

Supplement to the Record of Decision for the North Sheep Final Environmental Impact Statement

Smiley Creek & Fisher Creek Allotment Management Plan Updates

**Sheep and Goat Grazing Allotments
USDA Forest Service
Sawtooth National Recreation Area
Sawtooth National Forest
Blaine and Custer Counties, Idaho**

Background

The North Sheep Final Environmental Impact Statement (FEIS) analyzed livestock grazing on four sheep allotments and was completed in September, 2004. The proposed action in the FEIS permitted livestock grazing with management restrictions that would meet or move towards desired resource conditions. Specific management criteria for the allotments are identified in updated Allotment Management Plans (AMPs).

On September 30, 2004, I signed a Record of Decision (ROD) based on the 2004 North Sheep FEIS approving continued sheep grazing for the Smiley Creek and Fisher Creek allotments on the Sawtooth National Forest within the Sawtooth National Recreation Area (NRA). That decision incorporated management requirements to bring the permitted grazing into compliance with the revised 2003 Sawtooth Forest Plan.

An administrative appeal of my Record of Decision was filed and subsequently, Appeal Deciding Officer Ruth Monahan affirmed my decision on December 23, 2004.

A lawsuit was filed in U.S. District Court for the District of Idaho (the Court) on May 15, 2005 (CV-05-189-E-BLW) alleging violations of the National Forest Management Act (NFMA), the National Environmental Policy Act (NEPA) and the Sawtooth NRA Organic Act (substantial impairment determination).

On February 7, 2006, a Memorandum Decision and Order was issued by the United States District Court for the District of Idaho (CV-05-189-E-BLW) that included the following findings:

- (1) Violation of NFMA and NEPA for failure to adequately explain the 2003 Forest Plan capability and suitability determinations.
- (2) Violation NFMA for failure to discuss the capability and suitability of the MIS sage grouse and pileated woodpecker.
- (3) Violation of NFMA for failure to fully explain the adaptive management strategy and its protocols.

- (4) The substantial impairment determination for the Sawtooth NRA primary values was arbitrary and capricious for failure to fully explain the adaptive management strategy.

In response to the February 7, 2006 Memorandum Decision and Order, the Sawtooth Forest prepared a Supplement to the North Sheep FEIS. The North Sheep Supplement focused on the following elements found deficient by the Court.

1. Discussion of the 2003 Forest Plan capability and suitability determinations for livestock grazing.
2. Full explanation of the adaptive management strategy and its protocols.
3. Consideration of new information for Management Indicator Species in the MIS Capability Supplement.

The Notice of Intent to prepare a supplement to the Environmental Impact Statement (EIS) was published in the *Federal Register* on March 29, 2007 (vol. 72, no. 60). Publication of the Notice of Availability for the Draft Supplement in the *Federal Register* was published on November 9, 2007. This initiated a 45-calendar-day public review and comment period, which ended on December 26, 2007. The Final Supplement to the North Sheep FEIS was completed in March, 2008.

Also in response to the February 7, 2006 Memorandum Decision and Order, the Sawtooth Forest prepared a supplement to the 2003 Forest Plan FEIS to determine the capability and suitability of rangelands to provide habitat for terrestrial MIS pursuant to 36 CFR 219.20. The Final MIS Capability Supplement was completed in January, 2008 and Regional Forester Forsgren signed a Supplement to the original Record of Decision on January 18, 2008. No amendments to the 2003 Forest Plans were deemed necessary as a result of the supplemental analysis of terrestrial MIS habitat capability.

Determination

I have reviewed the North Sheep Supplement (March 2008), and the many comments received on it. Based on that review, it is my determination that my 2004 Record of Decision for the North Sheep Grazing Allotments is still valid and remains unchanged.

Rationale

Rangeland Resources - The Proposed Action is anticipated to move toward meeting desired conditions and applicable objectives, and is consistent with all applicable standards, and guidelines.

Adaptive Management – The 2004 North Sheep FEIS stated that as part of the Proposed Action, adaptive management would be implemented. However, the Proposed Action failed to fully describe the protocols for adaptive management. This omission has been corrected with the North Sheep Supplement.

The Final North Sheep Supplement provides an in depth discussion on the adaptive management strategy (pages 12-22). The effects of adaptive management are discussed in the Supplement, on pages 92-98. Monitoring protocols are outlined in the Allotment Management Plans (Supplement, Appendix C).

Adaptive management practices are tied to annual and long-term monitoring results which will be used to meet applicable resource objectives, standards, and guidelines. Clarification of the adaptive management process has not resulted in changes in the description of environmental consequences.

Capability – The 2004 North Sheep FEIS provided a Forest Plan capability analysis that resulted in a calculation lower than the site-specific allotment capability calculation. However, the North Sheep FEIS failed to provide a comparison of the two calculations and explain why the site-specific determination is more accurate than the Forest Plan grazing capability determination. The North Sheep Supplement discloses the crucial data relied upon in its grazing capability analysis and explains how the data was analyzed and used in its grazing capability determination for these allotments. With the Final North Sheep Supplement, we have taken that “hard look” as required by NEPA and displayed that information so that the public can make an informed comparison of the alternatives.

North Sheep Supplement, Section 3.2.4.5 displays the application of the Forest Plan capability model to the North Sheep allotments. Section 3.2.4.6 displays the Allotment Specific Capability Analysis. While the Forest Plan capability model provides information about capable rangelands on the North Sheep allotments, additional current allotment-specific information is available for evaluating the effects of livestock grazing. (Supplement, pp. 42-49)

The level of grazing authorized under the Proposed Action (North Sheep Supplement - Table Range 4-1), is based on the evaluation of observed levels of grazing use and monitoring results and will comply with Forest Plan management direction. (See discussion on validating grazing capacity in Chapter 3 (section 3.2.4.7.2). These levels of grazing use are within allotment specific tentative grazing capacities for this alternative. The grazing authorizations described in the North Sheep Supplement in Table Range 4-1 are consistent with achieving Forest Plan and allotment specific management objectives.

The complete capability analysis is found in the North Sheep Supplement in Section 3.2.4. and Section 4.2.4. I have reviewed the Forest Plan capability analysis as well as the allotment specific analysis and the procedure for evaluating the two. I find the allotment-specific information to be more accurate for evaluating the effects of livestock grazing. This is based on field reviews, updating vegetation studies, and comparison of data between the Forest Plan and allotment specific models. I conclude the Smiley Creek and Fisher Creek allotments have sufficient capable rangelands to support the levels of grazing use authorized by my original 2004 Record of Decision.

Wildlife – MIS Resources – The Boise, Payette, and Sawtooth National Forests prepared a Supplement to the July 2003 Final Environmental Impact Statement for the Southwest Idaho Ecogroup Revised Forest Plans. This Supplement is commonly known as the MIS Capability Supplement. In accordance with 36 CFR 219.20, the MIS Capability Supplement identifies capable MIS habitat by analyzing those lands identified as suitable for livestock grazing through the Forest Planning process to determine their capability for producing suitable food and cover for terrestrial MIS. The MIS Capability Supplement also identifies those MIS capable lands that are in less than satisfactory condition, and the applicable Forest Plan direction for restoration of those lands. (MIS Capability Supplement, p.1)

Pileated Woodpecker

The MIS Capability Supplement did not identify capable MIS habitat for pileated woodpecker, nor did it identify lands in less than satisfactory condition as a result of livestock grazing. As described in the MIS Capability Supplement (pages 7-11), livestock grazing is not identified as a risk or threat to pileated habitats. Travel and use by livestock within pileated woodpecker habitat is limited and incidental because of sparse forage and dense understory trees. Given this, the North Sheep Supplement did not address pileated woodpecker relative to the requirements of 36 CFR 219.20.

Greater Sage-grouse

The MIS Capability Supplement to the Forest Plan did identify capable habitat for Greater Sage-grouse (36 CFR 219.20 (a)). Capable habitat for the Greater Sage-grouse does occur on all four North Sheep allotments, which include the Smiley Creek Allotment and the Fisher Creek Allotment. MIS capable habitat in less than satisfactory condition within the allotments was also identified.

The allotments fall within watersheds identified in the MIS Capability Supplement as being in less than satisfactory condition, having experienced a 60% or greater decrease in MIS capable habitat from historical conditions. This is consistent with the findings in section 3.8.2.3.2 of the North Sheep FEIS (p. 3-91) that within the allotments, species composition of the vegetation has been simplified resulting in the reduction of the quality and quantity of forbs for food as well as a reduction in escape cover.

Under the Proposed Action, grazing closures and adaptive management strategies would help to move sagebrush communities towards desired condition, thereby contributing to the restoration of lands in less than satisfactory condition for MIS. (North Sheep Supplement, pp. 83-91 and pp.113-115.) Adherence to utilization standards and adaptive management practices should reduce impacts to sagebrush communities from livestock grazing and help move towards the desired condition.

As previously described in the North Sheep FEIS, many of the impacts to sage grouse habitat are the result of historic rather than current livestock grazing practices. Recovery of desired habitat conditions will require specific restoration projects, which are beyond the scope of this analysis. As described in section 4.7.2.3.1 of the North Sheep FEIS, while manipulation of timing and intensity of livestock grazing through the adaptive management process will result in a trend towards desired conditions, some vegetative communities such as the sagebrush steppe may not

return to the original community without vegetation manipulation projects or wildfire. This is consistent with the findings in the 2006 Sage-grouse Conservation Plan, which states that “while subsequent changes in livestock management may be appropriate to nurture and maintain the restored area, such changes alone in the absence of restoration activities would likely provide little if any progress.” (2006 Sage-grouse Conservation Plan, p. 4-55)

The effects of livestock grazing on sage-grouse habitat under the Proposed Action Alternative were described in section 4.8.2.3.3.2 on page 4-79 of the North Sheep FEIS and remain valid.

Soil & Watershed Resources - Based on the North Sheep FEIS, the Proposed Action is anticipated to move toward meeting all applicable soil and watershed resource objectives, and is consistent with applicable soil and watershed resource standards and guidelines that are affected by livestock grazing on the North Sheep allotments.

The North Sheep Supplement provides updated information on soil and watershed resources on pages 50-64 and the updated effects analysis for soils and watershed resources is found on pages 97 – 105.

The proposed action is consistent with the soils resource goals, objectives, and standards set forth in the Forest Plan. However, it is acknowledged that achieving desired conditions in areas with intensive impacts from historic grazing and other historic impacts (roads, recreation, mining, etc.) will be a long-term process.

The Proposed Action would result in compliance with standards and guides set forth in the Forest Plan and would meet or trend towards meeting goals and objectives associated with soil and watershed resources that are affected by grazing. Under the Proposed Action, the adaptive management strategy would provide a means whereby continued progress could be made toward full support of beneficial use for all waterbodies within the project area.

Fisheries Resources - Based on the North Sheep FEIS, the Proposed Action is anticipated to move towards meeting all fisheries resource goals and objectives that are affected by livestock grazing on the North Sheep allotments, and is consistent with all applicable fisheries resources standards and guidelines.

The Supplement also updated the fisheries resources analysis (pp. 65-79 and pp.105 – 106). The Supplement concludes that Section 4.4 Fisheries Resources, as described in the North Sheep FEIS (pp. 4-33 to 4-43), remains unchanged except for the addition of a new section under Cumulative Effects for Non-Native Fish. For non-native fish, the Supplement concludes that regardless how much habitat conditions improve, non-native brook trout will remain the dominant fish species and will continue to out-compete bull trout and other native fish species. The most significant risk to fish values within the allotments is not related to the Proposed Action of livestock grazing, but is directly attributable to non-native fish species.

Public Law 92-400 / Substantial Impairment Determination

PL 92-400, which established the Sawtooth NRA, requires that the Sawtooth NRA be managed to best provide: (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, natural, historic, pastoral, wildlife and other values, contributing to and available for public recreation and enjoyment; and (3) management, utilization and disposal of natural resources such as timber, grazing and mineral resources insofar as their utilization will not substantially impair the purposes for which the recreation area is established.

A substantial impairment determination, found in the North Sheep Supplement, Appendix B, was prepared for those allotments or portions of allotments occurring within the boundaries of the Sawtooth NRA. The substantial impairment determination was based on my 2004 decision to implement Alternative B - the Proposed Action with one minor modification, as designed with required mitigation and management requirements (Baldwin, February 25, 2008). In the substantial impairment memo, I considered the 2004 North Sheep FEIS as well as the 2008 Supplement to the North Sheep FEIS. Based on my review, it is my determination that my original decision to implement Alternative B – Proposed Action with the modification described in my 2004 decision for the Smiley Creek and Fisher Creek Allotments, is consistent with the Sawtooth FLRMP and Public Law 92-400.

Implementation of Alternative B - Proposed Action **will not cause substantial impairment** to the scenic, natural, historic, pastoral, fish and wildlife, and other values, contributing to and available for public recreation and enjoyment; nor will recreation values be substantially impaired.

Administrative Review or Appeal Opportunities

This supplement was prepared in accordance with the regulations at 36 CFR 215. In accordance with the regulations at 36 CFR 215.12, decisions and actions are not subject to appeal when:

- (b) Determination, with documentation, that a new decision is not needed following supplementation of an environmental impact statement (EIS) or revision of an environmental assessment (EA) pursuant to FSH 1909.15, Chapter 10, section 18.

Because the analysis documented in the Supplement to the 2004 North Sheep FEIS provides support to the original decision, this decision is not subject to appeal.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Carol Brown, Assistant Forest Planning Officer, Sawtooth National Forest; 5 North Fork Canyon Road; Ketchum, Idaho 83340; (208) 727-5000.

/s/ Sara E. Baldwin
Sara E. Baldwin
Area Ranger
Sawtooth National Recreation Area

5 March 2008
DATE

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