE.

The proposed action is tiered to the Mt. Hood National Forest Land and Resource Management Plan Final Environmental Impact Statement and Record of Decision, and incorporates by reference the accompanying Land and Resource Management Plan (Forest Plan, 1990), as amended by the Northwest Forest Plan (1994). The Forest Plan guides all natural resource management activities and establishes management standards and guidelines for the Forest. It describes resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management, including grazing suitability. The Northwest Forest Plan identifies land allocations and management direction to respond to the underlying needs of managing substantial parts of these forests for late-successional and old-growth conditions, for a predictable and long-term supply of timber.

Design Features and Mitigation Measures

Design Features and Mitigation Measures are used to minimize the environmental impacts of the proposed actions. The following are a required component of the proposed action to address resource management concerns.

1. As a recommendation from the U.S. Fish and Wildlife Service, disturbance activities in occupied or unsurveyed, suitable spotted owl habitat between March 1st and July 16th will be scheduled as late in spotted owl nesting season as is operationally feasible. Disturbance activities could include chainsaws or other mechanized equipment used in reconstruction of range improvements, which create noise above normal background conditions. The District Wildlife Biologist will be consulted prior to project implementation.
2. The permittee will be required to clean all livestock operations equipment (livestock trailers/stock trucks) prior to moving onto the Badger Grazing Allotment. This cleaning shall remove all soil, plant parts, seeds, vegetative matter, or other debris that could contain or

hold noxious weed seeds. Only livestock trailers and the equipment necessary to transport said livestock, will be cleaned. All subsequent move-ins of equipment to the allotment shall be treated in the same manner as the initial move-in. This requirement does not apply to service vehicles, water trucks, pickups, cars, and/or similar vehicles (R6/SPS-601.01 Work).

3. Identified *Botrychium minganense* (Forest Service, Pacific Northwest Region, Sensitive botanical species) sites that are not excluded from cattle (due to inaccessible terrain or previously created exclosures) will be monitored and protected with fencing, large down wood or boulders, if necessary, to avoid trampling and grazing from cattle. See the Botanical Biological Evaluation for more information.
4. Identified *Pristiloma articum crateris* (Forest Service, Pacific Northwest Region, Sensitive terrestrial mollusk; Forest Service, Pacific Northwest Region, Survey & Manage species) sites that are not excluded from cattle (due to inaccessible terrain or previously created exclosures) will be monitored and protected with fencing, large down wood or boulders, if necessary, to avoid trampling from cattle. See Wildlife Biological Evaluation/Biological Assessment for more information.
5. Identified *Lyogyrus n. sp. 1* (Columbia Dusksnail - Forest Service, Pacific Northwest Region, Sensitive aquatic mollusk; R6 Survey & Manage species) site located north of the 2720 Road in Section 4 will be protected with down wood, fence, or boulders. Other sites that are not excluded from cattle (due to inaccessible terrain or human created exclosures) will be monitored and protected with fencing, large down wood or boulders, if necessary, to avoid trampling from cattle. See Fisheries Biological Evaluation/Biological Assessment for more information.
6. All fence construction or reconstruction will be designed to facilitate the movement of wildlife. For barbed wire fences, the top barbed wire must be 42-inches high, which most deer can easily jump. The bottom wire must be smooth, rather than barbed, and is required to be 16-inches off the ground.
7. All-terrain vehicles (ATV's) approved for use in the implementation of range improvement projects will avoid crossing stream channels, springs, seeps, and wetland area, unless approved by the District Fishery Biologist. Permittee will reduce ATV speeds in order to prevent soil disturbance.

Table 2: Project Design Features

Design Feature	Proposed Action
# of cow/calf pairs	80 pair from May 15 th to Sept. 30 th for a total of 360 Animal Months (AM's)
Livestock turn-out location	Existing corral located in the southeast portion of the allotment along the 27 Road
Pasture management	Five pasture deferred-rotation grazing system

Design Feature	Proposed Action
Protection of Cedar Creek headwaters/spring area (Cedar Creek flows into Fifteenmile Creek)	This area currently meets Forest Plan Standards and Guides. To further ensure protection of Cedar Creek headwaters, “wing” fencing will be reconstructed from each side of the existing cattle guard on the 2730-160 Road in SW ¼ Sec.27. This is expected to control livestock drift into the Cedar Creek headwaters area. If further monitoring indicates this does not adequately control livestock access into the Cedar Creek drainage, a fence will be reconstructed along the 2730-190 Road near Camp Friend.
Protection of Redtail Pond	Reinforce existing fence around the pond. Install a water trough outside the fenced area for livestock use.
Salt Mineral Blocks	Will be placed in appropriate locations away from wet areas and streams (at least ¼ mile). Mineral blocks will be used to attract livestock to under-utilized forage areas.
Use of ATV’s for allotment management	Administrative use of all-terrain vehicles (ATV’s) may be granted to permittee’s or government contractor’s on a case by case basis for allotment management activities such as: range improvement maintenance, including clearing or brushing of fence lines; placement/removal of mineral blocks; livestock management, etc.
Additional recommended monitoring sites	Photo point monitoring for range/riparian health: 1) Place near Jordan Creek accessed from the 2730-170 Road. 2) Place near Little Badger Creek between Little Badger Campground and Little Badger trailhead (trail # 469) on south side of 2710 Road. Photo point monitoring for changes to livestock distribution patterns as a result of the Ball Point Fire: Place near Little Badger drainage (SE ¼ SE ¼ Sec. 24, T. 3S. R.11E.), west of the Little Badger trailhead (trail # 469) on gentler slopes which were burned.

Scoping and Pubic Involvement

The Forest Service conducted public scoping to identify any concerns with the proposed activity. Badger Grazing Allotment was listed in the Mt. Hood National Forest quarterly planning newsletter (Schedule of Proposed Actions [SOPA]) in January 2007. No comments were received through that effort. In January 2007, scoping letters were sent to 33 individuals and organizations, including federal and state agencies and the Confederated Tribes of Warm Springs. Five comment letters were received from Bark, Forest Service Employees for Environmental Ethics, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, and Oregon Wild. The mailing list and all responses are located in the project record at the Barlow Ranger District in Dufur, Oregon.

Using the scoping comments, the interdisciplinary team and decision maker developed a list of issues to address. The issues included meeting National Environmental Policy Act (NEPA) / National Forest Management Act (NFMA) planning requirements, location of grazing allotment boundaries, suitability of specific land allocations and riparian areas to support grazing,

compatibility of designated Wilderness areas with grazing allocation, and effects of grazing on sensitive species. The issues were addressed by refining the proposed action or conducting analysis for each resource area. A summary of the public comments received during the scoping period are included in Appendix 3. This decision memo has been made available to individuals and organizations who had indicated interest in the proposal. It is posted on the Forest website, under "Projects & Plans": <http://www.fs.fed.us/r6/mthood/>.

Decision

I have decided to approve the proposed action with the design features and mitigation measures described in this document. The rationale for my decision is based on: 1) the proposed action fully meeting the objectives of Public Law 104 of the 1995 Rescissions Act; 2) the project's consistency with regulatory framework; 3) on-the-ground review and discussions with District resource specialists; and 4) review of the biological evaluations.

I have decided to maintain current management on the Badger Grazing Allotment on the Barlow Ranger District. The current livestock management plan identifies 80 cow/calf pair under a five pasture deferred rotation grazing system from May 15th to September 30th each year.

Reasons for Categorical Exclusion

Livestock grazing decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are in accordance with Public Law 108-447, Section 339 which states the following.

For fiscal years 2005 through 2007, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environment impact statement under the National Environmental Policy Act of 1969 (42 (U.S.C. 4321 et seq)) if: (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and (3) the decision is consistent with agency policy concerning extraordinary circumstances. The total number of allotments that may be categorically excluded under this section may not exceed 900.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment for the following reasons: 1) the decision implements current livestock grazing management; 2) the management of the allotment is shown by monitoring to need meet or satisfactorily moving towards the Mt. Hood Land and Resource Management Plan objectives; and 3) there are no effects to extraordinary circumstances (as defined in 1909.15) related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. Also, I have determined that no substantial changes to future livestock distribution resulted with the recent Ball Point Fire. My conclusions are based on the information presented in this document and the project record. The primary documents and records in the project record include the following.

Table 3: Primary documents and records in project record

Document	Date
Coordinated Resource Management Plan	1973
Badger Grazing Allotment Management Plan	1973
Mt. Hood National Forest Land and Resource Management Plan	1990
Northwest Forest Plan	1994
Badger Grazing Allotment Land Allocation Map	2007
Badger Grazing Allotment Analysis Map	2007
Scoping Letter & Mailing List	1/8/2007
Initial Response to Comments	5/2007
Wildlife Report	6/29/2007
Heritage Resource Proposed Action	7/11/2007
Ball Point Fire Description	8/13/2007
Recreation Specialist Report	8/23/2007
Geology and Soil Report	8/23/2007
Range Existing Conditions	8/31/2007
Invasive Species Existing Conditions and Risk Assessment	8/31/2007
Fisheries Biological Evaluation	8/31/2007
Burned Area Report (FS-2500-8) for Ball Point Fire	8/6/2007
Aquatic Conservation Strategy	9/10/2007
Biological Evaluation for Region 6 Sensitive Plants and Northwest Forest Plan Survey and Manage Botanical Species	9/13/2007
Final National Forest Management Act Consistency Review	9/2007

The next three sections outline the reasons and rationale for my decision.

Monitoring of Allotment

Short-Term (Implementation)

The allotment currently has four short term monitoring (implementation) sites that were established in 1995-1996, under the key area concept. Under this concept, these are “relatively small portions of rangeland which because of its location, grazing or browsing value, and/or use, serves as a monitoring and evaluation site. A key area guides the general management of the entire area of which it is a part, and will reflect the overall acceptability of current grazing management over the range” (Forest Service Handbook [FSH] 2209.21, 05). These areas can reflect adverse environmental conditions or trends much earlier than other areas of the grazing allotment. The purpose of implementation monitoring sites, are to determine compliance with Forest Plan standards and guidelines (FW-293) and basically to evaluate “did we do what we said we would.”

Specifically the short term monitoring involves reading utilization levels according to the “height-weight concept” (FSH 2209.21, 33.17). This method was modified in 2003 to the “Residual Stubble Height Method” (FSH 2209.21, 33.13). The Residual Stubble Height Method measures stubble height or height of herbage left ungrazed at any given time. This method, because of its simple application, is becoming a well accepted method for expressing rangeland use (FSH 2209.21, 33.13). This method is also easier for the livestock permittees to see when

looking at “in season triggers” for moving livestock. This data is collected at every monitoring site at the end of the growing season. The 2730-140 Road was obliterated in late 1998 and access to the Owl Hollow monitoring site was closed. It was determined in 2006 that this monitoring location will be re-located to the 2730 Road, in the vicinity of the long term monitoring location and will be read starting in 2007.

All four sites demonstrate that we are meeting Forest Plan Standards & Guidelines. For more details, see the Ranger Existing Conditions report in the project record.

Long-Term (Effectiveness)

Effectiveness monitoring attempts to evaluate “did the practice or activity provide do what we wanted.” Currently, long-term monitoring is being completed using the “Ground-Based Photographic Monitoring” method (Hall 1995). The protocol for long term monitoring studies is to have a repeatable, locatable transect on the ground, where plant species, plant composition, and soil conditions can be monitored over time.

The comparison of vegetation species data from the condition and trend plots versus the two vegetation classification documents (Plant Community Types of the Badger Allotment 1976, and Vegetation Classification for the Badger Allotment 1978) leads to the following conclusions.

- The species composition on the trend plots noted all of the climax condition tree, shrub, grass and native forb species that are all present in the primary range community type (*Quercus garryana/Purshia tridentata/Agropyron spicatum*). Those species are: Oregon Oak, Antelope Bitterbrush, Bluebunch Wheatgrass, Deltoid balsamroot, and Tailcup lupine.
- Cheatgrass (*Bromus, tectorum*) was noted on one monitoring site compared to one site in 1959-1963 (Badger Creek, Cluster #4). Cheatgrass increases as grazing pressure increases. This indicates maintaining a static trend in range condition at this one site when examining the relationship of overgrazing to Cheatgrass populations, especially when noting the occurrence of other perennial natives occurring at this primary range site (*Quercus garryana/Purshia tridentata/Agropyron spicatum* series).
- An upward trend is the amount of Deltoide Balsamroot (*Balsamoriza deltoidea*), documented at this site from monitoring studies, of which this species typically decreases as grazing pressure increases.
- Four primary range community types, the “*Pinus ponderosa-Quercus garryana/Purshia tridentata/Festuca idahoensis*”, the “*Pinus ponderosa/Purshia tridentata/Lupinus leucophyllus*” the “*Pinus ponderosa/Purshia tridentata/Lupinus caudatus*” and the “*Abies grandis/Carex geyeri*” all have similar conditions, that indicate good range condition with an upward trend, due to the fact that all the native tree, shrub, forb and grass species are present as noted in the monitoring studies conducted the past two years.

These conclusions are important since the two plant community/vegetation classification documents mentioned above, indicate that these native species are not abundant in a climax condition and decrease under overgrazing pressure. These species are indicators of good range conditions. The overall ecological status of the Badger Grazing Allotment (primary, secondary

and transitory range) is in a mid-seral status with an upward trend. Information to support these conclusions is found in the Range Existing Condition Report in the project record.

Extraordinary Circumstances

According to Forest Service Handbook 1909.15, Section 30, a proposed action may be categorically excluded from further analysis and documentation in an environmental impact statement or environmental assessment only if there are no extraordinary circumstances related to the proposed action. Resource conditions that were considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation are listed below (A-F). As stated in Section 30.3 of the handbook, “the mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist” (FSH 1909.15).

After review of the biological evaluations, documents in the project file, and specialist reports, I have determined that there are no extraordinary circumstances that indicate a presence of possible significant effects. This analysis is summarized below.

- A. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.** The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species designated critical habitat. Biological Evaluations were prepared for sensitive, threatened or endangered wildlife, fish and botanical species. These are available in the project record.

The proposed action will have no effect on threatened or endangered anadromous fish or Essential Fish Habitat established under the Magnuson-Stevens Fishery Conservation and Management Act. Steelhead trout and their critical habitat as well as Essential Fish Habitat for Chinook and coho salmon are outside the influence of the proposed action. Consultation is not required.

There will be no impacts to sensitive species that will cause a trend to federal listing or loss of viability for any proposed or sensitive species. Interior redband trout and Columbia duskysnail will have a May Impact Individuals or Habitat, but will not likely contribute to a trend towards Federal listing or loss of viability to the population or species” determination. This determination is based on the potential direct mortality of incubating eggs and alevins in redds located in stream reaches in the allotment prior to mid-July. The potential direct mortality of individual adults in isolated pools, and the potential harassment of spawning or rearing fish from livestock or the permittee working in or along a fish bearing stream. (See Fisheries Biological Evaluation in the project record for more details.)

Formal consultation with U.S. Fish & Wildlife Service concerning the northern spotted owl has been completed for this project. The effects from this project fall under the *Miscellaneous special uses (low intensity) category in Biological Opinion and Letter of Concurrence for Effects to Bald Eagles and Northern Spotted Owls for fiscal year 2006-2007 disturbance activities within the Willamette Province* (FWS Reference Number 1-7-05-I-

0666) Biological Opinion written by U.S. Fish & Wildlife. The noise related to fence building and maintenance may disturb spotted owls when done within 0.25 miles of Northern spotted owl habitat (between March 1-September 30). Those noise related activities that occur between March 1-September 30 have an effect determination of May Affect Not Likely to Adversely Affect for spotted owls. Terms and Conditions from this BO related to this allotment: Disturbance activities in occupied or unsurveyed suitable spotted owl habitat between March 1 and July 16 will be scheduled as late in spotted owl nesting season as is operationally feasible. No habitat modification is associated with these activities. (See Wildlife Biological Evaluation in the project record for more details.)

The proposed action will have no effect to any other threatened or endangered wildlife species. Badger Grazing Allotment does not include any Bald Eagle habitat. There will be no impacts to sensitive species that will cause a trend to federal listing or loss of viability for any proposed or sensitive species. Also, there are no known sites for botanical species that are currently listed Region 6 Sensitive. (See Wildlife and Botany Biological Evaluations in the project record for more details.)

- B. **Floodplains, wetlands, or municipal watersheds.** Site review by the district fisheries biological confirmed that the project is not located in or will not affect any floodplains as defined in Executive Order 11988, wetlands as defined in Executive Order 11990, or municipal watersheds. (See Fisheries Biological Evaluation in the project record for more details.)
- C. **Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.** The Badger Creek Wilderness area, designated in 1984, overlaps the western portion of the allotment (see Appendix 2). Livestock grazing pre-dates this wilderness designation. The 1984 wilderness bill specifically authorized continued grazing use. Cattle use tends to be light to none within the wilderness area, primarily due to low levels of forage and very steep terrain. Implementing this decision will not impact wilderness characteristics. (See Recreation Specialist Report in the project record for more details.)
- D. **Inventoried roadless areas.** The Badger Grazing Allotment includes a small inventoried roadless area, approximately 300 acres, at the south end of the allotment (see Appendix 2). No new road construction will occur as part of this decision. Impacts from livestock in the form of trampling, hoof-prints, wallows, manure, or overgrazing have not been observed in the inventoried roadless area. Implementing this decision will not impact inventoried roadless area characteristics. (See Recreation Specialist Report in the project record for more details.)
- E. **Research natural areas.** There are no research natural areas located within in the Badger Grazing Allotment (see Appendix 2). There will be no impacts to research natural areas.
- F. **American Indians and Alaska Native religious or cultural sites / Archaeological sites, or historic properties or areas.** A cultural resource survey was conducted for range improvements proposed for this project and for the areas most likely to be impacted by cattle within the allotment boundary and documented in Heritage Resource Report 2007-060601-0008. A total of 52 cultural resource sites have been identified within the allotment area. Of these sites, a total of 19 are situated within 400 yards of existing or proposed improvements,

or areas where cattle are likely to congregate. These sites cultural sites, archaeological sites, and historic properties and areas contained within the project area.

The National Historic Preservation Act requires consideration be given to the potential effect of federal undertakings on historic resources. This includes historic and prehistoric cultural resource sites. The guidelines for assessing effects and for consultation are provided in 36 CFR 800. To implement these guidelines, Region 6 of the Forest Service entered an agreement in 2004 with the Oregon State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation. In accordance with the agreement, previous surveys have been documented, areas where cattle congregate have been inspected, and potential effects to heritage resources have been assessed. Based on the results of this assessment, a No Effect determination has been made for the Proposed Action. A copy of the assessment has been sent to the SHPO with no objections with this determination. (See Heritage Resource Report in the project record for more details.)

No significant effects to extraordinary circumstances have been identified.

Impacts of Recent Ballpoint Fire

Since the fire burned predominately within the wilderness, which currently and historically receives little to no livestock use, there are no substantial changes to livestock distribution expected. Lack of forage and steep terrain in the wilderness limit livestock access. Some burned areas with favorable conditions (i.e., adequate sunlight, seed source, and moisture) may produce a flush of herbaceous plants during the next few seasons. If this occurs, it is expected to follow a mosaic pattern in the burned area. It is not expected that livestock will congregate in these areas, since the areas will be difficult to access and likely will not produce large amounts of forage due to dense canopy cover. Monitoring will take place in the Little Badger drainage (SE ¼ SE ¼ Sec. 24, T. 3S. R.11E.) on the gentler slopes which were burned to determine if livestock distribution patterns change.

One area where livestock patterns could change slightly is outside the wilderness boundary on the previously closed road to Redtail pond (S ½ Sec. 23, near the junction of Roads 2710 and 2711). The brushed-in road was cleared and the road surface was bladed to provide access for fire suppression activities. After the fire, the road was re-closed to vehicle access using a berm at the entrance. Livestock, however, may prefer this easier access as a travel path to Redtail pond, which could result in increased trampling around the pond area. This further emphasizes the need, as stated in the Proposed Action, to re-construct the fence around the pond and install a trough for livestock watering. This reconstructed fence will prevent increased trampling from occurring around the pond area.

In conclusion, the Ball Point fire did not result in conditions that will substantially alter livestock distribution patterns, or create a situation requiring deviation from current livestock management practices. Monitoring the fire area and the allotment overall will continue and adjustments made as needed to meet Forest Plan standards and guides.

Findings Required by Other Laws

Rescissions Act: This decision is consistent with the Rescissions Act, which includes completing NEPA on this allotment in the national schedule for completion by 2010. This decision also is consistent with the Fiscal Year 2005 Consolidated Appropriations Act (Public Law 108-447), which authorizes allotments meeting specific conditions to be categorically excluded from documentation in environmental assessments or environmental impact statements under the NEPA (see Reasons for Categorical Exclusion section). This decision does not exceed 900 of total number of allotments that may be categorically excluded under this section.

National Forest Management Act: This decision is consistent the Mt. Hood Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act.

The Badger Grazing Allotment is located primarily in Management Areas B4 (Pine-Oak Habitat) and C1 (Timber Emphasis). Smaller portions of Management Areas A2 (Wilderness), A9 (Key Site Riparian Area), B2 (Scenic Viewshed), and B6 (Special Emphasis Watershed) are located within the allotment. The proposed action is compatible with the goals for each of these management areas as defined by the Forest Plan.

The interdisciplinary team conducted a consistency review with Mt. Hood National Forest Land and Resource Management Plan (1990) and Northwest Forest Plan (1994) to determine if the proposed action was consistent with all applicable standards and guidelines (see project record for more details). The consistency review determined that the proposed action including the design features and mitigation measures is consistent with all standards and guidelines.

Survey and Manage: On July 24, 2007, the Under Secretary of the Department of Agriculture signed a new Survey and Manage Record of Decision (*Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Forest Service Land and Resource Management Plans Within the Range of the Northern Spotted Owl*) that removed the survey and manage requirements from all of the National Forests' land and resource management plans (Forest Plans) within the range of the northern spotted owl. However, since the court in Northwest Ecosystem Alliance et al v. Mark Rey et al, Civ. No. 04-844, Western District of Washington has not yet granted the government's motion to lift the modified October 11, 2006, I have designed this project to be consistent with the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage Protection Buffer and Other Mitigation Measure Standards and Guidelines* as modified by subsequent annual species reviews as allowed by the modified October 11, 2006 injunction.

The proposed action will have no impacts to any fisheries, wildlife or botanical survey and manage species that will cause a trend to federal listing or loss of viability for any proposed or sensitive species. The effects to these species have been analyzed in the sensitive species discussions in the fisheries, wildlife and botany biological evaluations in the project record.

Aquatic Conservation Strategy: I find that this project is consistent with the Aquatic Conservation Strategy objectives. I have also considered the existing condition of riparian reserves, including the important physical and biological components of the fifth-field watersheds and the effects to riparian resources. I find that the proposed action is consistent with

riparian reserve standards and guidelines and will contribute to maintaining or restoring the fifth-field watersheds over the long term. (See Aquatic Conservation Strategy report in the project record for more details.)

Clean Water Act and State Water Quality Laws: The District fisheries biologist has determined that this project complies with the Clean Water Act and state water quality laws, which will protect beneficial uses. With design features, mitigation measures, and Best Management Practices, water quality will be maintained through implementation of this proposed action. In addition, the proposed action will implement two new range improvements to offer the continued protection of water quality. (See Fisheries Biological Evaluation in the project record for more details.)

Migratory Bird Treaty Act: Bird species dependent upon late-seral habitat will not have any change from the existing condition, as this structure type will remain constant. Species dependant upon early-seral habitat will lose habitat within timbered stands as the trees age. The open meadows will remain early-seral habitat into the future. Bird species dependent upon riparian habitat will not see much of a change in their habitats as long as the riparian vegetation is maintained or protected from over utilization by cattle. Species dependent upon mid-seral stands will not have any change from the existing condition, as this structure type will not be impacted from current levels of livestock grazing. Overall, there will be no effect to migratory birds within the grazing allotment.

Invasive Plants: By considering the prevention of invasive plant introduction, establishment and spread of invasive plants, the planning process (using administrative mechanisms to incorporate invasive plant prevention practices into rangeland management) is consistent with the Pacific Northwest Invasive Plant Program Preventing and Managing Invasive Plants Record of Decision issued in 2005. The annual operating plan incorporates mitigation measures for invasive plants, as recommended in the invasive plant risk assessment. (See Invasive Plant Specialist Report and Risk Assessment in the project record for more details.)

Environmental Justice (Executive Order 12898): I assessed the proposed action to determine whether it will disproportionately impact minority or low-income populations, in accordance with Executive Order 12898. The proposed action is to continue the authorization of livestock grazing on the Badger Grazing Allotment. As such, the proposed action proposed no changes and will not impact other uses in the area as identified in the effects analysis. No disproportionate impacts to minority or low-income populations have been identified during scoping of the effects analysis.

Other Laws or Requirements: Finding associated with the Endangered Species Act and National Historic Preservation Act are discussed under the Extraordinary Circumstances section of this document. The proposed action is consistent with all other Federal, State, or local laws or requirements for the protection of the environment and cultural resources.

Appeal Opportunities

This decision is not subject to administrative appeal under 36 CFR 215. The Badger Grazing Allotment permittee may appeal the Decision under 36 CFR 251. A Notice of Appeal must be

consistent with 36 CFR 251.90 and filed simultaneously with the Gary L. Larsen, Forest Supervisor (Appeal Deciding Officer) and with Michael J. Hernandez, Barlow District Ranger, within 45-days from the date of decision.

Implementation

Pursuant to 36 CFR 251, Subpart C, 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 period, unless the Reviewing Officer grants a stay (251.91).

Contact Person

Detailed records of this environmental analysis are available for public review at the Barlow Ranger District. For further information about this decision, please contact Linda Cartwright during normal office hours (8:00AM to 4:30PM) at the Barlow Ranger Station, 780 NE Court Street, Dufur OR 97021; Phone: 541-467-5113; Fax: 541-467-2271; or Email: lcartwright@fs.fed.us.

SIGNATURE OF DECIDING OFFICER

/s/ Michael J. Hernandez
Michael J. Hernandez
District Ranger

September 21, 2007
Date

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References

Hall, F.C. and Bryant, L. 1995. Herbaceous Stubble Height as a Warning of Impending Cattle Grazing Damage to Riparian Areas. P. 1. Sept. 1995. PNW/USFS, Portland, Oregon.

U.S. Department of Agriculture. Forest Service. 1990a. Final Environmental Impact Statement: Land and Resource Management Plan. Mt. Hood National Forest. Oregon.

U.S. Department of Agriculture. Forest Service. 1990b. Land and Resource Management Plan: Mt. Hood National Forest. As amended. Mt. Hood National Forest. Oregon.

USDA Forest Service and USDI Bureau of Land Management. Record of Decision for amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, and Standards and Guidelines for Management of Habitat for Late Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl. Portland, OR.