

# *Record of Decision*

## North Fork-Boulder & Baker Creek Allotment Management Plan Updates

**USDA Forest Service  
Ketchum Ranger District  
Sawtooth National Recreation Area (SNRA)  
Sawtooth National Forest  
Blaine County, Idaho**

### I. Decision and Reasons for the Decision

#### ***Background***

The 34,074 acre North Fork-Boulder allotment and the 63,561 acre Baker Creek allotment are administered by the Ketchum Ranger District of the Sawtooth National Forest. These allotments lie within Blaine County, in the upper Big Wood River basin, in central Idaho. The North Fork-Boulder Creek allotment management plan (AMP) was approved August, 1979, and the Baker Creek AMP was approved in December, 1980

A portion of both allotments lie within the proclaimed boundary of the SNRA and the remainder of the allotments are within the Ketchum Ranger District. 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.

For purposes of this Record of Decision (ROD), when compliance with PL 92-400 is discussed, the reader should understand that only those portions of the allotments within the proclaimed boundary of the SNRA are subject to PL 92-400, in addition to usual laws and regulations guiding National Forest management.

The North Sheep Final Environmental Impact Statement (FEIS) which analyzed these two allotments, was completed in September, 2004. The proposed action in the FEIS is to update the allotment management plans for the North-Fork Boulder and Baker Creek Allotments to allow for permitted livestock grazing that meets or moves towards desired resource conditions.

#### ***Decision***

My decision is to implement the Proposed Action, Alternative B of the FEIS. My decision will use an adaptive management approach to update the North Fork-Boulder and Baker Creek AMP's and will authorize livestock grazing in a manner that will meet FLRMP standards for livestock management throughout the allotments. An adaptive management approach to implementation of grazing will allow the Forest Service and permittees to respond to changing

conditions and monitor results that will indicate whether or not we are meeting FLRMP standards and making progress towards desired conditions. Livestock numbers, grazing practices and seasons will be modified as necessary to meet standards, based on monitoring results that indicate a need for change.

### ***Area Closures Within the Baker and North Fork Boulder Allotments***

As part of my decision, I am closing several areas within the two allotments for resource protection, and/or to reduce conflicts occurring between sheep grazing and current levels of recreational use.

Specific areas within the Baker Creek allotment that will be closed include:

- The Brodie, Apollo, and Norton drainages and the upper portions of the Prairie Creek drainage, for resource protection.
- The headwaters of Baker Creek with the exception of that portion of the left fork (adjacent to Big Peak Creek), which will allow trailing access through the closed area into the allotment from the Fairfield District.
- Adams Gulch will be closed to grazing to eliminate recreation-livestock conflicts. While Adams Gulch will be closed to sheep grazing, limited use of the drainage to trail sheep onto the allotment in spring and off in late fall (after Labor Day) will be authorized.

The closure of these areas within the Baker Creek allotment to sheep grazing will result in reduction of up to 1371 sheep head-months. These changes in permitted use will be reflected in the Term Grazing Permit and in the new AMP with a reduction in band-days use during the grazing season.

Specific areas within the North Fork/Boulder allotment that will be closed are:

- Headwaters of Murdock Creek, for resource protection.
- Upper Basin of the North Fork of the Bigwood River for resource protection.

The closure of the upper basins in the North Fork/Boulder allotment to sheep grazing will not result in loss of band-days use or reduction in band size. These upper basins have not been grazed in the past decade, and they are not a factor in affecting current band-day use.

### ***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 Baker and North Fork/Boulder allotments. My objective will be to make grazing management more proactive, generating long-term solutions to recurrent problems rather than reactive responses to immediate crises. I will gauge success of the grazing strategy through a combination of implementation and effectiveness monitoring, and look for results that indicate that we are moving toward or achieving desired conditions for the biophysical resources stated in the Revised FLRMP. This Revised FLRMP guidance for rangeland resources is presented in Appendix B of this FEIS. 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. A new AMP will be developed for each allotment that incorporates the elements of this decision prior to the 2006 grazing season.

### **Monitoring**

Monitoring will be a key aspect of adaptive management in the selection of this alternative. A monitoring plan will be drafted prior to the 2005 grazing season, and finalized prior to the 2006 grazing season to track progress toward desired future conditions and determining compliance with FLRMP direction. Guidelines and criteria to be included are found in Appendix C - Monitoring Guide. The monitoring criteria are derived from applicable guidance in the Revised FLRMP, as outlined in Appendix B of this FEIS.

Effectiveness monitoring will be the primary responsibility of the Forest Service, with input as appropriate from permittees. Permittees will be responsible for monitoring sheep band use, insuring that their herders are following the AOI's, and meeting the standards required for sheep grazing on the Sawtooth National Forest. The Forest Service will conduct allotment inspections to verify AOI's and standards are being implemented.

If monitoring indicates that adequate progress is not being made toward desired future conditions, adaptative management changes will be identified and documented in AOIs. Changes may involve sheep numbers, season of use, grazing restrictions or closures, or alteration of trailing routes. Monitoring will be initiated following issuance of the initial AOI in 2005. 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 the subsequent year's AOI. If problems persist under altered management, further management changes will be made.

### **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. Management direction for rangeland resources and sheep grazing will be included the development of the AMPs and AOIs for these two allotments Appendix B, Revised FLRMP, of this FEIS. 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 establishment of temporary shipping corrals.

#### Recreation:

- Post signs at trailheads during the grazing season advising recreationists when sheep bands and guard dogs are present.

Vegetation Resources:

- Survey potential habitat for special status plant species in areas that will receive concentrated sheep use, such as trailing corridors and temporary corral sites if not analyzed in the FEIS. If special status plant species habitat is occupied, relocate this use to other areas of unoccupied habitat within the allotment.

Livestock management:

- 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 being taken out of the area.
- Avoid sheep bedding and nooning in areas of 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).
- The trailing route from Fairfield District for the band trailing into the Baker allotment will generally follow Baker Creek down to the trailhead, then follows the road to the corrals at Newman Creek. Trailing time will be approximately 3 days.
- Sheep overnight bedding will not be allowed through the high elevation portion of this trailing route from Fairfield District, or in the closed area of Adams gulch. Grazing will be limited to what is eaten in passing along the trailing route.

Wildlife Resources:

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

Fisheries Mitigation:

- Nooning or bedding of sheep bands within stream channels or riparian vegetation is not authorized.

***Rationale for the Decision***

The allotment management plans for the North Fork-Boulder and Baker Creek Allotments were approved in 1979 and 1980 respectively. The information contained in this FEIS identifies impacts from sheep grazing to fisheries, wildlife habitat, and vegetation, and identifies areas where grazing conflicts with recreation use within these two allotments. The allotment management plans need to be updated and current livestock management practices changed. Implementation of the Proposed Action best meets the Purpose and Need and should move resource conditions within these allotments towards the desired future condition. It also meets the resource objectives identified in Chapter III of the Revised Sawtooth FLRMP, and the North Sheep FEIS Appendix B.

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, the need to address conflicts of livestock use within areas of high recreational use, and provide for long-term sustainable livestock grazing. All practicable means to avoid or minimize environmental harm in selecting this alternative have adopted (CEQ 1505.2c).

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

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

My selection of the Proposed Action is based on responsiveness to the issues and the Purpose and Need identified through scoping and project analysis.

I have considered the values and interests of the livestock permittee operations as well as the values and the experiences desired by other members of the public on the Ketchum Ranger District and SNRA. I am sensitive to the needs of 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 DEIS reflect the diverse interests of the public regarding use of National Forest System lands. The analysis is not a voting process. I have sought to carefully and objectively assess public comments, and the information contained in the FEIS, including the purpose and need, issues, and alternatives and their effects, in reaching my decision.

Despite the wide variety of backgrounds and interests, public opinion overwhelmingly reflected a general consensus that there is a definite, identifiable “need for change” in the management of sheep grazing on these two allotments. Appendix F – Response to Comments, contains detailed responses to substantive comments received on the DEIS during the comment period. Substantive comments were grouped into 12 Issues, containing several sub-issues.

Following is a discussion of how the actions in my 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.

#### ***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, current grazing in both Baker Creek and North-Fork Boulder is evident on the open hillslopes and glacial outwash areas as these areas are inherently low in

productivity. These areas are recovering very slowly from historic grazing pressure. Historic grazing impacts and current impacts from recreation and grazing, particularly in areas of concentrated use such as shipping and bedding areas, have resulted in streambank and sediment impacts in both the North Fork–Boulder and Baker Creek allotments. My decision to authorize temporary shipping corral placement at Boulder Flats and the flats below Russian John will reduce trailing impacts from the sheep band using the North Fork- Boulder allotment. In addition, high elevation cirque basins exhibit limited soil productivity and are no longer capable of sustaining annual grazing use. In response to these concerns, my decision closes to livestock grazing the high elevation cirque basins in both the Baker Creek and North Fork-Boulder allotments. 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. Mitigation measures have been included that limits use in and around shipping areas; 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.

### ***Vegetation***

Several comments were received about site-specific overgrazing on the Baker Creek and North Fork/Boulder allotments. These areas are noted and will be monitored for compliance with rangeland grazing standards contained in this FEIS which are incorporated into my decision to select Alternative B - Proposed Action. The two allotments include several plant community types that are important due to concerns regarding ecosystem functioning and community diversity. These include alpine, riparian, upland meadow, and sagebrush steppe communities. My decision will close some areas to grazing to aid in recovery and protection of the vegetation within these areas. 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. Mitigation and management standards for protection of TEPC plant species are incorporated into my decision and can be found in Appendix B and in Chapter 2, Alternative B – Proposed Action.

Comments were received, expressing concern about the invasion of noxious weeds. Several species of noxious weeds are found in and around these grazing allotments. The current situation regarding noxious weeds, including the role of livestock is discussed in Chapter 3, and Chapter 4 of the FEIS. New species have appeared in recent years, and most populations are spreading. Active control of noxious weed populations and restoration of native vegetation is part of a coordinated weed management effort within the Blaine County CWMA, of which the Forest Service is an active partner. Increased monitoring that will occur as part of adaptive management in my decision will increase the likelihood of early detection and control of new noxious weed infestations soon after they appear.

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 found in Appendix B by contributing to the restoration of plant communities.

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

### ***Wildlife***

Many commentors expressed concern about the impacts of sheep grazing on native wildlife species. 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, flammulated owl, northern three-toed woodpecker, mountain quail, peregrine falcon, and Columbia spotted frog. Forest Service management indicator species include pileated woodpecker and greater sage-grouse.

The two allotments also include populations of mountain goats and provide limited winter range for elk. My decision does specifically address mountain goats by closing 2,630 acres of goat habitat to livestock grazing in the North Fork-Boulder allotment and 8,345 acres of goat habitat in the Baker Creek allotment. The allotments also support several predators other than special status species, including coyotes, mountain lions, and black bear. By better providing for compliance with FLRMP standards and guides, my decision will result in movement towards desired conditions for terrestrial wildlife

### ***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. There are no listed fish species found in the project area. The Wood River Sculpin is a Forest Service Sensitive species. Direction for sensitive species is found in Forest Service policy (FSH 2609.13) and my decision conforms to that direction.

### ***Livestock Management***

One issue raised is that changes to grazing management and requirements in the Proposed Action could affect the feasibility of grazing operations on these allotments. These grazing allotments are used by permittees as part of a larger, annual cycle of livestock movements. I believe my decision fairly balances the issue of feasible grazing operations while still addressing resource concerns. While the Adams Gulch area is closed to grazing, allowing the sheep band to trail through the area in the early summer and fall makes it workable for the operation. In addition, the temporary corrals for North Fork-Boulder allotment will reduce trailing impacts to the one permanent corral at Murdock and still allow for mid-season shipping of lambs from the allotment.

Another issue raised by several commentors was that the continued use or closure of the Ketchum –Stanley sheep driveway was not being addressed in this EIS and decision. Concerns were raised about the dual use by sheep trailing through the North Fork/Boulder allotment, the spread of noxious weeds, and the impact of concentrated sheep use on soils on the driveway. The acreage within the driveway on the North Fork/Boulder allotment is not considered part of the area grazed in the allotment. As discussed in Chapter 4 of the FEIS, the driveway is used by the permittees on several allotments, not just the North Fork/Boulder and Baker allotments. Based on the extent of the driveway which crosses several allotments and is used by multiple

permittees, the driveway and its management were determined to be outside the scope of the FEIS and Proposed Action. The driveway is addressed as a cumulative action, and is discussed under each pertinent resource discipline in Chapter 4. Closing the driveway would be outside the scope of this decision, but its impacts on erosion, noxious weeds, and other issues are addressed in the FEIS. Future management of the sheep driveway will be evaluated separately, using information from this analysis, and monitoring driveway use, beginning in 2005.

### ***Heritage (Cultural Resources)***

Livestock grazing remains an important historical consideration as well as an aspect of the current social and cultural setting. My decision will allow sheep grazing to continue, maintaining the associated pastoral and cultural settings. Although grazing patterns will be changed, there is still the opportunity to see sheep herded in the area.

This decision in compliance with FLRMP standards for heritage resources.

### ***Recreation***

Many of the comments expressed concern that livestock is affecting recreation experiences through the presence of sheep manure on trails; trailing and trampling effects on trails and in meadows; odor; and aggressive guard dogs. Adams Gulch, located on the western side of the Baker Creek Allotment, experiences a high level of recreational use, beginning as soon as the area is accessible after snowmelt in the spring, continuing through summer, and tapering off after Labor Day. Responding to ongoing recreational conflicts in Adams Gulch, my decision to discontinue sheep grazing in this drainage to reduce conflicts between grazing and concentrated recreation use is a reasonable approach, and is consistent with management area direction objective 04110 in the FLRMP. One band of sheep using the Baker Creek allotment will be allowed to trail across the Adams Gulch drainage to reach other suitable grazing areas in the allotment, and will be allowed to trail off in the fall.

My 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 will 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. Under the adaptive management process, grazing use may be adjusted in other areas within these two allotments to reduce recreational conflicts as they arise to an unacceptable level.

### ***Public Health/Disease Transmission***

Two commentors 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. (See sections 1.6.3, 3.3.2, and Appendix F, pages 15 - 19)



### ***Range Capability, Capacity and Suitability Issues***

One commenter raised concerns about the need for more detailed capability, capacity and suitability analyses. The Sawtooth National Forest follows regional and national direction for capability and suitability analyses, which are required at the programmatic Forest Plan level. The Sawtooth Revised FLRMP was completed in August 2003. Capability determinations at the programmatic level do not constitute a decision to graze an area or serve as an indication of capacity. Their purpose is to establish a foundation for Forest Plan alternative development and evaluation. Capacity determinations are based upon a number of variables. My decision addresses suitability and capacity issues at the site-specific level with closures of Adams Gulch and high elevation cirque basins, and 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 is within the scope of the analysis for Alternative B. 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 on the Ketchum Ranger District and within the SNRA.

## **II. Alternatives Considered**

In addition to the selected alternative (Alt. B – Proposed Action), 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 operations to address FLRMP standards, 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 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 initial 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 that can be found in the FEIS - Chapter 1. A summary of issues that the respondents felt the Proposed Action and alternatives could affect include:

- various forms of summer recreation practiced within these allotments
- functionality of grazing operations on these grazing allotments.
- soils and soil productivity in these allotments.
- streambank stability and morphology.
- stream sedimentation and the deposition of fines
- special status fish, plant, and terrestrial wildlife species.
- mountain goats.

- predators other than special status species.
- elk winter range
- prehistoric and historic archaeological sites.
- livestock grazing as an aspect of the area's cultural heritage.
- important plant communities, including alpine, riparian, upland meadow, and sagebrush steppe communities.
- spread of noxious weeds.

A Draft EIS (DEIS) was made available to the public on March 25, 2004, with a legal notice being published in the Idaho Mountain Express (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 submissions were received. A Response To Comments (RTC) is found in Appendix F.

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, updating the North Fork-Boulder and Baker 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, I have determined that the decision is consistent with other applicable laws and regulations (FEIS Chapter 4, 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)***

Based on discussions in Chapters 3 and 4 of the FEIS concerning threatened and endangered plant, fish, and wildlife species, correspondence with USFWS, and detailed discussions contained in the Biological Assessments (Project File), it was determined that implementing the project was not likely to adversely affect listed species or critical habitat. A concurrence letter with that determination was received from the US Fish and Wildlife Service. (USFWS - June 7, 2004). This decision is consistent with the Endangered Species Act.

### ***Clean Water Act***

Based on discussions in Chapters 3 and 4 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. In the draft 2003 Integrated 303(d) Report by the State of Idaho, the mainstem of the Bigwood River from confluence of the North Fork to Seaman's Creek is listed as a 303(d) water for unknown pollutants. That portion of the Bigwood River between the confluence with the North Fork and Adams Gulch, falls within the project area on the Baker allotment.

### ***Wild and Scenic Rivers Act***

The Big Wood River and the North Fork Big Wood River are in the project area. Both of these waters have been found to be eligible for further consideration under the Wild and Scenic Rivers Act, (Revised FLRMP). 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 will result. Based on discussions in Chapters 3 and 4 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 3 and 4 of the FEIS and the Project Record concerning floodplains, the decision complies with EO 11998 by maintaining floodplain integrity.

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

Based on discussions in Chapters 3 and 4 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.

A substantial impairment determination has been made by Area Ranger Baldwin for the SNRA, on my decision to select Alternative B, Proposed Action, on those portions of the Baker Creek and North Fork-Boulder allotments, occurring within the boundaries of the SNRA (Baldwin September 29, 2004). It is her determination that this decision for the North Fork-Boulder and Baker Creek Allotments, as designed with required mitigation and management requirements, 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.

### ***Environmentally Preferred Alternative***

The CEQ regulations 40 CFR 1505.2 require the ROD identify the alternative(s) that could be considered environmentally preferable. The environmentally preferred alternative is defined by CEQ as: (1) the alternative that causes the least damage to the biological and physical environment, and (2) the alternative that best protects, preserves, and enhances historical, cultural, and natural resources. Based on a comparison of the environmental consequences of all alternatives considered in detail in Chapter 4, Alternative C – Grazing Phased Out would result in the least environmental disturbance on National Forest System lands and would be the environmentally preferred alternative. However, Alternative B – Proposed Action, achieves the best balance and widest range of uses of the environment, while ensuring sound grazing management practices are required components of this action. A monitoring program will be implemented to track progress toward desired future resource conditions.

## **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. Changes to the face of the term grazing permit will be deferred for one year from the date of this decision pursuant to 36 CFR 222.4(8).

## 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 Idaho Mountain Express 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](mailto: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 Mike O'Farrell, R340; (208) 622-5371.

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**KURT J. NELSON**  
District Ranger  
Ketchum Ranger District

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**DATE**

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