

DECISION MEMO  
East Nevada Livestock Grazing Management Decision

USDA Forest Service, Northern Region, Helena National Forest  
Lincoln Ranger District  
Powell County, Montana

**I. Decision To Be Implemented**

**A. Description of Decision**

My decision is to authorize continued livestock grazing within the East Nevada allotment area consistent with existing management in order to continue to meet or move toward desired resource conditions.

The East Nevada allotment is located in the Nevada, Washington and Jefferson Creek drainage, Township 12N, R9W, section 1 and T12N R8W sections 6, 7, 8, 18, 17, 20, 21, 22, and 28 as displayed on the map attached (Attachment 1).

My decision incorporates the following elements of the current livestock grazing management. These practices comply with direction in the Forest Plan and other applicable laws and regulations.

Continue current livestock grazing as an on/off permit for a total of 180 cow/calf pair for 95 AUM's from July 1 to September 1. 24 cow/calf pair are permitted on National Forest ground and 156 pair are allocated on the off portion/ private ground associated with the permit.

The use of adaptive management will be continued, as in current management, to adjust management tactics as determined by monitoring and Interdisciplinary Team needs to focus on factors that are essential to ensure management objectives are met. Adaptive management has been used to adjust grazing on/off dates and/or pasture use dates based on upland and riparian standards and guidelines, which are tracked in the Annual Operating Instructions and Actual Use Report. Monitoring is a key role in the management process. Upland and riparian standards and guidelines are incorporated in the decision. The allowable use standards are a guide; that are conservative in design and used as triggers to adjust management in a given season or to utilize adaptive management in meeting long term management objectives, thus resulting in meeting or moving toward the desired condition. Not meeting an annual use standard does not mean failure in long term management as long as appropriate actions are taken to remedy the cause of exceeding the standard. The project file contains the adaptive management concept, and monitoring standards.

This decision will be implemented through management direction incorporated in livestock grazing permit(s) in compliance with P.L. 104 of the 1995 Rescissions Act, and Forest Service regulations.

## II. Reasons For Categorically Excluding The Decision

Livestock grazing decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are in accordance with P.L. 108-447 Section 339 as follows: "For fiscal years 2005 through 2007, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if : (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and, (3) the decision is consistent with agency policy concerning extraordinary circumstances. The total number of allotments that may be categorically excluded under this section may not exceed 900."

Currently the Forest Service has used approximately 325 of the 900 CE's authorized by Congress.

I have concluded this decision meets the above requirements and is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment. I considered the following factors:

- A. The decision continues current grazing management on the allotment;
- B. Monitoring indicates current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary. Annual allotment inspections, photo point monitoring, streambank alteration monitoring, and the comparison of allotment vegetation inventory indicate range conditions are being maintained and/or moving toward desired objectives.
- C. The decision is consistent with agency policy concerning extraordinary circumstances. There are no extraordinary circumstances related to the proposed action. My determination is based on consideration of the following resource conditions:

**Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species and Helena Forest Plan management indicator species.**

The following tables summarize the effects determinations for federally listed threatened or endangered, Forest Service sensitive, and Helena Forest Plan management indicator plant, animal, and fish species. There is no designated critical habitat, species proposed for Federal listing or proposed critical habitat in the project area.



**Wildlife** – The authorization of continued livestock grazing within the East Nevada allotment area is not anticipated to have any significant effects upon wildlife. There are no past human or livestock conflicts with wildlife in the allotment area. Some forage competition between livestock and wildlife is anticipated although the low livestock stocking levels and low forage utilization levels are anticipated to retain sufficient forage for ungulates and other herbivorous species. No changes in forested habitats would result from livestock grazing. Public access into the allotment area is limited, no new road developments or improvements would occur, and no changes to public access result. The livestock grazing period is outside the key reproductive season for wildlife minimizing potential effects to reproductive success.

The proposed action is consistent with all current recovery plans and conservation strategies and guidelines for threatened and endangered species; and adheres to Forest Service Manual direction and policy and Helena Forest Plan standards and guidelines for threatened, endangered, sensitive and management indicator species.

#### Threatened or Endangered Species - Wildlife

Species	Effects	Presence
Grizzly Bear ( <i>threatened</i> )	No Effect	Within grizzly distribution zone, transient bears may occur but no known resident bears or reproduction in area, low habitat suitability, no past livestock or human conflicts in project area
Gray Wolf ( <i>endangered</i> )	No Effect	Potential transients, no known packs, denning or rendezvous sites within or adjacent to project area, no past livestock or human conflicts in project area
Canada Lynx ( <i>threatened</i> )	No Effect	Potential transients, low habitat suitability and low likelihood of occurrence

#### Forest Service Sensitive Species - Wildlife

Species	Effects	Presence
Bald Eagle	No Impact	Nearest reproductive pair >5 miles away near Nevada Lake. Suitable nesting habitat not present, limited potential for foraging
Wolverine	No Impact	Potential transients, no known occurrences in project area but limited occurrences elsewhere on district. Potential denning habitat

		not present
<b>Fisher</b>	No Impact	Rare occurrences on Helena NF, habitat suitability low and likelihood of occurrence low
<b>Northern Bog Lemming</b>	No Impact	Not present, no suitable habitat present
<b>Townsend's Big-Eared Bat</b>	No Impact	Unknown
<b>Peregrine Falcon</b>	No Impact	Not present, no suitable habitat present
<b>Northern Goshawk</b>	No Impact	No known territories but suitable habitat present, potential for species presence
<b>Black-backed woodpecker</b>	No Impact	Habitat suitability low, no preferred habitat in project area and likelihood of occurrence low
<b>Flammulated Owl</b>	No Impact	Habitat suitability low, low likelihood of occurrence
<b>Harlequin Duck</b>	No Impact	Not present
<b>Northern Leopard Frog</b>	No Impact	No known recent occurrences on the Helena N.F., low likelihood of occurrence.
<b>Western Toad</b>	May impact individuals or habitat, but not likely to result in a trend towards listing	Adults may occur at low densities but reproductive habitat limited, some potential for trampling
<b>Plains Spadefoot Toad</b>	No Impact	Not present, no suitable habitat present

### FP Management Indicator Species - Wildlife

<b>Species</b>	<b>Implications for Population Viability</b>	<b>Presence</b>
<b>American Marten</b>	No effect on mature conifer habitat or population viability	potential presence
<b>Northern Goshawk</b>	No effect on old growth habitat or population viability	potential presence
<b>Pileated Woodpecker</b>	No effect on old growth habitat or population viability	present
<b>Hairy Woodpecker</b>	No effect on snag habitat or population viability	present
<b>Elk</b>	Limited forage competition but no effect upon population viability	present
<b>Mule Deer</b>	Limited forage competition but no effect upon population viability	present



Species	Implications for Population Viability	Presence
Bighorn Sheep	No Effect	Not present

**Fisheries-** The project may impact individuals, but will not result in a trend toward federal listing of sensitive fisheries species (westslope cutthroat trout) because there is low risk of direct mortality of cutthroat trout in the streams on National Forest lands. Monitoring indicates that the local population viability of cutthroat trout in each of the streams will not be at risk as cattle impacts have been minimal on the National Forest lands with the exception of the cutthroat population present in the unnamed tributary to Washington Creek. Additional grazing monitoring will take place on this reach of stream to ensure Helena Forest Riparian guidelines are being met. This project May Effect, but is Not Likely to Adversely Affect bull trout due to the limited impacts of cattle grazing on National Forest land. There would be no effect to local recovery populations identified in the Draft Bull Trout Recovery Plan and no effect to bull trout critical habitat from the continuation of the current grazing practices in the allotment. Surveys shall be continually conducted and evaluated to determine whether or not adaptive management is needed. Specialist input and the Fish and Wildlife Service concurrence letter is located in the project file.

#### Sensitive/Management Indicator/Threatened Fisheries Species

Species	Effects	Presence
Westslope Cutthroat Trout (sensitive and MIS)	May Impact Individuals, but not result in a trend toward listing	present
Bull trout (Threatened)	May Effect not Likely to Adversely Affect	present

**Plants-**The project would have no affect on any threatened, endangered or sensitive species (see table below). No sensitive plant species have been found in the project area.

#### Sensitive/Management Indicator Plant Species

Plant Species of Concern	Effect on Habitat	Impact	Presence
<i>Amerorchis rotundifolia</i>	None	NI	No
<i>Aquilegia brevistyla</i>	None	NI	No
<i>Astragalus lackschewitzii</i>	None	NI	No
* <i>Botrychium crenulatum</i>	None	NI	No

<i>*Botrychium paradoxum</i>	None	NI	No
<i>*Cypripedium parviflorum</i>	None	NI	No
<i>Cypripedium passerinum</i>	None	NI	No
<i>*Drosera anglica</i>	None	NI	No
<i>*Drosera linearis</i>	None	NI	No
<i>Epipactis gigantea</i>	None	NI	No
<i>Grindelia howellii</i>	None	NI	No
<i>Goodyera repens</i>	None	NI	No
<i>*Juncus hallii</i>	None	NI	No
<i>Oxytropis podocarpa</i>	None	NI	No
<i>*Phlox kelseyi var missoulensis</i>	None	NI	No
<i>*Polygonum douglassii ssp. austinae</i>	None	NI	No
<i>Saxifraga tempestiva</i>	None	NI	No
<i>Scirpus subterminalis</i>	None	NI	No
<i>Thalictrum alpinum</i>	None	NI	No
<i>Veratrum californicum</i>	None	NI	No

Floodplains, wetlands, or municipal watersheds.

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “. . . the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

Nevada Creek, Washington Creek and Jefferson Creek have associated floodplains, to further ensure floodplains-related impacts are minimized, Best Management Practices (Watershed Conservation Practices) are incorporated as a requirement in the permit.



Wetlands: Executive Order 11990 requires that projects avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

The project is not located in or near wetlands as defined in EO 11990. This has been validated by map and site-review. This decision will not affect wetlands.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in land and resource management plans.

The only municipal watersheds on the Forest are Tenmile and McClellan municipal watersheds (Plan FEIS, p. III/30). The project area is located 20 miles from the municipal watershed. This has been validated by map and site-review. The distance to the municipal watershed and drainage patterns of the affected area preclude overland effects of this project to the identified municipal watershed. The nature and scale of the activity should also not have subsurface effects to the municipal.

Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

This decision does not affect Wilderness. The project is not in or near Wilderness. Wilderness is identified on the Forest as Management Area **P-1** (Plan, p.III/56). The project is located in Management Area **M-1, T-1, T-2, and W-1**, (Plan, p. III/5, 38, 53). The closest Wilderness, Scapegoat Wilderness Area, is 17 miles N of the project. This decision will not affect the Wilderness Area.

There are no National Recreation Areas on the Helena National Forest.

There are no inventoried roadless areas (RARE II or Forest Plan) in the decision area (Plan FEIS, p. II/49). This decision will not affect inventoried roadless areas.

There are no Research Natural Areas in the decision area (Plan FEIS, p. II/56, III19). The closest Proposed Research Natural Area is Granite Butte. The Granite Butte Research Natural Area is approximately 6 miles northeast of the allotment area. This decision will not affect the Proposed Research Natural Area.

American Indians and Alaska Native religious or cultural sites.

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure the Tribes reserved rights are

protected. Consultation with tribes helps insure these trust responsibilities are met. The Helena NF Annual Heritage Resource Compliance Report, a requirement under a FS- SHPO programmatic agreement to comply with the National Historic Preservation Act, is also provided to the tribes. The intent of this consultation has been to remain informed about Tribal concerns.

No Native American religious or cultural sites are currently identified in the allotment. The allotment does not lie within ceded treaty lands. The Confederate Salish-Kootenai, Blackfeet, and Shoshone-Bannack tribes have not indicated to the Forest Service that important religious or cultural sites are located within the area encompassed by the allotment.

#### Archaeological sites, or historic properties or areas.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items.

This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A 'no properties affected' determination was made. The specialist report is located in the project file.

In addition, no tribal concerns or significant cultural resource issues were identified for this project.

### **III. Public Involvement**

Public involvement included listing in the Forest Schedule of Proposed Actions since July 12, 2005. Formal scoping by direct mailings was initiated January 30, 2007. Content analysis was performed on the scoping comments in March 2007. The scoping letter, mailing list, responses and content analysis are included in the project file.



Comments were evaluated to determine whether effects related to the proposed action warranted further analysis and documentation in an EA or EIS.

#### **IV. Findings Required By and/or Related To Other Laws And Regulations**

This decision is consistent with the Helena National Forest Land and Resource Management Plan (FLRMP) 1986, as amended, see project file. (National Forest Management Act) There are no anticipated extraordinary circumstances as listed in FSH 1909.15, Section 30.3(2). These considerations are displayed above. The project was designed in conformance with the Helena National Forest direction for range management, (FLRMP page II/22). The management area goals regarding the range resource are also met by my decision for areas, M-1, T-1, T-2, W-1. Therefore, this decision is also consistent with the Endangered Species Act, Clean Water Act, Clean Air Act, National Historic Preservation Act, Archeological Resources Protection Act, and direction found in the Forest Service range manual and handbook.

**Federal Land Policy and Management Act-** This Act allows the granting of easements across National Forest System Lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act.

**Clean Water Act-** This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources. Specialist input is located in the project file.

**Clean Air Act-** Under this Act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Impacts to air quality have been considered for this decision. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human caused air pollution that can be added to these areas. Glacier National Park (135 miles from the project) and the Scapegoat Wilderness (17 miles from the project) are Class I airsheds. The remainder of the Forest is classified as Class II airsheds. A greater amount of additional human-caused air pollution may be added to these areas. No areas on the National Forest have been designated as Class III at this time. The Montana Department of Environmental Quality regulates prescribed burning in the state in accordance with the State Implementation Plan (SIP). The state has been involved in the Scoping process. There will be no effect due to no prescribed burning being proposed in the decision.

**Federal Cave Resources Protection Act-** This Act is to secure, protect, preserve,

and maintain significant caves, to extent practical. No known cave resources will be effected.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

## **V. Administrative Review Or Appeal Opportunities**

This decision is not subject to appeal under 36 CFR 215 (36 CFR 215.12(f)).

This decision is subject to appeal pursuant to 36 CFR 251.82(3). It may only be appealed by those who hold or, in certain instances, those who have applied for a written authorization to occupy and use National Forest System lands, if that authorization would be affected by this decision. Appeals must meet the content requirements of 36 CFR 251.90. The appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of the date of notification of this decision. The appeal must be filed with:

*Forest Supervisor, Helena National Forest, 2880 Skyway Drive, Helena, MT 59602, or by email to: [appeals-northern-helena-lincoln@fs.fed.us](mailto:appeals-northern-helena-lincoln@fs.fed.us). Emailed appeals must be submitted in rich text (rtf.) or Word (doc.). In electronic appeals, the subject line should contain the name of the decision being appealed.*

Appeals may also be hand-delivered to the above address, during regular business hours of 8 a.m. to 4:30 p.m. Monday through Friday. A copy of the appeal must be filed simultaneously with District Ranger Amber Kamps, Lincoln Ranger District, 1569 Hwy. 200 Lincon, MT 59644.

If an appeal is filed, I am willing to meet and discuss concerns.

### **Implementation Date**

This decision may be implemented during the appeal process, unless the Reviewing Officer grants a stay (36 CFR 251.91).



**Contact Person**

For additional information concerning this decision contact Shawn Heinert, Rangeland Management Specialist, Lincoln Ranger District, Helena National Forest, 1569 Hwy. 200 Lincoln, MT 59639 or by telephone at (406) 362-4265.

**VIII. Signature And Date**

AmberDawn Kamps

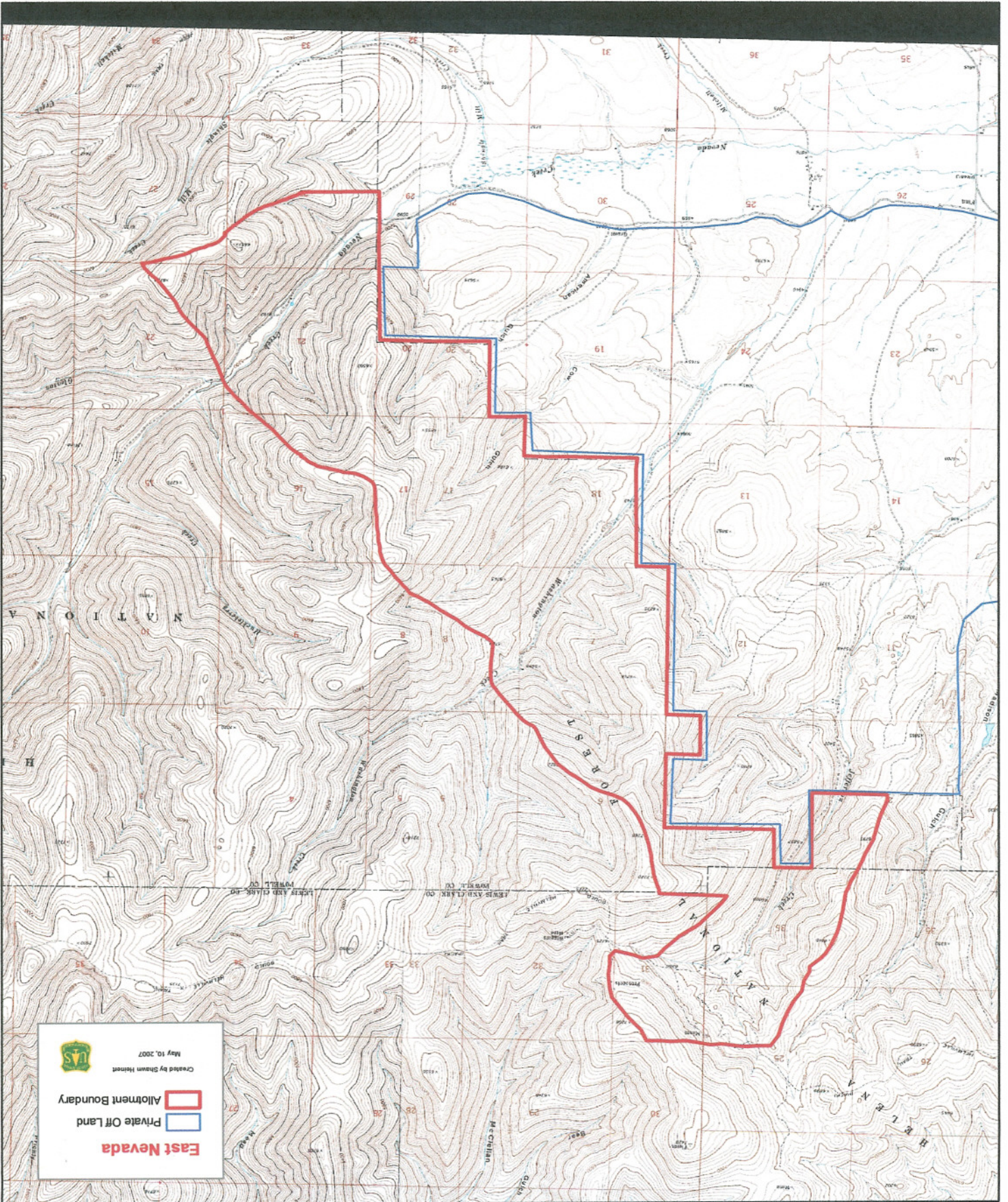
AmberDawn Kamps  
District Ranger  
Lincoln Ranger District  
Helena National Forest

9/12/17

Date

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Created by Shawn Heintz  
May 10, 2007

**East Nevada**  
Private Off Land  
Allotment Boundary