



Forest
Service

January
2006



Decision Notice and FONSI

CLUSTER II RANGE ALLOTMENTS

Bend-Ft. Rock Ranger District Deschutes National Forest

Legal Description:

Deschutes County, Oregon
T. 21 S., R 15 & 16 E, Sections 1 to 36
T.22 S., R 14-16 E., Sections 1 to 36
T. 23 S., R 11 E., Section 24
Willamette Meridian

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Introduction

An Environmental Assessment (EA) for the Cluster II Range Allotments has been prepared that describes a range of alternatives, which includes authorizing grazing on approximately 142,162 acres of National Forest lands. The proposed action would authorize grazing on three cattle and horse allotments and close one sheep and goat allotment to livestock grazing. The proposed action is similar to the current management of the allotments, but would be modified to reflect new standards and to implement protection measures for sensitive plants. All allotments would be grazed under a rest rotation grazing system except for the Sand Springs Pasture of the Sand Springs Allotment that will operate under a deferred rotation system (designating a grazing period, EA, page 20). Three alternatives to the proposed action were developed, analyzed, and compared to the proposed action: Current Allotment Management (Alternative 1); No Grazing (Alternative 3); and Modified Proposed Action (Alternative 4).

Location

The planning area is 142,662 acres (EA Figure 1, page 4 & Figure 2, page 5 and Range Report Appendix 1, figure 1) and includes 500 acres of private land and 1,018 acres of Bureau of Land Management (BLM) lands. The planning area is located southeast of Pine Mountain and North of Christmas Valley, is bordered by the Newberry National Volcanic Monument on the west and follows the Deschutes National Forest boundary to the east and southeast. The Deschutes National Forest boundary is adjacent to both Bureau of Land Management and private lands. Elevations range from approximately 4,500 to 6,120 feet. The Cluster II Project Area is located in the eastern half of the Bend-Ft. Rock Ranger District.

The project area is outside the range of the northern spotted owl and boundary of the Northwest Forest Plan, but within the boundaries of the Revised Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (Interim Direction), also known as the Eastside Screens.

The range allotments are located within the boundaries of Scenic Views (MA-9), General Forest (MA-8), Deer Habitat (MA-7), and Old growth (MA-15) land allocation of the Deschutes National Forest Land and Resource Management Plan (LRMP), 1990, as amended. The goal of these allocations is summarized in the EA on page 12 and can be found in the LRMP on pages 4-1 through 4-202.

The Cluster II project area consists of the Cabin Lake Cattle and Horse Allotment, totaling 26,192 acres (EA Table 1, page 2); Sand Springs Cattle and Horse Allotment, totaling 55,967 acres; the Crater Buttes Sheep and Goat Allotment, totaling 26,416 acres; and the Quartz Mountain Cattle and Horse Allotment, totaling 34,087 acres.

Purpose and Need

The EA describes the purpose and need for the proposed action which stems from the LRMP goal for range management: “To manage forage resources for long-term sustained productivity through attainment of upward or stable vegetative trends, protection of the basic soil and water resources, and meet public needs for multiple resource outputs.” (LRMP 4-49). To meet this goal there is a need to improve control of livestock for better distribution, more controlled utilization of vegetation, and protection of other resources; a need to reduce conflicts between livestock grazing and other Forest uses, such as recreation; a need to provide water sources for livestock; a need to update the terms and conditions of the Allotment Management Plans and term grazing permits; a need to provide suitable forage to support livestock grazing where consistent with the LRMP (36 CFR 22.2(c)); and a need to

reconsider authorization of grazing on unproductive and low demand allotment that is currently vacant. These needs are further described in the EA, pages 6 and 7.

Decision

I have decided to authorize implementation of Alternative 2 (Proposed Action) of the Cluster II Range Allotments EA. Alternative 2 is the proposed action alternative that was identified in the 30-day public review and comment period notice published November 2, 2005 in *The Bulletin* and November 4, 2005 in the *Capital Press*. A variety of resource protection measures have been included in order to ensure consistency with the LRMP (EA, pages 20 to 23).

Alternative 2 (Proposed Action), will authorize the following actions, reflecting changed management from existing conditions:

- Issue new permits to the existing permittees on the Quartz Mountain and Sand Springs Allotments;
- A prospectus process will be initiated that will select a qualified grazing applicant, whereby a new permit will be issued to the qualified applicant to stock the Cabin Lake Allotment (this will be dependent on available funding to initiate the process and interest from the public);
- Allotment management plans would be updated to reflect current direction, changed conditions, and management requirements for the Quartz Mountain, Sand Springs, and for the Cabin Lake Allotment when it is stocked;
- Close the Crater Buttes Allotment to livestock grazing and remove it from the inventory of existing allotments;
- Reduce the Cabin Lake Allotment in size along the western and northern boundaries and make the necessary boundary adjustments, approximately 4,896 acres (EA, Map 3, page 39).

The deciding officer will authorize the grazing of domestic livestock, cattle and horses, in the Sand Springs and Quartz Mountain Allotments by issuing new 10 year-term grazing permits starting with the 2007 grazing season.

The Quartz Mountain and Cabin Lake Allotments would be grazed using a rest rotation system. To protect the pumice grape fern (*Botrychium pumicola*, BOPU), a Regional Forester-designated sensitive plant species, in the Sand Springs Pasture, the Sand Springs Allotment would be grazed using a deferred rest rotation system.

The grazing season within the three open allotments would be variable, but would generally be from May through the end of September depending on the allotment and weather conditions. A maximum of 1500 cow/calf pairs would be permitted in the three allotments for the 4-month grazing season. Actual numbers within each allotment and the actual season of grazing would be based on range condition, permittee requested use, and range readiness. Actual seasons and numbers would be specified in the Annual Operating Plan and be within the limits specified in the permit.

The following actions will be necessary to implement the selected alternative (all improvements would be constructed and maintained by the permittee with support from the Forest Service (FS) as budgets and opportunities allow): New fence construction, development of additional water set locations; new current and trend study plots (FS responsibility); adjustments in allotment and pasture boundaries (FS); waterline extensions; adjustments in the season of use (FS); additional cattleguards to support new fence construction (FS – roads only); removal of cattleguards (FS); waterline relocations; a new well; and changes in the current status of existing allotments (FS). Refer to the EA, pages 8 to 11 for complete list of range improvements or changes in grazing practices applicable to each allotment.

Decision Rationale

Alternative 2 as described in the EA for the Cluster II Range Allotments, including mitigation and monitoring, is expected to improve or maintain upland vegetation conditions and allow for forage utilization by modifying current grazing practices and implementing cost-effective range improvements. This alternative addresses the purpose and need for action, the key issues, and considered what environmental impacts may occur. Impacts to resources in the project area have been assessed, and no significant effects will result from the action alternative.

Alternative 2 provides the best combination of actions for the grazing program and for the four range allotments. It provides guidelines for the grazing allotments to respond to resource protection and benefits (EA pages 6 and 7). Alternative 2 will provide for the needs of the allotment, incorporate utilization standards and adaptive monitoring methods for antelope bitterbrush that provides for browse on mule deer winter range, and for improved management of sensitive plant habitat and it establishes an adaptive monitoring protocol. This alternative will, in the long-term, continue grazing management activities, primarily under a rest rotation grazing system with the exception of the Sand Spring Pasture of the Sand Springs Allotment (deferred rotation).

Alternative 2 addresses the key issues that were identified through public scoping. Better distribution of livestock and resource protection measures such as standards for fence construction will ensure that impacts to big game remain low and utilization is within Forest Plan standards. Although there are no known sage-grouse nest sites in the project area, sporadic use may occur, but livestock grazing will have a low impact to potential habitat for foraging and brood rearing under this alternative (EA page 75). The division of the allotments into more pastures will reduce grazing pressure on vegetation that is considered potential habitat for sage-grouse (EA pages 74 and 75).

I recognize that recreation on the Forest, particularly the use of off-road vehicles, is increasing. The additional fencing and cattle guards proposed under Alternative 2 will keep cattle from recreation areas and separate OHV activities from grazing north of Road 22.

Alternative 1, the current grazing management alternative, does not meet the stated purpose and need because there would be no alteration of grazing practices in the Sand Springs pasture to avoid impacts to the pumice grape fern. Alternative 2 does provide a deferred rotation system that is expected to minimize grazing impacts during the plant's spore-producing period, ensuring maintenance of the existing populations. I selected Alternative 2 because the alternative provides for monitoring of pumice grape-fern populations with an objective of maintaining populations at or above those currently observed (EA page 23). This will provide a mechanism for adjusting grazing practices if objectives are not met. This meets the intent of the Conservation Strategy to maintain *Botrychium pumicola* populations (EA page 69).

I chose to not authorize grazing in the Crater Buttes allotment because there is not adequate forage available to meet LRMP objectives (LRMP page 4-49). The allotment has not been grazed for 30 years and the last EA, completed over 40 years ago, identified the trend in vegetation that continues today: increased encroachment of timber and "undesirable" brush species reducing available forage (EA page 38). Also, no one has expressed an interest in grazing sheep on this allotment since it was vacated in 1975. Future use of this area for livestock grazing would be preceded by a site-specific NEPA analysis.

Other Alternatives Considered

In addition to Alternative 2, three other alternatives were developed and analyzed for the Cluster II Range Allotment project area (EA page 19). Refer to the EA, pages 25 to 29 for a summary comparison of the

alternatives.

Alternative 1 - Current Allotment Management

This alternative reflects no changes from existing conditions. The Cabin Lake and Crater Buttes Allotments would continue to remain vacant. Grazing would continue in the Quartz Mountain and Sand Springs Allotments. New permits would be issued with the same terms and conditions as the existing permits. Allotment management plans would not be updated to reflect changing conditions, changed management direction, or requirements. There would be no changes in the seasons of grazing or the authorized stocking levels. Maintenance of existing range improvements would continue; permittees would not be permitted to construct new improvements.

I did not select this alternative because there are no changes in either pasture or allotment boundaries that would be required to meet the purpose and need of improving control of livestock for better distribution, more controlled utilization of vegetation, and protection of other resources or for the reduction of conflicts between livestock grazing and other Forest uses.

Alternative 3 - No Grazing

Under this alternative, all Grazing Permits (existing permits in the Quartz Mountain and Sand Springs Allotments) would be cancelled within two years of implementation of the decision (EA page 17). No livestock grazing would be authorized in the planning area. No permits would be issued for any of the four allotments unless a subsequent NEPA decision to re-stock any or all of the allotments was made. The Cabin Lake Allotment would not be reduced in size and the boundaries redefined as it would also be closed. The Crater Buttes Allotment would be closed. Range improvements would be removed or rehabilitated. All developments not needed for resource management would be removed. Watersets could be naturally reclaimed, or measures such as ripping and planting could be implemented to restore the areas.

I did not select Alternative 3, the no grazing alternative, because it would not meet the goals for range management on the Deschutes National Forest, would not provide suitable forage for livestock where there is a continuing demand (EA pages 6, 7, 32), and therefore does not meet the purpose and need.

Alternative 4 - Modified Proposed Action

This alternative is identical to Alternative 2 – Proposed Action (see page 7) except for actions and activities proposed in the Sand Springs Pasture of the Sand Springs Allotment. Under this alternative, grazing in the Sand Springs Pasture would be halted for seven (7) years, during which time additional data would be collected on the grape fern populations. Monitoring would be conducted to better identify effects of grazing on the grape fern. Refer to the EA, page 18 for further description of this alternative. I did not select Alternative 4, extended monitoring, because the analysis does not show that it would provide additional protection for the BOPU beyond the monitoring period and it would place an “undue” hardship on the current permittee.

Public Involvement

Scoping

The Cluster II Range Allotments project was listed in the summer 2004 edition of the *Schedule of Proposed Actions for the Deschutes and Ochoco National Forests*, which is distributed quarterly with the

status and descriptions of new, continuing, and completed projects to approximately 60 individuals, organizations, and public agencies and it is also posted on the Forest's web site.

Scoping letters describing the proposed action were sent November 3, 2004 to interested members of the public to solicit input into project area design and analysis. Based on input from the public, the interdisciplinary team identified the following key issues: Potential Impacts to *Botrychium Pumicola*, Potential Impacts to Sage-Grouse Habitat, and Potential Impacts to Big Game Habitat (EA page 14). To address these concerns, the Forest Service created the alternatives described above, including Resource Protection Measures common to all alternatives (EA pages 20 to 23).

Scoping letters were sent to The Klamath Tribes, Burns Paiute Tribe and to the Confederated Tribes of Warm Springs. No formal or informal responses were received from the tribes.

The permittees holding grazing permits on the active allotments were included throughout the process.

There was coordination with the Oregon Department of Fish and Wildlife (ODFW) through participation in interdisciplinary team meetings, participation in the project field trip that took place on June 10, 2005, multiple internal e-mails (copies are located in the project files), and multiple telephone conversations between the District Wildlife Biologists and ODFW over the several years that the project took to complete.

Public Comment Period

A 30-day notice and opportunity for comment was published in *The Bulletin* on November 2, 2005 and placed on the Deschutes National Forest Website. The EA was circulated to all participants in the scoping process as well as other interested parties. A total of two letters were received in response to the EA. The comments were reviewed and addressed by the interdisciplinary team. Comment letters are located in the project file at the Bend-Ft. Rock Ranger District office.

Finding of No Significant Impact

Sufficient information has been disclosed in the analysis to make a reasoned choice among alternatives and no significant impacts on the quality of the human environment have been identified. Information available from past actions of similar context and intensity in this area also indicates that no significant impacts would be anticipated.

Based on the site-specific environmental analysis documented in the Cluster II Range Allotments EA, I have determined that this is not a major federal action that will significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. An analysis of the cumulative effects of the planned resource activities indicated that the combined effects are environmentally acceptable for soil, water and all renewable forest resources. Based on the analysis, I expect only short duration adverse impacts and long-term favorable impacts from implementation of this alternative, Alternative 2. All adverse impacts are limited in scope and intensity and can be considered minor. This determination is based on the mitigation measures designed into the selected alternative and the following factors:

(1) Beneficial and adverse direct, indirect and cumulative environmental impacts are discussed in the EA (EA pages 53, 70, 99, 101, 124, 126, 131, and 132).

(2) No significant adverse effects to public health or safety have been identified (EA pages 6, 10, 11, 36,

57, 58, and 60).

(3) There will be no significant adverse on unique characteristics of the area. Within or adjacent to the project area there are no park lands, prime farmlands, wetlands, or wild and scenic rivers to be affected. No significant effects are anticipated to any other ecologically sensitive or critical areas (EA page 132).

(4) The effects of implementation of this decision do not rise to the level of scientific controversy as defined by the Council of Environmental Quality {(EA pages 30 to 131), wildlife (EA pages 71 to 99), botany (EA pages 63 to 70, 99 to 101, 125 and 126), soils (EA pages 102 to 124) and heritage (EA pages 127 to 131)}.

(5) Based on previous similar actions in the area the probable effects of this decision on the human environment, as described in the EA, are well known and do not involve unique or unknown risks (EA pages 20 to 24).

(6) This action does not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration.

(7) This decision is made with consideration of past, present and reasonably foreseeable future actions on National Forest land and other ownerships within potentially affected areas which could have a cumulatively significant effect on the quality of the human or natural environment. I find there to be no such cumulative significance (EA pages 30 to 132).

(8) Based on the pre-disturbance survey and record search of the project area, and proposed monitoring, the project proposal will have no effect (as defined in 36 CFR 800.4 (b)(1)) on any listed or eligible cultural resources (EA pages 128 to 130).

(9) The biological evaluation and assessment for the area indicates that the alternative chosen will have no significant adverse impacts on any federally proposed, endangered, sensitive or threatened plant or animal species. Of the three threatened or endangered species, the northern bald eagle, the northern spotted owl, and the Canada lynx known or potentially present on the Bend-Ft. Rock Ranger District, none has identified habitat within the project area. Should any endangered or threatened species be found following the implementation of the project the environmental analysis will be reviewed and revised if necessary. Two additional species, the western sage-grouse and the pygmy rabbit, were recently petitioned for listing. There is suitable habitat for the western sage-grouse within the project area (EA pages 71 to 76). There is potential habitat for the pygmy rabbit within the project area (EA page 71). There are no threatened or endangered plant species or their habitats within the project area (EA page 70), and there is one sensitive plant species, the pumice grape-fern. Implementation of this alternative may impact individuals and habitat for BOPU, but it will not cause a trend toward federal listing (EA page 70).

Project design criteria (PDC) outlined in the April 2001 to 2003 Joint Aquatic and Terrestrial Programmatic BA were used as sideboards and filters in designing project activities during the planning process, developing the biological assessment, and in the consultation process with the USFWS. This project would have low impacts to sage-grouse and will not lead to listing of the species (EA pages 71 to 75). This project would also have no impact to pygmy rabbits (EA page 71)

(10) This decision is in compliance with relevant federal, state and local laws, regulations and requirements designed for the protection of the environment. Effects from this action meet or exceed state water and air quality standards (EA pages 104 to 132).

Findings Required by Other Laws or Regulations

National Forest Management Act

This decision is consistent with the goals, objectives and direction contained in the Deschutes National Forest Land and Resource Management Plan (Forest Plan) and accompanying final environmental impact statement dated August 27, 1990 as amended, including the Inland Native Fish Strategy and the Record of Decision for Preventing and Managing Invasive Plants (October 2005)(EA page 12).

Environmental Justice

This decision is in compliance with Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” No minority or low-income populations will be disproportionately affected from implementation of any alternative (EA page 132).

Endangered Species Act

There is no habitat within the planning area that is classified as "Essential" for anadromous fisheries. There are no threatened, endangered, or candidate species with known locations or habitat in the project area. Effects of to Region 6 Sensitive wildlife species with habitat and/or known locations in the project area were evaluated. A determination of No Impact was made for the California wolverine; and a determination “would not contribute to a trend toward federal listing or cause a loss of viability of the population or species” was made for the greater sage-grouse and BOPU.

Clean Water Act, Wetlands & Floodplains

There are no streams within the planning area (EA page 104). Springs are fenced and not impacted by the selected alternative (EA page 132). There are no actions in the selected alternative that would be inconsistent with the Clean Water Act. The project area contains no wetlands or floodplains (EA page 132). None of the actions proposed would be inconsistent with Executive Orders 11988 or 11990.

National Historic Preservation Act

The range improvement actions proposed in the selected alternative are excluded from review for compliance with Section 106 of the National Historic Preservation Act because they have little or no potential effect on cultural resources according to the Programmatic Agreement of 2004 among the US Forest Service, Pacific Northwest Region, the Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Office (EA pages 128 to 130). Monitoring of certain activities is required by the selected alternative and will ensure protection of sites eligible for the National Register of Historic Places (EA pages 24, 128 to 130). I find Alternative 2 is consistent with the National Historic Preservation Act.

Implementation Date

If no appeal is filed, this decision may be implemented on the 5th business day following the close of the appeal-filing period (36 CFR 215.15). In the event of an appeal, implementation may begin the 15th business day following the date of appeal disposition (36 CFR 215.2)

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Only those individuals or organizations who submitted substantive comments during the comment period may appeal. Notice of Appeal must be filed (regular mail, fax, email, hand delivery, or express delivery)

with the Appeal Deciding Officer (Regional Forester, ATTN: 1570 APPEALS) at 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon, 97208-3623. Appeals can be faxed to (503) 808-2255, sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 7:45 AM and 4:30 PM, Monday through Friday, excluding legal holidays.

Appeals can also be filed electronically at: appeals-pacificnorthwest-regional-office@fs.fed.us. Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. E-mails submitted to email addresses other than the one listed above, or in formats other than those listed or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

Appeals, including attachments, must be postmarked or delivered within 45 days of the publication of the legal notice for this decision in The Bulletin, the Bend newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in The Bulletin is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Relative to issuance of the term grazing permit(s), permittees may choose to appeal under the regulations listed at 36 CFR 251, Subpart C. The permittee must select which administrative review regulation (36 CFR 215 or 251) they will opt to use, because they cannot use both for the same appealed decision. An appeal by the permittee under the 36 CFR 251 regulations must be filed simultaneously with the Reviewing Officer, Regional Forester, Linda Goodman (address above) and the Deciding Officer Deschutes National Forest, Forest Supervisor, Leslie Weldon at 1001 SW Emkay Drive, Bend, OR 97702 or fax: (541) 383-5531. The 45-day appeal period begins on the first day after the Deciding Officer's written notice of the decision.

Contact Information

For further information, contact Don Sargent, Bend-Ft. Rock Ranger District, 1230 NE Third, Bend, Oregon 97701, (phone 541-383-4739, email dsargent01@fs.fed.us (Don Sargent Range Land Management Specialist)). Copies of the EA are available upon request from the Bend-Ft. Rock Ranger District office. It may also be found on the web page of the Deschutes and Ochoco National Forests and Crooked River Grassland at www.fs.fed.us/r6/centraloregon/index.shtml.

/s/ Leslie A.C. Weldon
LESLIE A.C. WELDON

1-20-06
DATE

Forest Supervisor
Deschutes National
Forest