

Record of Decision

Fisher Creek & Smiley Creek Allotment Management Plan Updates USDA Forest Service Sawtooth National Recreation Area (SNRA) Sawtooth National Forest Custer & Blaine Counties, Idaho

I. Decision and Reasons for the Decision

Background

The 7,494 acre Fisher Creek allotment and the 42,084 acre Smiley Creek allotment are administered by the SNRA. These allotments lie within Custer and Blaine counties, in the upper Salmon River basin, in central Idaho. The Fisher Creek allotment management plan (AMP) was approved in April, 1966, and the Smiley Creek AMP was approved in March, 1967.

On August 22, 1972, Congress passed Public Law 92-400 (PL 92-400) establishing the SNRA. The intent of establishing the SNRA was to protect the area's primary values of fish and wildlife resources, and the natural, scenic, pastoral, and historical values, and recreation attributes. Under PL 92-400, livestock grazing is recognized as a valid use so long as it does not cause substantial impairment of the SNRA key values.

The North Sheep Final Environmental Impact Statement (FEIS) was completed in September, 2004 and included analysis for these two allotments. The proposed action in the FEIS is to update the allotment management plans to allow for permitted livestock grazing that meets or moves towards desired resource conditions. The need for the proposed action is to comply with desired resource conditions as described in the Sawtooth Forest Land & Resource Management Plan (FLRMP) Standards.

Analysis of the current condition of the two allotments has found that some FLRMP standards are not being met and that some SNRA primary values are being impacted. Impacts from livestock to fisheries, wildlife habitat, vegetation, and conflicts with recreationists are occurring, indicating a need for change in current livestock management practices.

The AMPs need to be updated to comply with the Sawtooth FLRMP, the intent of PL 92-400, and to bring livestock grazing into balance with other resource values on the allotments.

Decision

My decision is to implement the Proposed Action, Alternative B of the FEIS, with one minor modification. I will not permanently close the Smiley Creek corral, which has been used in the

past for shipping and receiving sheep and lambs, but will rest that area until specific resource conditions are achieved. My decision will also update the Fisher Creek and Smiley Creek AMPs and authorize livestock grazing in a manner that will meet FLRMP standards for livestock management throughout the allotments. An adaptive management strategy, which will allow for flexibility during the implementation of the grazing strategy, will allow permittees to respond to changing conditions and unexpected results. Livestock numbers, grazing practices and seasons will be modified as necessary to meet standards, based on monitoring results of the previous season.

Management Direction Common to Both Allotments

Mitigation measures for Alternative B, Proposed Action are found in Chapter 2 of the FEIS and are incorporated by reference. The following mitigation measures are common to both allotments and address:

Heritage Resources:

- Complete field reviews consistent with section 106 of the National Historic Preservation Act prior to initiating ground-disturbing activities such as location of temporary corrals and fences.

Recreation:

- Post signs at trailheads, as needed, to inform recreationists that sheep bands and guard dogs may be present.

Vegetation Resources:

- Survey potential habitat for special status plant species in areas that would receive concentrated sheep use, such as trailing corridors and temporary corral sites not analyzed in this FEIS, to determine if the habitat is occupied. If habitat is occupied, relocate disturbance to unoccupied habitat.
- Reduce sheep activity around corrals at shipping time by bringing bands directly into the corral the night before shipping and only allowing them out for water until handling is done and they are taken out of the area.
- Avoid sheep bedding in and nooning in noxious weed infestation to the extent possible.
- Coordinate with permittees to identify and manage noxious weed infestations within the allotment to prevent further expansion or reduce existing densities (NPOB05).

Wildlife Resources:

- Prohibit sheep bedding and nooning within a 30-acre buffer of known goshawk nest sites.

- Avoid sheep bedding and nooning during active periods of big game calving and fawning sites. If applicable, calving/fawning areas and periods will be determined during AMP update.

Fisheries Resources

- To protect spawning bull trout and Chinook salmon and their redds, permittees will be directed to avoid watering and crossing of sheep bands in specific stream reaches of the Fisher Creek and Smiley Creek allotments in which bull trout or Chinook salmon spawning is likely to occur or is observed. Avoidance would typically begin about August 15 (and continue through the remainder of the grazing season) but may vary depending on site-specific information. Alternatively, if determined feasible and appropriate by a Forest fisheries specialist, permittees may be allowed to water and cross sheep bands at specifically marked stream sections in which Chinook salmon and bull trout spawning is determined by the fisheries specialist to be unlikely to occur (e.g., a high-gradient cobble riffle). The timeframe for designated crossings would also begin about August 15 and continue through the remainder of the grazing season.
- Permittees will not be allowed to noon or bed sheep within stream channels or riparian vegetation at any time.

Adaptive Management

The Forest Service and permittees will adopt an adaptive strategy for the management of livestock grazing on the two allotments. The goal of this management strategy will be to achieve and maintain sustainable grazing systems on the subject allotments. The objective will be to make grazing management more proactive, generating long-term solutions to recurrent problems rather than reactive responses to immediate crises. Success will be gauged by moving toward or meeting desired conditions for rangeland resources stated in the Revised FLRMP, in accordance with applicable goals, objectives, standards and guidelines. This Revised FLRMP guidance for rangeland resources is presented in Appendix B. Adaptive management is a strategy based on three principles: (1) achievement of realistic, clearly defined objectives, (2) ongoing monitoring to assess progress toward those objectives, and (3) the flexibility to alter management when adequate progress is not being achieved. This management strategy is most appropriate in dynamic situations, where change is the norm. Change can be a characteristic of the management setting, or the result of management activities, or both. In such situations, adaptive management is the most efficient way to achieve desired objectives.

Monitoring

Monitoring is a key aspect of adaptive management. A monitoring plan will be developed to track progress toward desired future conditions and determining compliance with FLRMP direction. Specific criteria to be included in the monitoring guide are included in the FEIS-Appendix C. The monitoring criteria are derived from applicable guidance in the Revised FLRMP, as outlined in Appendix B of this Draft EIS. Monitoring will be the responsibility of the Forest Service, with input as appropriate from the permittees. Permittees will be responsible

for monitoring grazing operations to assure compliance with Annual Operating Instructions (AOI's) and the terms of the permits.

If monitoring indicates that adequate progress is not being made toward desired future conditions, adaptation will take place in the form of management changes documented in Annual Operating Instructions (AOIs). Changes may involve sheep numbers, seasons of use, grazing restrictions or closures, or alteration of trailing routes. Needs for other structural or non-structural range improvements or for site-rehabilitation efforts could be identified but may require additional NEPA review.

Monitoring will be initiated following issuance of the initial AOI. If monitoring indicates the need for management changes (e.g., standards not being met, resource conditions deteriorating or not recovering adequately, or use conflicts emerging or persisting), such changes will be documented in a new AOI. If problems persist under altered management, further management changes will be made. If management objectives are met, management could be altered to allow more use if desired conditions can be sustained.

Fisher Creek Allotment

My decision does not change any allotment boundaries or close any areas at this time. Should occupied big horn sheep habitat overlap into the Fisher Creek Allotment sometime in the future, adaptive management strategies, including area closures, may be used to reduce the potential for disease transmission between domestic sheep and bighorn sheep.

Smiley Creek Allotment

My decision closes some areas to sheep grazing as shown in the Proposed Action. It also rests portions of the Smiley Creek drainage and requires use of temporary corrals for shipping and receiving livestock until important habitat indicators improve, which is the only change from the Proposed Action.

The Smiley Creek allotment contains high-elevation areas, including cirque basins and other sensitive land types, which are important for both their ecological functions and their recreational value. Closure of these areas will protect thin soils, fragile alpine plant life, and unique wildlife habitat and reduce the potential for recreation/livestock conflicts. Specific high elevation areas that will be closed include the headwaters of:

- Frenchman Creek
- Smiley Creek, and Mill Gulch
- Beaver Creek*
- Jake's Gulch *
- Alturas Lake Creek

*Trailing through a portion of the headwaters of Beaver Creek and Jake's Gulch will be allowed to maintain herding efficiency. Trailing through each area will be limited to one day, respectively.

Sheep activity (e.g. grazing, trailing, bedding, nooning, and use of temporary or permanent corrals for shipping and receiving livestock) in the Smiley Creek Drainage will be restricted between the confluence of Mill Gulch to the National Forest lands boundary until substantial recovery of important habitat indicators occurs. Areas east of the Smiley Creek Road (FR70077) will be rested and this may require use of portable water troughs if sheep are trailed through the drainage. No use of corrals for shipping and receiving sheep and lambs will be allowed while the areas are being rested.

The following habitat indicators for RCA's within the Smiley Creek drainage from the confluence of Mill Creek to the National Forest lands boundary will be used to help determine recovery.

- Riparian areas will have adequate cover of key native species (more specifically defined in development of the Allotment Management Plan) in a variety of age classes that are adequately reproducing and maintaining good vigor.
- Stream bank stability is greater than 90 percent of the inherent potential stability.
- No more than 15 percent of the soil productivity of an activity area is in a detrimentally disturbed condition as measured by compaction, puddling, and displacement.
- Hummocks or pedestals are generally absent

If it is determined that Smiley Creek and its RCA are functioning appropriately, or nearly so, in regard to the above indicators, adaptive management may allow use of the subject area for shipping and receiving sheep and lambs at the Smiley Creek corrals, prescriptive grazing and/or rotational changes.

Rationale for the Decision

The allotment management plans for the Fisher Creek and Smiley Creek Allotments were approved in 1966 and 1967 respectively. The FEIS demonstrates that impacts from sheep grazing to fisheries, wildlife habitat, and vegetation, and conflicts with recreationists are occurring, indicating that the allotment management plans need to be updated and current sheep grazing management practices changed. The need for changing management on these allotments is further validated by the Sawtooth FLRMP, which assigned those areas within the allotments, to active restoration prescriptions.

Within the Sawtooth FLRMP, the Fisher Creek drainage includes Management Prescription Category (MPC) 3.2, Active Restoration and Maintenance of Aquatic, Terrestrial and Hydrologic Resources. The Smiley Creek drainage includes MPC 2.1 – Wild & Scenic Rivers and MPC 3.2 - Active Restoration and Maintenance of Aquatic, Terrestrial and Hydrologic Resources.

Implementation of the Proposed Action with a minor modification best meets the Purpose and Need and moves the areas towards the desired future condition. It also meets the resource objectives identified in the Revised Sawtooth FLRMP and the North Sheep FEIS. I believe my

decision provides the best balance between the various social and resource needs within the project area at this time. My rationale for this decision is based on the need to restore the aquatic, terrestrial, and hydrologic resources, balancing the recreational conflicts to the degree possible, and providing for long-term sustainable livestock grazing.

In making my decision, I relied upon an interdisciplinary team to analyze three alternatives as documented in the North Sheep FEIS:

- No Action - Alternative A;
- Proposed Action - Alternative B; and
- Alternative 3 – Grazing Phased Out

Selection of the alternative is based on responsiveness to the issues and the Purpose and Need.

I considered the values and economic interests of the livestock permittee operations as well as the values of the SNRA and the experience desired by recreationists. I am sensitive to the effects to the livestock operators and recognize that my decision will have impacts on their operations.

How My Decision Responds to Public Concerns and Needs for Change

The 22 comment letters I received in response to the draft EIS reflect the diverse interests of the public regarding use of National Forest System lands. The analysis and decision is not a voting process, but I have sought to carefully and objectively assess public comments, and the FEIS, including the purpose and need, issues, and alternatives and their effects, in reaching my decision.

Following is a discussion of how the actions in this decision respond to the issues raised during the public involvement phase of the Environmental Impact Statement and address the Needs for Change identified in the FEIS.

Livestock Management

One issue raised is that the Proposed Action and alternatives could affect the functionality of grazing operations on these grazing allotments. These grazing allotments are used by permittees as part of a larger, annual cycle of livestock movements. In addition to being part of this larger, established cycle, the allotments themselves are grazed in a systematic way designed to be as productive as possible in terms of livestock parameters, given the terms and conditions required by the Forest Service permit, AMPs, and AOIs. As a result, the changes to those terms and conditions included in the Proposed Action and alternatives have the potential to impact the functioning of the allotments themselves and the larger livestock operations of which they are a part. I believe the decision fairly balances the issue of grazing functionality while still addressing resource concerns. Restrictions placed on the use of Smiley Creek drainage can be reconsidered with indications of successful livestock grazing management and recovery of habitat.

Soil & Watershed Resources

Concerns were expressed that sheep grazing in the allotments has caused increased stream sedimentation and decreased streambank stability and water quality. Concerns were also

expressed that sheep grazing is impacting soils resulting in reduced soil productivity. As described in Chapter 3 of the FEIS, observations from field surveys identified effects of sheep grazing in the Alturas Lake Creek and Smiley Creek. Key areas of concern were associated with sheep camps and shipping areas such as the Smiley Creek corral, and scattered, localized detrimental impacts in high elevation upland meadows and in cirque basins. Historic, intensive grazing has reduced the capability to where once-over grazing results in a higher level of disturbance. Sediment input to streams and bank stability concerns within both allotments are believed to be produced from existing roads within RCAs, road crossings, localized grazing impacts to stream watering sites and some upland areas including areas of concentrated livestock use such as bedding grounds, as well as exposed areas associated with past mining development.

In response to these concerns, my decision closes the high elevation areas to livestock grazing and rests the area around the Smiley Creek corral until Forest Plan standards are met. In areas remaining open to grazing, livestock use will be limited to once-over grazing with the exception of trailing in specified areas and for specified times. Specific mitigation measures have been included that limits use in and around shipping areas, and bedding and nooning of sheep within riparian areas will no longer be allowed. Adaptive management provisions will allow me to address localized areas of concern and will result in movement towards desired conditions. My decision will meet the relevant objectives, standards, and guidelines in the Revised FLRMP for soils and water resources.

Fisheries

There was a concern raised that livestock grazing could affect special status fish species. The streams, rivers, and lakes of the allotments include habitat for several special status fish species.

Again, as with Soil & Watershed Resources, mitigation items were specifically added to ensure compliance with FLRMP standards and to move the resource towards desired conditions. Our finding of Not Likely to Adversely Affect special status species received concurrence from the regulatory agencies for the recovery of the species, NOAA Fisheries and U.S. Fish and Wildlife Service.

Heritage (Cultural Resources)

Livestock grazing remains an important historical consideration as well as an aspect of the current social and cultural setting.

My decision addresses these concerns in a few ways. The existing corral that will be restricted from use during a period of rest may possibly be put to use in the future or will be allowed to deteriorate naturally, adding to the historic feel of the SNRA. Sheep grazing will continue, thus maintaining pastoral and cultural settings. Although grazing patterns will be changed, there is still the opportunity to see sheep herded in the area. This decision is in compliance with FLRMP standards for heritage.

Recreation

There was concern that livestock grazing may be affecting recreation experiences through the presence of sheep waste on trails, trailing and trampling effects on trails and meadows and odor, the concern about aggressive guard dogs and the potential for the transmission of disease to

humans. Under an adaptive management philosophy, grazing management will be adjusted to reduce recreational conflicts. Specific required changes will be identified and adapted to address specific concerns as they arise.

This decision will meet FLRMP direction for recreation by retaining the ROS class acreages in the area (REGU08), and meeting all Visual Quality Objectives (SCST01). The closure of select high-elevation areas would be consistent with Objective 04109. Overall, the decision will result in a trend toward desired conditions for recreation, though conflicts with recreational values may persist in some localized areas.

Vegetation

The allotments include several plant community types that are important due to concerns regarding ecosystem function and community diversity. These include alpine, riparian, upland meadow, and sagebrush steppe communities. These allotments support, or include potential habitat for, several plant species that are protected under the Endangered Species Act or by Forest Service management directives. Several species of noxious weeds are found in and around these grazing allotments. New species have appeared in recent years, and most populations are spreading.

My decision will close some areas to grazing to aid in recovery and protection of the vegetation within these areas. The decision restricts sheep activity in the Smiley Creek corral area until vegetative conditions improve.

By using adaptive management practices, my decision is intended to move areas toward the desired condition. Thus my decision will meet the relevant objectives, standards, and guidelines in the Revised FLRMP, specifically VEGO01, VEGO02, and VEGO03 (FLRMP, Vol. 2, Appendix B) by contributing to the restoration of plant communities.

Increased monitoring that will occur as part of adaptive management will increase the likelihood of early detection of noxious weeds soon after they appear. Early detection of new populations is key to stopping the spread and eradicating infestations before they become established.

The decision will meet the desired condition for vegetation and is consistent with the Revised FLRMP.

Wildlife

The grazing allotments support, or include potential habitat for ESA species including Canada lynx, gray wolf, and bald eagle. Forest Service sensitive species include wolverine, fisher, spotted bat, Townsend's Big-eared Bat, pygmy rabbit, northern goshawk, boreal owl, great gray owl, flammulated owl, peregrine falcon, northern three-toed woodpecker, and Columbia spotted frog. Forest Service management indicator species include pileated woodpecker and greater sage-grouse.

The two allotments also include mountain goat habitat and support several predators other than special status species, including coyotes, mountain lions, and black bear as well as provide areas of winter range for elk.

By better providing for compliance with FLRMP standards and guides, my decision will result in movement towards desired conditions for terrestrial wildlife. The decision closes 5125 acres of mountain goat habitat, occupied by known populations, to livestock grazing in the Smiley Creek allotment.

Public Health/Disease Transmission

Some commenters have raised the concern of transmittable diseases from sheep to members of the public who may use areas within the two allotments for recreation or other activities. While I share the desire to protect the public's health from possible diseases transmitted by domestic sheep, our review of the published data, and discussions with experts in this field, do not present convincing evidence that the presence of sheep grazing on these two allotments will cause a significant risk to public health. (FEIS Sections 1.6.3, 3.3.2, and Appendix F Response to Comments on the DEIS , Issue 5).

Grazing Capability, Capacity and Suitability

One commenter raised concern about the need for more detailed capability, capacity and suitability analyses. The SNF follows regional and national direction for capability and suitability analysis, which are required at the programmatic, Forest Plan level. Capability determinations do not constitute a decision to graze an area or an indication of capacity. Their purpose is to establish a foundation for Forest Plan alternative development and evaluation. Capacity determinations are based on a number of variables. This decision addresses these issues in the context of compliance with Forest Plan standards and the use of adaptive management to meet those standards. (FEIS Section 1.6.3 and Appendix F Response to Comments on the DEIS, Issues 6e and 6f)

Rationale Summary

In making this decision I factored in all these elements. My decision will allow for updates to the allotment management plans and provide for permitted livestock grazing that meets or moves toward desired resource conditions as described in FLRMP standards. This decision will strike a balance between the growing recreation uses and long-term sustainable livestock grazing within the SNRA. All practical means have been considered or addressed to minimize environmental harm resulting from this decision.

My decision is within the scope of the analysis included within the North Sheep EIS.

II. Alternatives Considered

In addition to the selected alternative (Alt. B – Proposed Action with one minor modification), I considered two other alternatives in detail, which are discussed below. A more detailed comparison of the alternatives analyzed in detail can be found in the FEIS – Chapter 2.

Alternative A - No Action

Under the No Action (No change) alternative, current management plans would continue to guide management of the project area. The No Action Alternative reflects no change in grazing FLRMP standards or boundaries, from the existing grazing authorized on these allotments in

recent years. Temporary management restrictions included in AOIs, including closures of select high-elevation areas, would not necessarily remain in force, as they are not terms of the grazing permit itself and are subject to change annually. Adjustments to authorized livestock numbers to reflect annual management restrictions included in AOIs would be made. Monitoring would continue as in the recent past, addressing compliance with the terms of the permit, AMP, and AOI. The effects analysis in the FEIS identifies where grazing practices continued under this alternative may not allow for consistency with Revised FLRMP direction.

Alternative C – Domestic Livestock grazing discontinued

This alternative would eliminate permitted livestock grazing from both the Fisher Creek and Smiley Creek allotments in their entirety. Domestic livestock grazing permits would be cancelled. In accordance with agency regulations (36 CFR 222.4), grazing would cease 2 years after notice of cancellation. Allotments would be managed in the same manner as under the No-Action Alternative during the 2-year interval. Structural range improvements would be removed over time, as agency budgets allowed.

Alternatives Considered But Not Analyzed in Detail

I also considered five other alternatives, but chose not to analyze them in detail. Those alternatives, and the rationale for dropping them from detailed analysis, can be found in the FEIS, Chapter 2.

- No Grazing During Flowering Period
- Use Fee Demo Funds to Retire Permits
- Close Ketchum-Stanley Sheep Driveway
- Maximize Coexistence with Wolves
- Close Areas Above 8,000 Feet to Grazing

III. Public Involvement

A 45-day scoping period for this project was initiated on May 6, 2003, with publication in the Federal Register of Notices of Intent (NOI) to prepare and EIS for these allotments. Public notices were also published in area newspapers, and a notice was sent to agencies, organizations, and individuals on the Forest Service mailing list.

A total of 29 letters were received in response to this solicitation. Comments were extracted from those letters and processed to determine which were substantive and which were non-substantive (e.g., expressions of opinion, issues outside the scope of this analysis, matters covered by other laws, regulations, policies, or higher-level decisions, or concerns that were speculative or without basis). Substantive comments were then assessed to determine which constituted significant issues that would guide the EIS. This process was documented in a report titled *Analysis of Scoping Comments and Synthesis of Issues Statements*, included in the project record. A copy of all letters and comments from individuals and organizations are on file in the project record.

This project has also been listed in the Sawtooth National Forest quarterly “Schedule of Proposed Actions” which has been sent to 249 individuals, agencies and organizations, since 2003.

Using the comments from the public, interested groups, and other agencies, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included rangeland resources, soil and watershed resources, fisheries resources, heritage and cultural resources, recreation, and wildlife resources. For additional detail see FEIS Chapter 1.

A Draft EIS (DEIS) was made available to the public on March 25, 2004, with a legal notice being published in the Challis Messenger (newspaper of record). A Notice of Availability of the DEIS was published in the Federal Register on March 26, 2004. From this solicitation for comments, a total of 22 letters were received.

Based on the public comments received on the DEIS, the significant issue statements were expanded and updated. While no new significant issues were identified from public comment, additional information and concerns related to the existing issues were received. This new information has been incorporated into the issue descriptions in the FEIS. To address these concerns found in the significant issues, the Forest Service created the alternatives described above.

IV. Findings Required by Other Laws and Regulations

This decision to implement Alternative B with one minor modification, updating the Fisher Creek and Smiley Creek AMPs and authorizing livestock grazing in a manner that will meet FLRMP standards and establishing additional direction for livestock management throughout the allotments, is consistent with the intent of the Sawtooth FLRMP long-term goals and objectives listed in Chapter III. The project was designed in conformance with the Sawtooth FLRMP standards and appropriate guidelines. After considering the discussion of environmental consequences (FEIS, Chapter Four) I have determined that the decision is consistent with other applicable laws and regulations (FEIS Chapter Four, Section 4.9).

Migratory Bird Treaty Act and Executive Order

This decision is compliance with the act, subsequent executive order, and memorandum of understanding between the USDI Fish and Wildlife Service and USDA Forest Service, which provides for the protection of migratory birds. If new requirements or direction result from subsequent interagency memorandums of understanding pursuant to Executive Order 13186, the decision will be evaluated to ensure that it is consistent.

National Environmental Policy Act (NEPA)

The Environmental Impact Statement and this Record of Decision is in compliance with NEPA and the Council on Environmental Quality (CEQ regulations 40 CFR 1500-1508) for implementing NEPA.

Endangered Species Act (ESA) of 1973 (as amended)

Information concerning threatened and endangered plant, fish, and wildlife species is included in chapters Three and Four of the FEIS, in correspondence with USFWS and NOAA Fisheries, and in detailed discussions contained in the Biological Assessments (Project File).

Concurrence letters that the implementation of the Proposed Action are “not likely to adversely affect” listed species or critical habitat have been received from NOAA Fisheries and US Fish and Wildlife Service. (NOAA Fisheries – June 15, 2004; USFWS – June 7, 2004). This decision is consistent with the Endangered Species Act.

Clean Water Act

Based on discussions in chapters Three and Four of the FEIS and the Project Record concerning hydrology, this decision is consistent with the Clean Water Act and amendments. No permits are required for implementation of the decision.

Nonpoint Source Water Quality Program for the State of Idaho

This decision maintains water quality within the project area and is consistent with the State of Idaho Nonpoint Source Water Quality Program. There are no 303(d)listed waters currently within the project area, nor immediately downstream.

Wild and Scenic Rivers Act

Alturas Lake Creek and Alpine Creek are in the project area, have been found to be eligible for further consideration under the Wild and Scenic Rivers act. Additional studies must be conducted before the river might be recommended to Congress for actual designation. Until these studies are completed, the Outstandingly Remarkable Values must be protected. This decision will not affect the potential eligibility, classification, listing, or Outstandingly Remarkable Values under the Wild and Scenic Rivers Act.

Executive Order 11990 of May 1977 (Wetlands)

This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that an analysis be completed to determine whether adverse impacts would result. Based on discussions in chapters Three and Four of the FEIS and the Project Record concerning wetlands, the decision complies with EO 11990 by maintaining and restoring riparian conditions.

Executive Order 11988 of May 1977 (Floodplains)

This order requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risks of flood loss, (2) minimize impacts of floods on human safety, health, and welfare, and (3) restore and preserve the natural and beneficial values served by flood plains. Based on discussions in chapters Three and Four of the FEIS and the Project Record concerning floodplains, the decision complies with EO 11988 by maintaining floodplain integrity.

National Historic Preservation Act (1966) and American Antiquities Act (1906)

Based on discussions in chapters Three and Four of the FEIS and the Project Record concerning Heritage Resources, it has been determined there will be no measurable effects to any Historic Properties with this decision. Consultation with the Idaho State Historic Preservation Office occurred and a concurrence letter agreeing with the Sawtooth Forest determinations of “no adverse effect” was received on April 12, 2004.

Clean Air Act (1977 as amended) and Idaho Air Pollution Rules

This decision is in compliance with the Clean Air Act, which defines the National Ambient Air Quality Standards (NAAQS) for various sources of pollutants that must be met to protect human health and welfare, including visibility. This decision will also meet all NAAQS.

National Forest Management Act (NFMA) (36 CFR 219.27)

Management action and practices prescribed in this decision provide for adequate resource protection, including soils and water, riparian, wetlands, and vegetation resources. The mitigation measures and management requirements specified and described in Chapter 2 of the FEIS and reiterated in this decision document provide needed resource protection in accordance with the National Forest Management Act.

Federal Licenses and Permits

No federal licenses or permits are required.

Environmental Justice (E.O. 12898)

During the course of this analysis, none of the alternatives considered resulted in any identifiable effects or issues specific to any minority or low-income population or community. The agency considered all public input from persons or groups regardless of age, race, income status, or other social/economic characteristics.

I examined community composition, as required under E.O. 12898, and found no minority or low-income communities to be disproportionately affected under any of the alternatives. This was not raised as an issue during scoping.

Secretary of Agriculture Memorandum (1827) Prime Farmland, Rangeland, and Forestland

The decision is in accordance with Secretary of Agriculture Memorandum 1827 and Department Regulation 9500-3 for prime farmland, rangeland and forest land.

Research Natural Areas

No Research Natural Areas will be affected by the Proposed Action or alternatives.

Energy

The decision will not have any unusual energy requirements.

Inventoried Roadless Areas

Inventoried Roadless Areas (IRAs) contain natural landscapes where human activities have not had a significant impact, and the areas meet criteria for potential wilderness designation under

the Wilderness Act of 1964 (LRMP, pg IV-2). Both allotments contain IRAs (see revised FLRMP.) This decision will not affect nor irretrievably alter the natural condition of Inventoried Roadless Areas.

Mining

The decision will have no effect on the availability of lands for mining, under federal mining laws and regulations and PL 92-400.

Public Law 92-400 / Substantial Impairment Determination

PL 92-400, which established the SNRA, requires that the SNRA 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.

As described in Appendix I of the Sawtooth FLRMP, direction for evaluating substantial impairment of the key SNRA values originates in 36 CFR Part 292:

36 CFR 292.17 (b) (10): “Substantial impairment means that level of disturbance of the values of the SNRA which is incompatible with the standards of the General Management Plan.”

The General Management Plan is defined as “the document setting forth the land allocation and resource decisions for management of the SNRA.” The direction contained in the Sawtooth FLRMP represents the General Management Plan as required by Public Law 92-400. The standards for management of the scenic, natural, historic, pastoral, and fish & wildlife on the SNRA can be found in the Sawtooth FLRMP - Chapter III and Appendix I.

I have followed the process developed to determine if this decision will cause substantial impairment of the SNRA key values. I also factored in the analysis of the FEIS, and comment by the public, in making this determination. (Baldwin September 29, 2004 memo to project file)

It is my determination that this decision for the Fisher Creek and Smiley Creek Allotments, as designed with required mitigation and management requirements, is consistent with the Sawtooth FLRMP and Public Law 92-400 and **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.

Environmentally Preferred Alternative

40 CFR 1505.2 states that an Agency must “...identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable... An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision.”

The factors I used in specifying which alternative(s) would qualify as “environmentally preferable are the six goals as stated in the National Environmental Policy Act (NEPA - Title 1, Section 151(b)):

1. Fulfills the responsibilities of each generation as trustee of the environment for succeeding generations.
2. Assures all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
3. Attains the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
4. Preserves important historic, cultural, and natural aspects of our national heritage, and maintains wherever possible, an environment which supports diversity and a wide variety of individual choices.
5. Achieves a balance between the human population and resource uses, which permits high standards of living and a wide sharing of life’s amenities.
6. Enhances the quality of renewable resources and approaches the maximum attainable recycling of depleted resources.

This determination is difficult because each alternative can be considered preferable to the others depending upon the criteria used for comparison. Based on a comparison of the environmental consequences of all alternatives considered in detail in Chapter 4, there are two alternatives that fulfill at least two or more of these goals, but they do so to varying degrees. Although Alternative C does not provide the widest range of beneficial uses (grazing is eliminated under Alternative C), it best provides a healthful, productive and aesthetically pleasing surrounding environment with the fewest impacts to the biological and physical environment. Therefore, Alternative C is identified as the environmentally preferred alternative.

V. Implementation

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

VI. Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215. An appeal may be filed by those who have submitted substantive comments for this project during the comment period. To appeal this decision, a written Notice of Appeal must be postmarked or received within 45 calendar days after the date of the legal notice of this decision in the Challis Messenger newspaper. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to file an appeal should not rely upon dates provided by any other source.

The Notice of Appeal must be sent to: USDA, Forest Service, Appeals Deciding Officer, Intermountain Region, 324 25th Street, Ogden, UT 84401; (801) 625-5605. The Notice of Appeal may alternatively be faxed to: Appeals Deciding Officer at (801) 625-5277; or mailed electronically in a format (pdf, txt, rft, or document compatible with Microsoft Office applications) to Appeals Deciding Officer at: appeals-intermtn-regional-office@fs.fed.us ; or hand delivered during normal business hours from 8:00 am to 4:30 pm, Monday through Friday, excluding federal holidays at the above address. Contents of an appeal must meet the requirements of 36 CFR 215.14..

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Sara Baldwin, Area Ranger, Sawtooth National Recreation Area, HC 64, Box 8291, Ketchum, Idaho; (208) 727-5000 or Joe Harper, Deputy Area Ranger, Sawtooth National Recreation Area, HC 64, Box 9900, Stanley, ID 83278; (208) 774-3000.

Sara E. Baldwin
SARA E. BALDWIN
Area Ranger
Sawtooth National Recreation Area

30 September 2004
DATE

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