

Decision Memo

BIG TABLE AND LYTLE CREEK CATTLE ALLOTMENT

USDA – Forest Service
Ochoco National Forest, Lookout Mountain Ranger District
Crook County, Oregon
T 13 S, R 16 E; Sections 25 and 26; T 13 S, R 15 E; Section 12;

BACKGROUND

The Big Table Cattle Allotment is an active cattle allotment on the Lookout Mountain Ranger District grazed under a term grazing permit issued by the Forest Service. The allotment is 794 acres in size all of which is National Forest System lands. The purpose of the project is to maintain current management, which has been demonstrated to achieve desired conditions. The current permitted use on the Big Table Allotment is 18 cow/calf pair for a season of April 20 through June 10, or an equivalent of 41 animal unit months (AUMs) each year.

The Lytle Creek Cattle Allotment is an active cattle allotment on the Lookout Mountain Ranger District grazed under a term grazing permit issued by the Forest Service. The allotment is 2,272 acres in size, 39 of which are National Forest System lands. The purpose of the project is to maintain current management, which has been demonstrated to achieve desired conditions. The current permitted use on the Lytle Creek Allotment is 2 cow/calf pair for a season of May 1 through June 15, or an equivalent of 4 animal unit months (AUMs rounded) each year.

Congress authorized the Forest Service to administer and re-authorize grazing under current permit terms and conditions pending completion of scheduled analysis following the National Environmental Policy Act. The legislation that authorized this action is Public Law 104-19, Section 504(a), commonly known as the Rescission Act. The Forest Service scheduled the analysis for the Big Table and Lytle cattle allotments to be completed in fiscal year 2010.

The Big Table Cattle Allotment has not been grazed since 2002. The permittee has not grazed the allotment either for personal convenience or for resource protection due to drought conditions and limited stock water. The Lytle Creek Cattle Allotment has been grazed annually over the recent past. These allotments are managed under the applicable standards for livestock grazing in the Ochoco National Forest Land and Resource Management Plan (LRMP), as amended. Specific amendments to the LRMP that apply to this allotment and grazing activity include standards in INFISH (*Interim Strategies for Managing Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of Nevada*) and the Pacific Northwest Region EIS, *Preventing and Managing Invasive Plants* (2005).

DECISION

I have decided to authorize continued livestock grazing use within the Big Table and Lytle Creek Cattle Allotments consistent with existing management to continue to meet or move resources toward desired conditions. My decision incorporates the elements below that currently apply to the existing livestock grazing management. These practices comply with direction in the LRMP and other applicable laws, regulations, and higher-level decisions. Project monitoring has determined current management to be meeting or moving towards desired resource conditions.

CURRENT MANAGEMENT STANDARDS

INTENSITY: Utilization - Stubble Height (Riparian), % of Annual Growth (Non-riparian)	Riparian Herbaceous Species Stubble Height (Inches) for Kentucky Bluegrass dominated sites: End of grazing use (PACFISH/INFISH)		Before 6/30 – 2”			
	Riparian Herbaceous Species Stubble Height (Inches) for sites other than Kentucky Bluegrass dominated are: End of grazing use (PACFISH/INFISH)		Before 6/30 – 3”			
	Riparian Herbaceous Species Stubble Height (Inches): End of growing season (PACFISH/INFISH)		4” Grasses 6” Grass-like			
	Riparian Woody Species Utilization (PACFISH/INFISH)		Cattle are moved when there is a change from herbaceous vegetation to woody vegetation consumption			
	Range Resource Management Level	Forested Communities		Grassland Communities		Shrubland Communities
	Sat	Unsat	Sat	Unsat	Sat	Unsat
B - Livestock use managed within current grazing capacity by riding, herding, salting, and cost-effective improvements used only to maintain stewardship of the range.	40	0-30	50	0-30	40	0-25

REQUIRED PREVENTION STANDARDS for REDUCING NOXIOUS WEED RISK

[Pacific Northwest Region EIS, *Preventing and Managing Invasive Plants* (2005)]

- Prevention Standard 1:**
Prevention of invasive plant introduction, establishment and spread will be addressed in grazing allotment management plans.
- Prevention Standard 2:**
All heavy equipment operating outside the road prism require cleaning prior to coming onto National Forest lands as to be free of soil, seeds, vegetative matter, or other debris that could contain or hold noxious weed seeds.
- Prevention Standard 3:**
Use weed-free straw and mulch for all projects.
- Prevention Standard 6:**
Incorporate invasive plant prevention practices into rangeland management, including annual operating instructions, and allotment management plans.

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 impact statement or an environmental assessment 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.” Division F, Title IV, Section 421 of the 2008 Consolidated Appropriations Act extends this authority through 2008.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment. My decision implements current livestock grazing management, monitoring indicates that the management of the allotment is meeting LRMP objectives, and there are no effects to extraordinary circumstances, as defined in 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.

This decision will have no effect on listed species. The project is not located in or near floodplains or wetlands as defined in EO 11988 and 11990, respectively. There are no municipal watersheds within the project area.

No portions of these allotments fall within a designated wilderness area or research natural area.

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 NHPA 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 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. Consultation on this finding occurred with the State Historic Preservation Office.

The Big Table Cattle Allotment falls entirely within the Green Mountain inventoried roadless area. However, continued livestock grazing within the allotment will not have an effect upon the roadless character of the area. The permittee complies with the roadless area requirements while managing his livestock. Motorized vehicles are not used on a routine basis to manage the Big Table Cattle Allotment.

PUBLIC INVOLVEMENT

The Big Table and Lytle Creek Cattle Allotments Project proposal was provided to the public and other entities for comment during the scoping period. Letters requesting public input and Tribal input were mailed on September 5, 2008. One letter was received from a special interest group. The concerns identified were considered and are discussed in this decision memo or in the resource reports and Biological Evaluations contained in the project file.

FINDINGS REQUIRED BY OTHER LAWS

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

- National Forest Management Act (consistency with the Ochoco National Forest Land and Resource Management Plan, as amended): Forest-wide Standards and Guidelines, Management Area MA-F22 General Forest Standards and Guidelines, the INFISH amendment, and the Preventing and Managing Invasive Plants amendment.
- 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.
- The Endangered Species Act: A finding of No Effect for the Mid-Columbia River Steelhead and Canada Lynx.
- The Region 6 Sensitive Species List: A finding of No Impact for California wolverine, peregrine falcon, redband trout, white-headed woodpecker, bald eagle; a finding of May Impact Individuals or Habitat, But Will Not Likely Contribute to a Trend Towards a Federal Listing or Loss of Viability to the Populations or Species for Henderson's needlegrass and Wallowa needlegrass.
- American Indians and Alaska Native religious or cultural sites, Archaeological sites, nor historic properties or areas 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.
- 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.

APPEAL OPPORTUNITIES AND PROJECT IMPLEMENTATION

This decision is not subject to appeal pursuant to Forest Service regulations at 36 CFR 215. This decision is subject to appeal pursuant to 36 CFR 251.82(3) by those who hold or, in certain instances, those who apply for written authorizations to occupy and use National Forest System lands. An appeal for initial review may be filed by those who hold, or in certain instances, those who apply for written authorization to occupy and use National Forest System lands.

To appeal this decision under 36 CFR 251, a written Notice of 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 set to: USDA, Forest Service, Ochoco National Forest, ATTN: Forest Supervisor Jeff Walter, 3160 NE 3rd Street, Prineville, OR, 97754. The appeal may be faxed to: USDA Forest Service, Forest Supervisor Jeff Walter, (541) 416-6695. A copy of the appeal must simultaneously be sent to the District Ranger. If an appeal is filed, I am willing to meet and discuss concerns. 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.

Pursuant to 36 CFR Part 251 Subpart C, if no appeal is filed, implementation of this decision may occur on, but not before 5 business days from the close of the appeal filing period. If an appeal is received, implementation may occur during the appeal process, unless the Reviewing Officer grants a stay (251.91)

CONTACT PERSON

Further information about this decision can be obtained from Kevin Keown, Ecosystem Management Team Leader, Lookout Mountain Ranger District, 3160 NE 3rd St. Prineville, Oregon 97754, (541) 416-6500.

/S/ WILLIAM R. QUEEN
WILLIAM R. QUEEN
District Ranger

September 30, 2008
Date

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