

DECISION NOTICE and FINDING OF NO SIGNIFICANT IMPACT

SAN JUAN RANGELAND LANDSCAPE ASSESSMENT

**Ouray Ranger District
Grand Mesa, Uncompahgre and Gunnison National Forests
Ouray, Gunnison, Hinsdale Counties, Colorado**

I. INTRODUCTION

An Environmental Assessment (EA) has been prepared that analyzes the effects of three alternatives related to livestock grazing on twenty-three range allotments on the Ouray and Gunnison Ranger Districts on the Grand Mesa, Uncompahgre and Gunnison National Forests. The three alternatives analyzed include No Permitted Livestock Grazing, Existing Condition (“No Action”) and the Proposed Action which includes combining and closing some individual allotments to better allow adaptive management to meet forest and national goals.

The analysis area is located on lands administered by the Ouray and Gunnison Ranger Districts, on the Grand Mesa, Uncompahgre and Gunnison National Forest (GMUG), in Ouray, Gunnison, and Hinsdale Counties, Colorado. The analysis area is contained within two tracts of land encompassing about 200,000 total acres of National Forest System (NFS) land. The Dallas portion of the analysis area is located south of Highway 145 and Dallas Divide, and west of the town of Ridgway, and north of the Ouray and San Miguel County line near the Sneffels Range. The Cimarron and Uncompahgre portions of the analysis area are located north and east of Ouray Colorado; west of Highway 149, and south of Highway 50. The analysis area includes two federally designated wilderness areas - Uncompahgre and Mt. Sneffels. The analysis area is located in portions of Ouray, Gunnison and Hinsdale Counties, Colorado.

II. SCOPE OF DECISION AND AUTHORITY

Scope of Decision

The purpose and need of this project is to consider whether and where to allow livestock grazing to be permitted within the analysis area, and what management actions will be applied in order to meet or progress toward achieving desired rangeland resource conditions as outlined in the analysis. The need for this action is tied to any important resource, social, or economic disparity that was found when comparing the existing condition in the analysis area to the GMUG Land and Resource Management Plan (LRMP) desired conditions as determined by the interdisciplinary team (IDT) and authorized officer on a site-specific basis. My decision supports the Purpose and Need for this project.

With respect to the National Forest System (NFS) lands, I have considered only the portion of the proposed action alternative specific to permitted livestock grazing on the Little Cimarron Cattle & Horse (C&H), Bighorn Sheep & Goat, and Middle Fork-Wetterhorn Sheep & Goat (S&G) allotments, and the Middle Fork Stock Driveway. My decision does not affect recreational stock use, or stock use by authorized outfitter-guide permit holders.

Authorities

The decision complies with authorities delegated in Forest Service Manual (FSM) 2204.

III. DECISION

The location of the NFS land for which my decision encompasses is shown in Appendix A – Decision Map of this document. My decision is to formally close the Little Cimarron C&H, Bighorn S&G, and Middle Fork-Wetterhorn S&G allotments to permitted livestock grazing as described in the Proposed Action Alternative in the EA (Section 2.13, EA Appendix A, B, D and E), and summarized in Section V of this document. Trailing and incidental grazing associated with permitted livestock currently authorized to use the Middle Fork Stock Driveway is not affected and will continue as described in the EA, including implementation of design criteria (EA Sections 2.1.4 and 2.1.5).

This decision will be implemented through issuance of this Decision Notice (DN). Separate decisions for the remaining allotments within the analysis area will be issued by the Ouray District Ranger and the Gunnison District Ranger per the authorities designated in FSM 2204.

In the event of any contradiction or conflict between descriptions or depictions of authorized actions, my decision is to be taken from the project documents in the following order of precedence: first the description in this DN, second the representations on the Appendix A-Decision Map, and finally descriptions in the EA.

IV. REASONS FOR THE DECISION

Applicable Laws, Regulations, and Policy

This decision is consistent with applicable laws, regulations, and policies (refer to Section VIII of this document and EA Section 1.4) and is consistent with Forest Land and Resource Management Plan (LRMP) direction (EA Section 1.6 and Chapter 3).

How Issues Were Considered

The issue of concern on the Little Cimarron C&H allotment is the long-term vacant status of this allotment. There are limited management opportunities on this allotment because of terrain, limited suitable range and grazing capacity for livestock. The limited suitable range and grazing capacity also make it unlikely that permittee operations could be economically feasible. Riparian vegetation conditions on the Little Cimarron C&H are expected to continue to improve, and will provide wildlife habitat and recreation opportunities. Closure of the Little Cimarron C&H allotment could potentially result in improved riparian conditions and increased recreation use on an allotment that could not logically be combined into an existing active allotment.

The general issue of concern on the Bighorn S&G and Middle Fork-Wetterhorn S&G allotments is the long-term vacant status of these allotments and the potential for interaction between domestic sheep and Rocky Mountain bighorn sheep should the allotments be stocked again (EA Appendix A Risk Assessment). These concerns are described in the Issues section of the EA (section 1.7) existing condition and history are described in the EA Appendix E. Potential impacts of continued trailing on the Middle Fork Stock Driveway by permitted livestock will be mitigated or reduced to a very low level by the application of Design Criteria (EA, Sections 2.1.4, Chapter 3 and Appendix B of this document). As a result of this decision, I anticipate that the formal closure of the Bighorn and Middle Fork-Wetterhorn S&G allotments will result in further minimizing the potential risk of contact between domestic sheep and Rocky Mountain bighorn

sheep. Any future decision to re-stock these allotments would require a separate analysis and decision.

There is no financial impact to grazing permittees within the analysis area, since the three allotments have been vacant for many years, and the Middle Fork Stock Driveway will remain open.

Factors Other Than Environmental Effects Considered In Making the Decision

My decision complies with the Rescissions Act, the Federal Land and Management Policy Act (FLPMA), and GMUG Forest Plan direction.

The Little Cimarron C&H, Bighorn S&G, and Middle Fork-Wetterhorn S&G allotments would be closed under the Proposed Action and would remain vacant under any No Grazing or Existing Condition Alternatives. Also, I felt that it was important to make this decision through the NEPA process, rather than an administrative process that does not include public participation.

My decision to formally close these three allotments was discussed extensively with the Colorado Division of Wildlife and grazing permittees specifically because of the potential risk of contact between domestic sheep and Rocky Mountain bighorn sheep if the Bighorn and Middle Fork-Wetterhorn allotments were ever to be stocked at some time in the future, because of their “vacant” status. I also felt it important to evaluate the closure of these 3 allotments in light of their relationship to adjacent stocked allotments and active livestock driveways.

The LRMP would continue to guide management of the project area if either the No Grazing Alternative or Existing Condition Alternative, had been selected.

Identification of the Environmental Documents Considered in Making the Decision

This decision was made after carefully considering the contents of the EA together with its Appendices, public comments, agency response to comments in the EA, and the supporting project file. The LRMP was reviewed and this decision determined to be consistent with it.

How Considerations Were Weighed and Balanced In Arriving At the Decision

The resource effects analyses presented in the EA (Chapter 3, and summarized in the alternative comparison table in section 2.3) shows that potential impacts for key issues (upland and riparian vegetation, potential risk of contact between Rocky Mountain bighorn sheep and domestic sheep, management flexibility, cost efficiency) can be mitigated to a large degree through the implementation of design criteria and adaptive management practices, or the differences between alternatives is not significant. For other resource areas, such as air quality, there is no difference in the effects of implementing the different alternatives.

Relationship to Public Involvement

Public and agency comments were sought throughout this project (refer to Section VI of this document and EA Section 1.6 and Chapter 4). The Forest Service addressed comments received during scoping on the project, which are included as part of the body of the EA (Section 1.6 and 1.7, Chapter 2 and Chapter 3, and EA Appendix A) and the project file). Of the ten responses received, one addressed concern about noxious weed management within the

analysis area; one addressed concerns about domestic livestock grazing and potential impacts to trail systems; and the remaining seven addressed issues including vegetation/landscape health, economics; Rocky Mountain bighorn sheep and domestic sheep interactions.

I recognize that some members of the public generally do not support grazing activities on NFS lands. Grazing is a recognized and beneficial use of NFS lands and approving/administering these activities is part of the Forest Service mission and legal framework under which the agency operates and maintains critical open space on private lands and economic benefits to local communities.

I also recognize the concern over the potential risk of contact between Rocky Mountain bighorn sheep and domestic sheep. A qualitative Risk Assessment was completed as part of this environmental analysis with extensive involvement from the Forest Service, Colorado Division of Wildlife (CDOW), and the sheep permittees. Other agency personnel from the San Juan National Forest, the Gunnison Field Office of the Bureau of Land Management and Gunnison District Office of CDOW were also involved in the Risk Assessment process.

V. SUMMARY OF ALTERNATIVES CONSIDERED

Seven alternatives were considered in the EA (Sections 2.1, 2.2) with three carried forward for detailed analysis. The selected action is the Proposed Action, conditioned with design criteria (EA Sections 2.1.4 and 2.1.5). A summary of the alternatives considered in detail the EA are as follows:

No Grazing (Alternative 1)

Under the no grazing alternative, all permitted livestock grazing would be eliminated through cancellation of 5 active sheep permits and 10 active cattle permits. Livestock trailing authorized under these permits would also be cancelled. Livestock trailing authorized under grazing permits issued by other agencies, including the BLM, would not be affected under this alternative. Range improvements would be removed over time, as funding allowed. Monitoring of vegetation conditions would be unlikely to occur.

Existing Condition (Alternative 2)

Under the existing condition alternative, permitted livestock grazing would continue as currently authorized through term grazing permits and annual operating instructions. The ability to modify grazing systems, season of use, or livestock numbers based on annual changes in biological, physical, and social environments would be minimal. Annual changes made in the Annual Operating Instructions (AOI) to permittees would generally be done by exception. Possible management adjustments needed in the future could require a new NEPA analysis. Rangeland management activities would be guided by Forest Plan standards and guidelines.

Proposed Action (Alternative 3)

Under the proposed action, permitted livestock grazing would continue within the analysis area under an adaptive management strategy. Allotments would move toward or meet Forest Plan desired conditions. The proposed action as it applies to this decision would close the vacant Bighorn S&G, Middle Fork-Wetterhorn S&G, and Little Cimarron C&H allotments. The Middle Fork Stock Driveway would remain open and trailing privileges associated with this driveway would incorporate specific design criteria to minimize the risk of contact between RMBHS and domestic sheep.

VI. PUBLIC INVOLVEMENT

Project scoping comments were solicited from appropriate agencies, interested parties, and the general public. This project appeared in the GMUG Schedule of Proposed Actions in April 2008. In addition, as part of the public involvement process the Ouray District Staff met several times with grazing permittees and the CDOW and sent scoping letters to approximately 75 groups, individuals and agencies included on the Ouray Ranger District's mailing list.

The District Ranger addressed the project during the scoping period at public meetings including Public Lands Partnership meeting and also at a Tri-County meeting (Ouray, San Miguel, Montrose County commissioners). The District Wildlife Biologist also addressed the project at a Habitat Partnership Program meeting and led a site visit with US Fish and Wildlife Service in August 2008. The State Historic Preservation Office also had a site visit with Staff in September 2007

Ten comment letters were received by the May 5, 2008 deadline. Using the comments from the public, other agencies, and the interdisciplinary team, all the issues brought up are addressed in the following sections of the EA: Section 1 and Chapter 3.

VII. FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the EA, public scoping comments on the EA, the agency responses to comments (EA, Chapter 2 and Chapter 3), the supporting project record, and upon my analysis immediately below, I find that actions resulting from my decision do not constitute major Federal actions significantly affecting the quality of the human environment, as defined in the Code of Federal Regulations Title 40 Part 1508, section 27 (40 CFR 1508.27) in terms of either context or intensity, and that an environmental impact statement need not be prepared.

Context

Locality- This decision would directly affect about 27,275 acres of NFS lands on the Ouray Ranger District. This number represents the NFS acreage of the Little Cimarron C&H, Bighorn S&G, and Middle Fork–Wetterhorn S&G allotments. This represents approximately 13 percent of the analysis area. This decision also directly affects about 5 miles of the Middle Fork Stock Driveway.

Potential impacts as a result of livestock trailing on the Middle Fork Stock Driveway are monitored or are mitigated by implementation of the design criteria shown in Appendix B of this document. The effects on public land and users over both the short-term and long-term would remain consistent with that which is presently occurring and has occurred for at least the past 20 years. No short term or long term significant impacts are expected as a result of this decision in the local context (EA Chapter 3).

Affected Interests and Affected Region- Affected interests for this project are grazing permittees in the analysis area, people who use the analysis area for recreation, people using public and Forest roads, residents of Ouray, Hinsdale, and Gunnison Counties. This decision allows continued use of this portion of the analysis area by livestock permit holders with trailing privileges on the Middle Fork Stock Driveway and recreational users of the areas. Prescribed monitoring and mitigation measures are specified in allotment management plans and carried forward as terms and conditions of the term grazing permit in order to protect and preserve other forest uses. No short or long term significant impacts on affected interests are expected as a result of this decision (EA Chapter 3).

Society as a Whole - This decision provides the opportunity to continue grazing livestock in specified areas of the analysis area while providing for other biological, environmental, or social needs. Because the only potential effects related to livestock grazing activities would be those associated with short-term, localized use of the Middle Fork Driveway, there would be no impacts to society as a whole.

Intensity

Consideration of Beneficial and Adverse Impacts- A comparison of the effects of each alternative may be found in the EA in Section 2.3 followed by a discussion of beneficial and adverse impacts (Chapter 3) and considered in Section III of this Decision Notice. The effects of this decision would remain consistent with that which is presently occurring and has occurred for at least the past 20 years. A benefit of this project will be to maintain current use of the Middle Fork Driveway to support existing, active grazing allotments while closing vacant allotments in consideration of wildlife or recreational needs. Although both beneficial and adverse effects are disclosed, none are severe enough to be considered significant. None of the expected beneficial or adverse impacts have a significant amount of intensity that would require documentation in an EIS.

Consideration of Public Health and Safety- I considered public health and safety issues in this decision. There are no changes to current levels of livestock use within the area of my decision, and the short-term duration of trailing on the Middle Fork Stock Driveway should result in negligible risk to public health and safety. There are no changes to the transportation system in this area related to livestock grazing activities.

Consideration of Unique Characteristics such as Proximity to Historic or Cultural Resources, Park Lands, Prime Farmlands, Wetlands, Wild and Scenic Rivers, or Ecologically Critical Areas- Historic and cultural resources are addressed in section 3.12 of the EA. There are no prime farmlands, rangeland, or forest land as defined in the Secretary of Agriculture's Memorandum Number 1827, Supplement 1, identified on the Grand Mesa Uncompahgre, or Gunnison National Forests. There are 1295 acres of wetlands occurring within the analysis area considered in the EA. Design criteria and application of management measures from the Watershed Conservation Practices handbook (FSH 2509.25) will assure that wetlands are not affected by the limited grazing associated with the area of my decision. There are no identified parklands or Wild and Scenic rivers in proximity to the project. The area of my decision has not been identified by any source as an ecologically critical area.

Consideration of the Degree to Which the Effects on the Quality of the Human Environment Are Likely to be Highly Controversial- This decision and its effects are not unique. The effects of this decision would remain consistent with that which is presently occurring and has occurred for at least the past 20 years. The effects of applying the design criteria in Appendix B of this document will reduce the potential for contact between RMBHS and domestic sheep on the Middle Fork Stock Driveway. The quality and use of the human environment in the project area is understood, has been analyzed, and is not highly controversial from a scientific standpoint. Information or data that would demonstrate that the effects described in the EA are highly controversial have not been brought forward. Given the small scale, localized impacts associated with this decision, the intensity of this factor does not require documentation in an EIS.

Consideration of the Degree to Which the Possible Effects on the Human Environment are Highly Uncertain or Involve Unique or Unknown Risks- This decision is not unique to this area. Informal decisions to leave grazing allotments vacant or to close them have been made within

and adjacent to the analysis area in the past. The Forest Service has experience in implementing and monitoring similar projects, and the effects have been found to be reasonably predictable. The effects of this decision would remain consistent with that which is presently occurring and has occurred for at least the past 20 years. The risks associated with this decision are understood, and can be evaluated and reasonably predicted. No effects from this decision would be classified as highly uncertain or involving unique or unknown risks. The intensity of this factor does not require documentation in an EIS.

Consideration of the Degree to Which the Action May Establish a Precedent for Future Actions with Significant Effects or Represents a Decision in Principle about a Future Consideration- The closure of the vacant Bighorn S&G, Middle Fork-Wetterhorn S&G, and Little Cimarron C&H allotments will not create a precedent to either close or stock other vacant allotments. Retention of the Middle Fork Stock Driveway as an active driveway will not create a precedent to either close or retain other stock driveways. Other proposals, including future proposals to restock these three allotments or to close the Middle Fork Driveway would be evaluated on their own merits, based on the issues and effects of those proposed actions. My decision does not set a precedent or represent a decision in principle about a future consideration therefore documentation in an EIS is not required.

Consideration of the Action in Relation to Other Actions with Individually Insignificant but Cumulatively Significant Impacts - Permitted livestock grazing and its associated activities have occurred within and adjacent to the analysis area since at least the early 1900's. No reasonably foreseeable future projects have been identified that would, in connection with this decision, produce cumulative effects beyond those currently occurring. Grazing activities associated with the area of this decision are limited in scope and scale, and would create minimal individual or cumulative effects in a few isolated locations. Implementation of this decision will not affect other uses.

Consideration of the Degree to Which the Action May Adversely Affect Areas or Objects Listed in or Eligible for Listing in the National Register Of Historic Places or May Cause Loss or Destruction of Significant Scientific, Cultural, or Historical Resources. Heritage resources include artifacts, structures, landscapes, or settings for prehistoric or historical events. A literature search of existing information pertinent to the Analysis Area and a review of the National Register of Historic Places for listed cultural resources were completed. The heritage resource analysis and assessment was done according to the Standard Inventory Strategy, a priori agreement with the State Historic Preservation Officer based on regulations in 36 CFR part 800.13, implementing Section 106 of the National Historic Preservation Act. Specific design criteria based on an adaptive management strategy are identified in section 2.1.4 of the EA, and are intended to eliminate or mitigate the effects of the proposed action on cultural resources, in consultation with the SHPO. No significant impacts to cultural resources are anticipated following implementation of the design criteria. Ongoing tribal consultation has not identified any concerns within the analysis area. Additional information regarding cultural resources may be found in the EA in section 3.12 and in the project record.

Consideration of the Degree to Which the Action May Adversely Affect an Endangered or Threatened Species or Its Habitat Has Been Determined Not to be Critical Under The Endangered Species Act. A Biological Assessment has been prepared for this decision (EA, Section 3.6 and Project File). US Fish and Wildlife Service (USFWS) concurred with the determination of "may affect, not likely to adversely affect" for Canada lynx and the Uncompahgre fritillary butterfly. Due to a "no effect" determination for the greenback cutthroat trout and the proposed Gunnison's prairie dog, consultation and concurrence with USFWS is

not required. If additional findings regarding threatened or endangered, proposed or sensitive species are discovered, a new biological assessment or evaluation will be written, and any mitigation incorporated into allotment management plans.

Consideration of Whether the Action Threatens a Violation of Law or Requirement Imposed for the Protection of the Environment. To the best of my knowledge, this decision does not threaten violation of any laws and regulations imposed for the protection of the environment (refer to Section VIII of this document).

VIII. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

To the best of my knowledge, this decision complies with all applicable laws and regulations. In the following, I have summarized the association of my decision to some pertinent legal requirements.

Rescission Act of Fiscal Year 1995 (P.L. 104-19, Section 504) The Rescission Act of 1995 Section 504(a) requires each National Forest System unit to identify all allotments for which NEPA analysis is needed. These allotments must be included in a schedule that sets a due date for the completion of the requisite NEPA analysis. Section 504(a) requires adherence to these established schedules. Sections 504(b) and (c) state that if a grazing permit expires or is waived and the permit authorizes grazing in one or more listed allotments for which the scheduled NEPA analysis has yet to be completed, the Forest Service must issue a new term grazing permit upon the same terms and conditions, including the length of term, as the one which expired or was waived, unless there are reasons other than the lack of the necessary NEPA analysis which justify not issuing a new permit. These provisions do not alter the line officer's authority to make a decision not to issue a new permit for reasons other than not having completed the analysis required by NEPA and other applicable laws. In addition, several Omnibus Appropriations Acts have amended the Rescissions Act to allow the authorized officer to continue to issue term grazing permits under certain circumstances, and to revise the schedule to meet changing priorities.

Granger-Thye Act of 1950 (P.L. 81-478) Granger-Thye Act established direction for National Forest System allotment management, including the authorization to issue grazing permits for terms up to 10 years; authorization to use grazing fee receipts for rangeland improvement; and establishment of grazing advisory boards. In addition, requirements, such as base property and commensurability, were designated by statute to insure economic stability to local communities, as well as to foster stewardship of the public land resources, and to manage the rangelands in a sustainable manner. The purpose of this law was to establish controls and stewardship of the public land grazing resource.

Public Rangelands Improvement Act of 1978 (U.S.C. Title 43 Chapter 37 § 1901(b)) The Congress established a national policy and commitment to: (1) inventory and identify current public rangelands conditions and trends as a part of the inventory process required by section 1711 (a) of this title; (2) manage, maintain and improve the condition of the public rangelands so that they become as productive as feasible for all rangeland values in accordance with management objectives and the land use planning process established pursuant to section 1712 of this title; (3) charge a fee for public grazing use which is equitable and reflects the concerns addressed in paragraph (a)(5)..."

Federal Land Policy and Management Act of 1976: This Act allows the granting of land use permits on National Forest System lands. The regulations at Code of Federal Regulations Title 36 Part 251 (36 CFR 251) guide the issuance of permits under this Act. Land use permits are granted on National Forest System lands when the need for such is consistent with planned uses.

National Forest Management Act of 1976: The Forest Plan was approved in 1983 and amended in 1991, as required by this Act. This long-range land and resource management plan provides guidance for all resource management activities in the Forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project (EA, Sections 1.6 and Chapter 3). This decision is consistent with the GMUG's LRMP.

Clean Air Act of 1955, as amended 1977: This Act required States to develop plans to implement, maintain, and enforce primary and secondary ambient air quality standards for any criteria air pollutants, and called federal agencies to prevent deterioration of air quality. Effects on air quality as a result of this project were analyzed and showed that this project will have negligible effects on air quality. This decision is consistent with this Act.

Clean Water Amendments of 1972: This Act requires State and Federal agencies to control and abate water pollution. This project was designed to comply with this Act (EA, Section 2.1.3a-c and Appendix B of this document). This decision is consistent with this Act.

Executive Order 11990 and 11988: The management of wetlands and floodplains are subject to Executive Orders 11990 and 11988, respectively. The purpose of the EOs are to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and floodplains and to avoid direct or indirect support of new construction in wetlands wherever there is a practical alternative. 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 (EA, Section 2.1.2 and 3.0-3.18). The project was designed to avoid impacts to wetlands and floodplains. This decision is consistent with this Order.

National Historic Preservation Act: Heritage and tribal interests are regulated by Federal laws that direct and guide the Forest Service in identifying, evaluating, and protecting heritage resources. Heritage resources within the analysis area were considered during project development. The heritage resource analysis and assessment were carried out using the Rocky Mountain Region's 1996 Memorandum of Understanding between the Colorado State Historic Preservation Officer and the Forest Service regarding range management activities.

Specific design criteria based on an adaptive management strategy are identified in section 2.1.4 of the EA, and are intended to eliminate or mitigate the effects of the proposed action on cultural resources, in consultation with the SHPO. No significant impacts to cultural resources are anticipated following implementation of the design criteria. Ongoing tribal consultation has not identified any concerns within the analysis area.

Endangered Species Act: Compliance with this Act is addressed in Section VII, of this document.

Under provisions of the ESA, Federal agencies are directed to seek to conserve threatened and endangered species and to ensure that their actions are not likely to jeopardize the continued existence of any of these species. I have complied with all applicable Federal laws and regulations and consulted with the US Fish and Wildlife Service, where it was appropriate to do so. I have considered the effects of this project and complied with relevant Forest Service regulations and policies. Effects of the selected Alternative on all listed threatened and endangered species, relevant to this Analysis Area, were analyzed in a Biological Assessment (BA) and summarized in the EA in Section 3.6. Sensitive species were analyzed in a Biological Evaluation summarized in the EA in section 3.7. Management Indicator Species (MIS) were analyzed in an MIS report summarized in the EA in section 3.8. These documents are all found in the project record.

National Environmental Policy Act: The documentation for this project supports compliance with this Act. The process of environmental analysis and decision making for this proposed action, and the associated documentation, have been conducted to fully comply with the requirements of NEPA. These include requirements of the Act itself, CEQ regulations at 40 CFR 1500, Forest Service policies at Forest Service Handbook 1909.15, the requirements that evolved through the practice of NEPA, and from case law.

IX. IMPLEMENTATION DATE AND ADMINISTRATIVE REVIEW AND APPEAL OPPORTUNITY

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 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.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review pursuant to Federal Regulations at 36 CFR 215. Individuals or organizations who expressed interest during the comment period specified at 36 CFR 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Appeals (including attachments) must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer (§ 215.8) within 45 days following the date of publication of a legal notice of this decision in the *Grand Junction Daily Sentinel*. Attachments received after the 45-day appeal period will not be considered. The publication date of the legal notice in the *Grand Junction Daily Sentinel* is the exclusive means for calculating the time to file an appeal (§ 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at:

Appeals Deciding Officer
U.S.D.A. Forest Service
Rocky Mountain Region
740 Simms Street
Golden, CO 80401

Fax: 303-275-5134 to the attention of Appeals

Email: appeals-rocky-mountain-regional-office@fs.fed.us

The office business hours for those submitting hand-delivered appeals are 8:00 AM to 4:30 PM Monday through Friday, excluding federal holidays. Electronic appeals must be submitted in a format such as an e-mail message, plain text (.txt), rich text format (.rtf), or MSWord (.doc) to appeals-rocky-mountain-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Contact Person

For more information about this project, contact Kelley Liston, 2505 S. Townsend, Montrose CO 81401, phone 970-240-5408, or at kliston@fs.fed.us.

XI. SIGNATURE AND DATE

/Charles S. Richmond/

3/12/2009

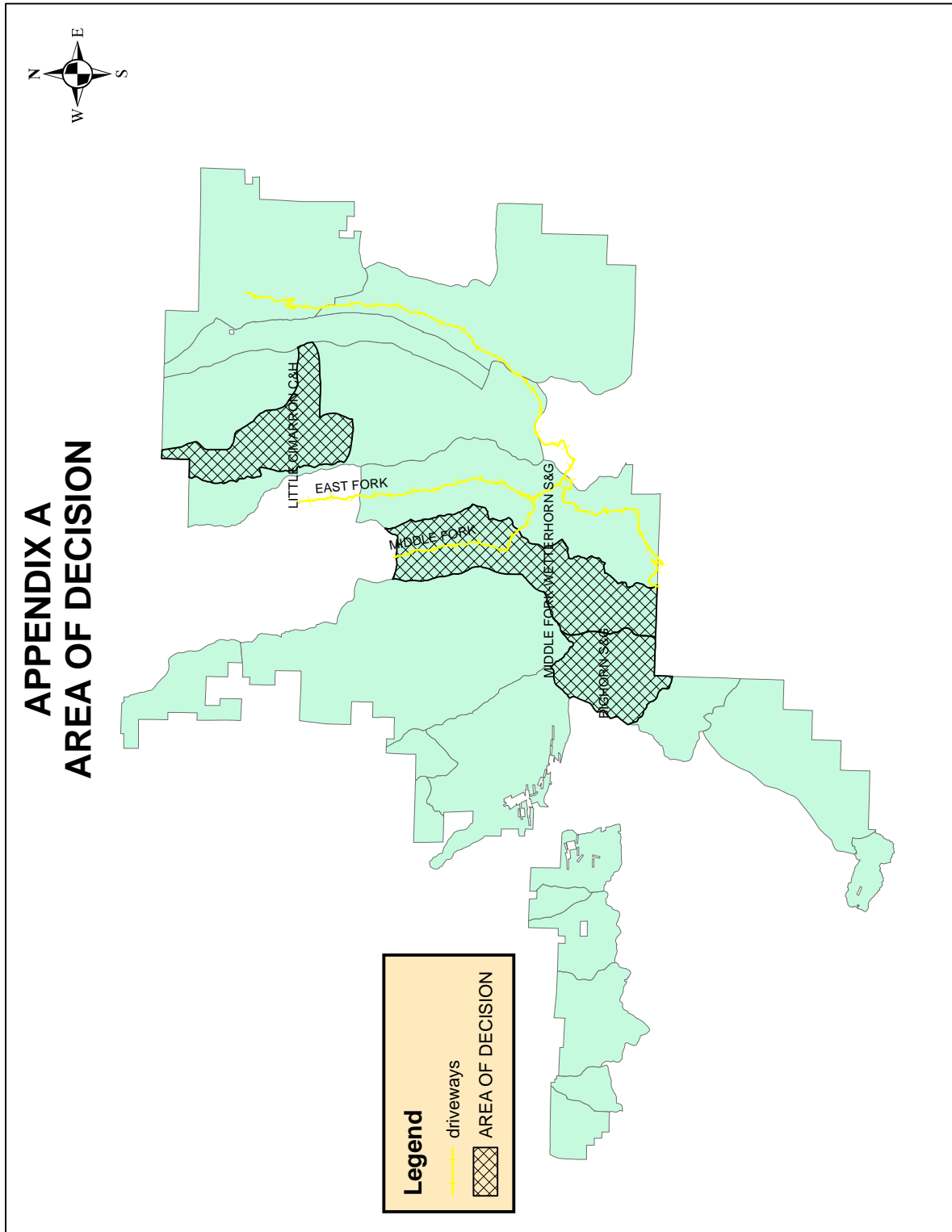
CHARLES S. RICHMOND
Forest Supervisor
Grand Mesa-Uncompahgre-Gunnison National Forests

DATE

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Appendix A- Decision Map



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Appendix B- Conditions of Approval

The following design criteria are applicable to use of the Middle Fork Stock Driveway.

All livestock carcasses are to be moved at least one hundred feet from the high water line of lakes and streams and out of sight of roads, trails, and recreation sites. Carcasses of animals that have died as a result of contagious or infectious diseases will be burned within 24 hours of discovery. In such event, a burning permit will be obtained from the District Ranger prior to burning.

Domestic sheep will not graze or trail across NFS lands while in estrous. Generally, ewes will come into estrous in the fall after the lambs are weaned and after the ewes are removed from NFS lands; breeding occurs in November-December.

Domestic sheep will be in apparent good health when moved onto NFS lands.

Stray domestic sheep will be gathered or disposed of by the permittee within 72 hours of notification. Herders will keep close count on sheep and will take timely action to recover any strays.

The permittee and/or the FS will notify CDOW as soon as possible if individual or small groups of bighorn sheep come into contact with domestic sheep. Notification procedures will be included in the AOI.

The CDOW is responsible for promptly responding to notifications of contact between wild and domestic sheep and for any subsequent management actions related to wild sheep.

Permittees may use hazing techniques and guard dogs to ensure separation of wild and domestic sheep.

Transplants of wild sheep into the analysis area should be designed to minimize the likelihood of contact between wild and domestic sheep.

On the Cimarron Stock Driveways (East and Middle Fork Driveways) trailing time is limited to 2 days each way between the Forest boundary and the Cimarron trailheads unless mutually agreed upon otherwise at the annual allotment meeting or during the grazing season.

Trailing activities will comply with direction in the 2210 Management of Sheep Driveways letter dated January 25, 1989 unless otherwise agreed upon at the annual allotment meeting or during the grazing season, or if resource needs arise.

Bands of sheep using the Cimarron driveways will not overnight on the Big Cimarron C&H allotment except at the Big Cimarron corral near the Forest boundary.

Bands of sheep using the Middle Fork driveway will overnight either on the East Fork side of the Middle Fork drainage, or further down (north) the Middle Fork of the Cimarron. (map on file and provided to the permittee in the AOI.) Permittee will patrol the driveway immediately after trailing to check for and remove all strays.

Any hay, straw or other feeds used on the allotment will be either certified or tagged as being free of noxious plants, or will consist of heat-treated pelletized feeds, as directed by Regional order number 02-97-01 and 02-97-02.