

DECISION MEMO
Mt. Dome Allotment Livestock Grazing Management

USDA Forest Service, Pacific Southwest Region, Modoc National Forest
Doublehead Ranger District
Siskiyou County, California

I. DECISION TO BE IMPLEMENTED

A. Description of Decision

My decision is to authorize continued livestock grazing on the Mt. Dome Allotment. This decision is consistent with existing management and will continue current progress towards desired resource conditions. Grazing will be authorized through the issuance of a 10 year term grazing permit, and administered yearly in accordance with the Allotment Management Plan (AMP) and Annual Operation Instructions (AOIs).

Background: The Mt. Dome Allotment encompasses 14,384 acres with elevations ranging from 4600 to 5000 feet. The terrain on the allotment is a series of faults, lava rims and intervening plains, in the southwest corner there is a stand of ponderosa pine and the Callahan lava flow in the southeast corner of the allotment. The vegetation community types are predominately sagebrush/bunch grasses interspersed with western juniper, and ponderosa pine. Dominant vegetation ranges from Idaho fescue, bluebunch wheat grass, Sandbergs bluegrass and Nevada bluegrass, Thurber needlegrass, squirreltail, Medusahead, cheatgrass, western juniper, buckwheat, lupine, gilia, low sagebrush, bloomers goldenbush, willowherb, bitterbrush, woolley pod locoweed, silver leaf phacilia, Ross' sedge, Junegrass, volcanic daisy, big sagebrush, Great Basin wild rye, yarrow, Douglas sedge, ponderosa pine and gray rabbitbrush.

The Mt. Dome Allotment is located south of Highway 161 in the northeast portion of Siskiyou County; it borders BLM land on the west, the Deep Lake allotment to the north and Lava Beds National Monument to the east. The distance is approximately 7.5 air miles from Tulelake, CA as displayed on the attached map (Figure 1). The legal description of the allotment is:

Mt. Dome: T46N, R3E, Sections 16-21, 27-34; T45N, R3E, Sections 3-10; 15-22, 27 & 31 MDM (Mount Diablo Meridian).

The proposed action incorporates the following elements of the current livestock grazing management. These practices comply with current direction in the Forest Plan and other

applicable laws, regulations and policies. Project monitoring has determined that current management is meeting or satisfactorily moving toward desired resource conditions.

- Manage grazing to maintain desired vegetation expressions and satisfactory ecological condition, Forest Plan, page 4-100. Monitoring in key areas of the allotments shows the areas are in fair condition, with either an upward or static trend. Based on the Forest Plan (page 4-100) this condition and trend implies the allotments are in a satisfactory ecological condition rating (Range Specialist Report, Project File, 2006)
- Allowable use standards may be adjusted if future monitoring shows a downward trend in vegetation or watershed conditions according to the adaptive management procedure in the Modoc Forest Plan, page 4-100.
- Permittees will maintain existing range improvements (Permittee Allotment 2230 files).
- Permit administration will include grazing utilization monitoring, Annual Operating Instructions, and enforcement of the allowable use standards (FSH 2209.13, Chapter 10).

These practices comply with current direction in the Forest Plan and other applicable laws, regulations and polices.

B. Purpose of and Need for the Decision

The purpose of this proposed action is to implement a viable grazing program that is economical and sustainable yet ensures healthy rangeland conditions, as directed under the Modoc National Forest Land Resource Management Plan (Modoc Forest Plan, 1991) as amended by the Sierra Nevada Forest Plan Amendment (SNFPA, 2004) and modified by Public Law 104 (1996).

This project will maintain current management, and meet the need for continued livestock grazing under an updated AMP (Forest Plan p.3-12/13). It is Forest Service policy to contribute to the economic and social well being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood (Forest Service Manual [FSM] 2202.1).

The Modoc National Forest has determined that lands within this allotment is suitable for producing forage for grazing (Forest Plan Management Area Direction, pages 4-223 - 4-236) and the current grazing permittee has expressed strong interest in continuing use on the allotment.

Implementation of Modoc Forest Plan direction as follows:

1. Manage the Forest for improved rangeland condition, with permitted grazing and forage capacity in balance (Forest Plan, pg 4-1). Maintain or enhance satisfactory ecological condition (Forest Plan 4-18).

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2. Contribute to the community economy and provide for sustained outputs of forage products (Forest Plan, pg 4-2).
3. Provide diverse and productive habitat for a variety of wildlife and fish species (Forest Plan 4-2).
4. Meet habitat or population objectives for Management Indicator Species (Forest Plan 4-4).
5. Maintain soil productivity by applying guidelines to areas where management prescriptions are applied: land for timber production, range allotments, and other areas where healthy or productive vegetation is desired (Forest Plan 4-21).
6. Manage allotments to protect soil, water, and streamside dependent resources (Forest Plan 4-19).
7. Protect habitat for sensitive plants (Forest Plan 4-3).
8. Protect cultural resources largely by directing activities or use away from sensitive areas, by maintaining confidentiality, and by informing Forest users of cultural resource protection requirements (Forest Plan 4-14).

Monitoring

The Modoc Forest Plan requires allowable use standards be based on the condition of vegetation and watersheds. A summary of past Monitoring for this project is contained in the Range Specialist Report, Project File, 2006 and Allotment 2210 Files.

1. Annual monitoring will continue to include range readiness, AOI compliance, actual livestock utilization and distribution. Methods include: allotment inspections, range readiness, landscape appearance, stubble height, photo plots, aspen pace method, and stream bank alteration.
2. Long term monitoring will continue to include: range condition and trend studies. Methods include but are not limited to: cover micro plots, green line, ocular macro plots, PFC (Proper Functioning Condition) and photo plots.

Monitoring indicates that the Mt. Dome allotment is in satisfactory condition (range condition is fair and the trend is static), 28 plant species were collected/recorded during the 2005 field season indicating this allotment is in a mid to late seral stage. Additional information is located in the Range Specialist Report, Project File, 2006. Utilization surveys indicate that in the past few years grazing has been below 50% for grasses for the allotments which is well within the allowable standards designed to maintain rangeland health.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Exclusion Authority:

This action is categorically excluded from documentation in an environmental impact statement or environmental assessment because the project is within the authority in the Chief's directive letter of March 1, 2005 and meets the exclusion criteria under Section 339 of the 2005 Consolidated Appropriations Act (P.L. 108-447). The exclusion criteria met are: (1) the decision continues current grazing management;

(2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward objectives in the Forest Plan, as determined by the Secretary; and (3) the decision is consistent with agency policy concerning extraordinary circumstances.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it implements current livestock grazing management, the management of the allotments is shown by monitoring to be meeting or satisfactorily moving toward forest plan objectives, and there are no effects to extraordinary circumstances (as defined in the Forest Service Handbook [FSH] 1909.15) related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the project record.

B. Relationship to Extraordinary Circumstances

1. Threatened and Endangered Species or Their Critical Habitat -

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this Act, a list of the federally listed threatened or endangered, and proposed species that may be present in the project area was obtained from the official web site of the U.S. Fish and Wildlife Service where such species lists are now posted as of 2006. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Evaluation (BE/BA Aquatic & Wildlife Species, Project File).

It was determined that this decision will have 'no effect' on listed species or their critical habitats.

2. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains:

The proposed activity will be in accordance with the R5 Soil Quality Standards, the Modoc Forest Plan Standards and Guidelines (S & Gs) for soil and water resources and Best Management Practices (BMPs). Therefore, it is unlikely the proposed activity would result in the occurrence of either a direct, indirect or cumulative effect to soil or water quality (Specialist Report, Hydrology and Soils, Project File).

3. Congressionally Designated Areas

Wilderness:

This decision does not affect Wilderness. The project is not in or near Wilderness (Forest GIS layer), therefore, there will be no effects to Wilderness.

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Wilderness Study Areas

There are no Wilderness Study Areas in the decision area. As such there will be no effects to Wilderness Study Areas (Forest GIS layer).

National Recreation Areas

There are no National Recreation Areas on the Forest, so there will be no effects to National Recreation Areas (Forest GIS layer).

Other Congressionally Designated Areas

Wild and Scenic Rivers

There are no Wild and Scenic Rivers in the project area (Forest GIS layer), there will be no effects to Wild and Scenic Rivers.

National Parks

There are no National Parks in the project area (Forest GIS layer), so there would be no effects to National Parks.

National Monuments

There are no National Monuments within the allotment, therefore there would be no effects to National Monuments. Lava Beds National Monument (as described above borders Mt. Dome to the east.

National Wildlife Refuges

There would be no effects to National Wildlife Refuges, as there are no refuges within or next to the allotment.

4. Inventoried Roadless Areas

The project is within an inventoried roadless area (Plan FEIS, Appendix E, p. E-9; Project File). The Callahan Flow occurs within the Mt. Dome Allotment. However, no new road construction will occur as part of this decision.

5. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas

During consultation with the Native Americans, there were no specific issues related to grazing effects to cultural sites, archaeological sites or historic properties or areas identified for the Mt. Dome allotment. If any specific effects to cultural sites are identified in the future, they will be addressed through the Annual Operating Instructions and site specific protection measures.

III. Public Involvement

The project was listed in the Modoc National Forest, Quarterly Schedule of Proposed Actions (SOPA), starting June 2005. To initiate scoping for the project, a letter dated May

15, 2006 was sent to individuals and organizations who expressed interest in the grazing program on the Modoc National Forest, local Native American tribes, county, state and federal agencies with jurisdiction in the area, the affected and adjacent grazing permittees of the Modoc National Forest, and anyone who responded to the publication of the project in the SOPA (Scoping Mailing List, Project File, USFS 2006).

The Center for Biological Diversity responded to the SOPA, requesting copies of all future documents. No written comments were received in response to the scoping letter. One individual emailed back comments to the Forest in support of livestock grazing, as long as monitoring continues as a program on the Forest. As stated above (under Monitoring page 2) monitoring will continue on the Doublehead Ranger District, it has been an important aspect of the range program and will continue to be used as a means to guide livestock use for year to year.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized pertinent ones below.

P.L. 104 of the 1995 Rescissions Act.

This law allows the agency to re-issue grazing permits when they expire and requires that a schedule for NEPA analysis of grazing allotments be established. This decision completes the NEPA process for this allotment on the Modoc National Forest schedule as amended under the authority of the 2004 Appropriations Act (H.R. 2691/P.L. 108-108).

Forest Plan Consistency (National Forest Management Act)

This action is consistent with the direction in the Modoc National Forest Land and Resource Management Plan (Forest Plan) and its amendments (IDT review of Forest Plan Direction and Desired Conditions, Project Record, and Forest Plan).

National Environmental Policy Act

This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Other Laws and Regulations

This project complies with all federal, state, and local laws and Executive Order including the Endangered Species Act (project BA), the Clean Water Act (watershed report and Project File). The National Historic Preservation Act (see II. B. 6 above), the Archaeological Resources Protection Act (see II. B. 6, above), Executive Order 12898 (Environmental Justice) (see III. Public Involvement, above; Project Record).

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

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

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letter and draft Decision Memo sent out in the comment period indicated that this decision would be subject to appeal pursuant to the July 2, 2005 order issued by the U. S. District Court for the Eastern District of California in Case No. CIV F-03-6386JKS. However, in an October 19, 2005 ruling, the Court issued a clarification of the categorically excluded activities that are subject to notice, comment, and appeal under 36 CFR 215 regulations and did not include grazing decisions. In addition, there were no substantive comments received, therefore there would not be anyone with standing to appeal under 36 CFR 215 regulations.

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 apply for written authorization to occupy and use National Forest System lands that would be affected by this decision. To appeal this decision under 36 CFR 251, a written Notice to Appeal, meeting the content requirements at 36 CFR 251.90, must be postmarked or received within 45 calendar days after the date of notice of this decision to applicants and holders of written authorization to occupy and use National Forest System land. However, when the 45-day filing period would end on a Saturday, Sunday or Federal Holiday, the filing time is extended to the end of the next Federal working day.

The Notice of Appeal must be sent to: USDA, Forest Service, Modoc National Forest, and ATTN: Stan Sylva, Forest Supervisor, 800 W 12th ST., Alturas, CA 96101. The Notice of Appeal may alternatively be hand delivered to the address above, or faxed to: (530) 233-8709 to the above address. A copy of the appeal must simultaneously be sent to Laurence Crabtree, District Ranger, P. O. Box 369, Tulelake, CA 96134 or faxed to: (530) 667-8609. If an appeal is filed, an oral presentation concerning the appeal (36 CFR 251.97) and/or stay of implementation (36 CFR 251.91) of the decision may be requested at any time prior to closing the appeal record.

VI. IMPLEMENTATION DATE

This decision will be implemented immediately upon issuance, and may be implemented during the appeals process unless the reviewing officer grants a stay (36 CFR 251.91).

VII. CONTACT PERSON

For more information or for copies of the Decision Memo, please contact Kathleen Sevy, Rangeland Management Specialist, during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Doublehead Ranger District office, P.O. Box 369, Tulelake, CA 96134, phone: 530-667-2246, Fax: 530-667-8609.

The responsible official for the project is Laurence Crabtree, District Ranger, Modoc National Forest.

VIII. SIGNATURE AND DATE

/s/ Laurence Crabtree
LAURENCE CRABTREE
District Ranger

March 20, 2007
Date

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