

DECISION NOTICE

And

FINDING OF NO SIGNIFICANT IMPACT

Allotment Management Plan Update

Big Grayback Allotment

USDA Forest Service
Rogue River-Siskiyou National Forest
Applegate and Illinois Valley Ranger Districts

I. Introduction

This Decision Notice (DN) document describes my decision and the reasons behind that decision regarding the Big Grayback Allotment Management Plan Update within the Applegate and Illinois Valley Ranger Districts of the Rogue River-Siskiyou National Forest. My decision and findings are based on the Environmental Assessment (EA) - Big Grayback Allotment Management Plan Update revised September 2005, which documents the results of an environmental analysis of the Proposed Action and alternatives.

The Big Grayback Allotment Management Plan Update EA was prepared by an interdisciplinary team and describes the Purpose and Need for action, the seven alternatives considered in detail, the environmental effects of implementing each alternative, the specific mitigation and monitoring requirements and those persons and agencies consulted. The alternatives include a range of actions to address the Purpose and Need and Key Issues relevant to updating the allotment management plan. The EA is available on the Rogue River-Siskiyou NF website www.fs.fed.us/r6/rogueriver-siskiyou/projects/planning/index.shtml.

The Big Grayback Allotment Management Plan Update is designed under the *Rogue River National Forest Land and Resource Management Plan (RRNF LRMP)*, and *Siskiyou National Forest Land and Resource Management Plan (SNF LRMP)* as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan)*.

This Decision will authorize an update to the Allotment Management Plan (AMP) for the Big Grayback Cattle and Horse allotment. The allotment areas analyzed in the EA are located entirely on National Forest System Land, located in Jackson and Josephine Counties, Oregon.

The **Big Grayback Allotment** straddles the boundary between the two districts about 10 miles south of Williams, Oregon. The allotment includes approximately 19,703 acres, of which about 16,894 acres are located on the Applegate Ranger District, and about 2,809 acres are located on the Illinois Valley Ranger District. The Applegate Ranger District is responsible for the administration of the allotment and is responsible for all administrative matters including analysis and decisions under NEPA (per letter of delegation; File Code 1900, April 7, 2005), and closely coordinates with resource specialists and the District Ranger of the Illinois Valley Ranger District.

The legal description of the Big Grayback Allotment (under my decision) is: T.41S., R.5 W., portion of Section 6; T.40S., R.6W., portions of sections 1-3, 10-14, 23-27, 35 & 36; T.40S., R.5W., portions of sections 1-24, 28-32; T.39S., R.6W., portions of section 35; T.39S., R.5W., portions of sections 31 & 32; Willamette Meridian, in Josephine County, OR and T.40S., R.4W., portions of sections 5-8, 17-18; Willamette Meridian, Jackson County, OR.

This allotment contains a wide variety of ecotypes some of which include riparian areas, high elevation meadows, and forestlands. The area is characterized by mostly rough mountainous topography with openings and meadows in the higher elevations.

The **purpose** of the Proposed Action is to continue authorization of livestock grazing in a manner that is consistent with the Rogue River and Siskiyou Forest Plans. Authorization is needed on this allotment because:

Where consistent with other multiple use goals and objectives there is Congressional intent to allow grazing on suitable lands. (*Multiple Use Sustained Yield Act of 1960, Wilderness Act of 1964, Forest and Rangeland Renewable Resources Planning Act of 1974, Federal Land Policy and Management Act of 1976, National Forest Management Act of 1976*).

The allotment contains lands identified as suitable for domestic livestock grazing in the Rogue River and Siskiyou Forest Plans and continued domestic livestock grazing is consistent with the goals, objectives, standards, and guidelines of these forest plans.

It is Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with land management plans. (**FSM 2203.1**).

It is Forest Service policy to continue contributions 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. (**FSM 2202.1**).

By regulation, “forage producing lands” will be managed for livestock grazing where consistent with land management plans. (**36 CFR 222.2 (c)**).

There is a **need** for change from current management as portions of the allotment have been documented as trending toward desired conditions, however not all resource aspects or allotment areas are identified as trending toward desired conditions identified in the Forest Plans and further developed as Desired Future Range of Ecological Conditions (see EA pages 5-7).

II. The Decision

As the Responsible Official, it is my decision to authorize **Alternative 3a** as described in the September 2005 revised Environmental Assessment – Big Grayback Allotment Management Plan Update, as described below. My decision will address the need for adjustments to the Big Grayback Allotment Management Plan (AMP). The objective of Alternative 3a and my decision is to continue grazing within the allotment similar to current levels, while providing for improved conditions within riparian and Botanical Areas. This alternative and my decision is designed to improve control over livestock movements from low elevation to mid and high elevation pastures, and to increase forage utilization in the under-utilized lower elevation areas.

This alternative will continue to allow livestock grazing in portions of all Botanical Areas with a utilization standard of 20%. Key utilization areas are established on the glade above Bigelow Lakes, Krouse Cabin meadow, Fish Lake meadow, and the Windy Gap area (see Monitoring Plan, Attachment A).

Alternative 3a and my decision documented herein includes the following grazing features as described in the EA, and to be authorized in the Update to the Allotment Management Plan:

- Stocking – 60 head
- Season of Use– 6/1-10/20
- Animal Unit Months – 280
- Acres within Allotment Boundary– 26,678

The following additional features of my decision include:

Boundary Changes

Included in this alternative are several allotment boundary changes. One boundary change called the Little Bear Addition, will enlarge the allotment by transferring about 720 acres from the now vacant Carberry Allotment to the southeast corner of Big Grayback, near Little Bear Ranch. This boundary change will slightly enlarge the allotment in the southeast corner utilizing natural barriers. This boundary change is designed to better control cattle use and make monitoring easier, as it would be adjusted to a physical topographic ridgetop location (as opposed to midslope).

Continuing the boundary adjustment (initiated by the Buck Peak Agreement, of 1980, and Annual Operating Instructions (AOIs), an additional boundary change will incorporate approximately 4,530 acres of the Illinois Valley Ranger District. This boundary adjustment will better represent traditional cattle use patterns and will help the monitoring and administration of the area because of its topographic location. Other minor adjustments to the western boundary reflect actual topographic features (such as ridge lines) to better locate them on the ground and allow better administration of the allotment (i.e., making it easier to determine if cattle are within the allotment). The acreages will remain essentially the same, but will be better defined on the ground.

A third boundary change will add approximately 1,756 acres in the northwest corner of the allotment and is designed to better manage livestock distribution within the physical boundaries (steep topography, dense vegetation and creeks) and the Forest boundary. Another objective of this boundary change is to change the boundary along existing roads (currently unmanageable) to topographical features. The total allotment acres under my decision will be 26,678 acres.

Fence Construction and Maintenance

My decision will require an exclusionary fence around Bigelow Lakes (within the Botanical Area). The first fence will be approximately 1/2 mile in length and constructed around the Upper (and larger) Bigelow Lake as an exclusionary fence, tying into existing topographic features (e.g. rock outcropping). A second Bigelow Lakes area fence will continue from the first fence around the glade above Upper Bigelow Lake, again tying in to topographic features (approximately 3/4 mile). These fences will effectively exclude all domestic livestock (cattle, horses, mules, llamas, etc.) from the fenced enclosure area, to further enhance Botanical Area values and to preserve native and rare plant species.

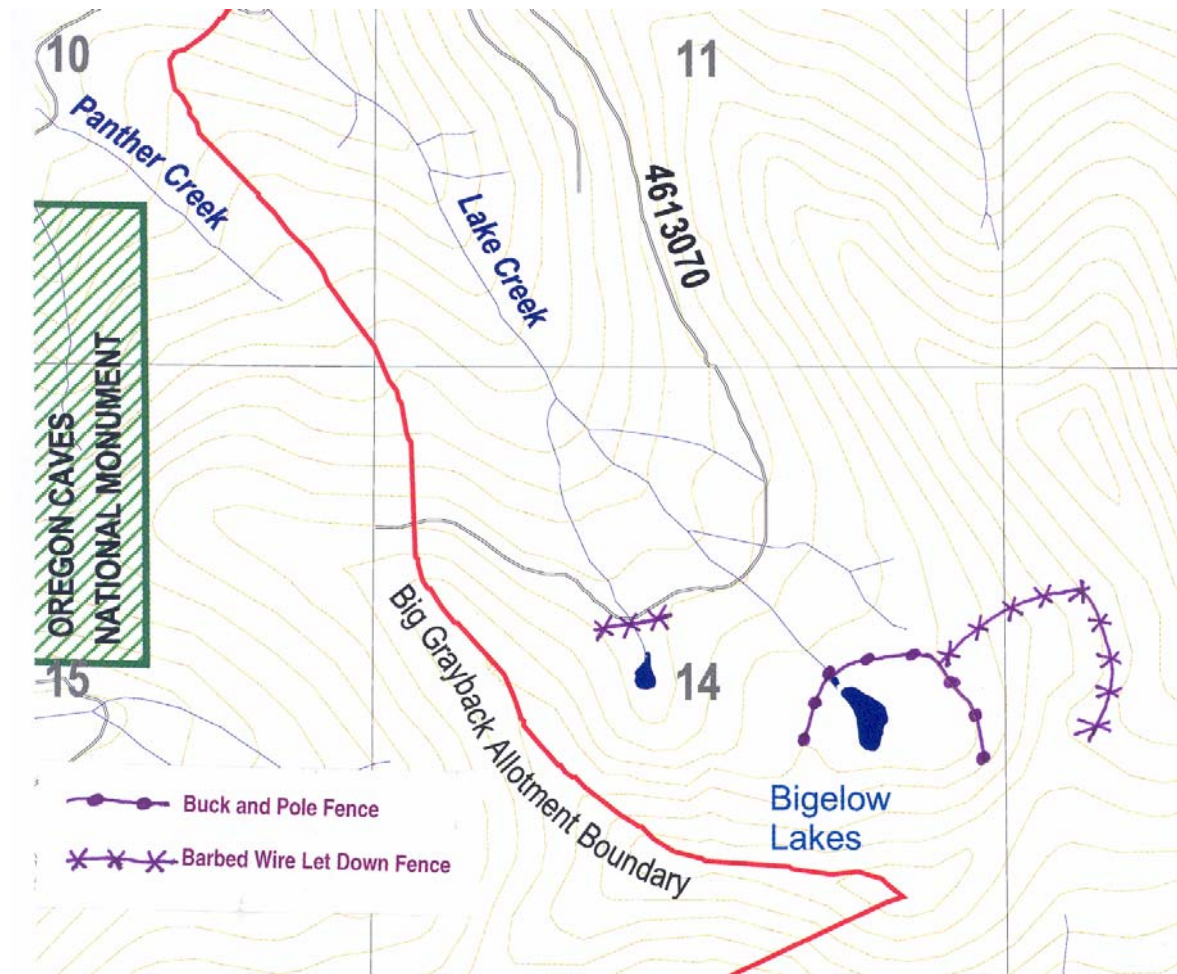
The type of fence is not specified but must be effective in meeting this objective. For cost estimating purposes in the EA, a wooden buck and pole fence was analyzed for the first fence, and a barbed-wire let down fence was analyzed for the second fence.

A third fence (analyzed as a barbed-wire let down) will be required around the Lower and smaller) Bigelow Lake (beginning along the old road) if utilization levels do not meet standards and guidelines set forth by the Annual Operating Instruction Letter (AOI) for Botanical Areas.

In addition, a fence will be constructed in the Thompson Creek area to reduce drift to the high country earlier in the season. Although not the primary purpose of installing this fence, this fence along with the existing Seed Orchard area will offer an opportunity to help in gathering cattle at the end of the season. The Little Bear Addition will require installation of a cattleguard with wing fences to define the boundary. The purpose of the fence will be to keep the cattle within the allotment. All existing fences will be retained and maintained by the Permittee. An existing stock corral located at the road junction of FS Road 70 and 968 (approximately ½ mile SW of Pepper Camp) will be reconstructed. Refer to EA Table II-8 for a summary of new fencing information.

Within 3-5 grazing seasons from the signing of this Decision Notice, fences (as described above and portrayed in Figure 1 below) will be constructed (locations are approximate).

Figure 1. Bigelow Lakes Fences (T40S, R6W)



The Forest Service and Permittee will proportionally share (e.g., 50/50 for labor and supplies etc.) in the construction of all fences, the corral and cattleguard. Actual construction could be any mix that results in a proportional share of expenditures. The Permittee will be responsible for the timely raising and lowering of let-down fences and normal maintenance of all fences. For fence installation, the overall goal is to minimize direct effects to the soils resource. Therefore, mule packing or off road vehicles (e.g., 4-wheel machines) will only be allowed on existing roads or trails. Where access does not permit this equipment, low impact equipment (e.g., helicopters) will be utilized to haul in materials. Helicopter costs were a factor in the cost estimating of fencing. All actual fence installation will be by hand labor with portable power tools.

Botanical Areas and Research Natural Area

The grazing utilization levels will be set at 20% in all Botanical Areas (portions of the Bigelow Lakes Botanical Area will be excluded from grazing by fencing). No grazing will be permitted within the Oliver Mathews Research Natural Area.

Mitigation Measures and Management Requirements

Mitigation measures, management requirements and monitoring are a required part of my decision. These measures are documented in Attachment A to this Decision Notice.

III. Reasons for the Decision

In making this decision, it was necessary to weigh the relative merits and consequences of each alternative as well as to consider the resource issues and concerns, and public comments. No single factor determined the decision; rather, all factors were considered in reaching the decision. This decision, along with the specified mitigation and monitoring measures, provides the best combination of physical, biological, social and environmental benefits with acceptable resource effects, while attaining the stated Purpose and Need.

My decision will result in increased improvement of range and botanical resources. I base this decision upon the **documentation provided in the EA**, a commitment to monitoring and adjustment of future actions where needed.

My decision provides for improvement by removing grazing and/or requiring more focused management of the high priority areas of the Bigelow Lakes and Grayback Mountain Botanical areas, while monitoring forage utilization. Monitoring will provide information to make additional adjustments, if the grazing management and improvements (fences) do not support the continued upward trend of range and botanical resources.

Additionally, I have chosen to implement Alternative 3a for the following reasons:

- o The authorized actions under my decision are consistent with the Forest Plans goals, objectives, and Standards and Guidelines for this area (see DN page 16).
- o The authorized actions under my decision meet the stated Purpose and Need and have acceptable environmental effects in regard to the Key Issues identified in the EA.
- o The additional fences will prevent livestock from grazing in two socially and botanically sensitive areas (Bigelow Lakes area – the larger Upper Lake and glade).

- o Specific utilization standards have been set for Botanical Areas where none existed before even though the Botanical Areas were within an existing allotment. These utilization standards are less than levels currently identified in the Forest Plans for range forage areas.
- o My decision allows for continued grazing under Forest Service policy (see Purpose and Need, DN page 2).
- o Alternative 3a provides for future adjustments, if needed, to ensure attainment of the riparian and Botanical Area objectives.

A. Response to Key Issues

Issues associated with this AMP Update were identified by an interdisciplinary team through a scoping process. Five issues were identified as being Key to designing alternative methodologies of implementing the proposed Big Grayback Allotment Management Plan Update. The following is a discussion of how my decision responds to each of these Key Issues.

1. Livestock grazing within riparian areas (Riparian Reserves) may cause adverse physical and biological effects.

Livestock grazing has occurred within the general area of the Big Grayback allotment for a long time (since 1916). Cattle numbers and season of use have been reduced through the recent years as a direct reflection of efforts to improve the condition of riparian areas. Within the area of consideration, there are no Water Quality Limited (WQL) water bodies within the Carberry Creek Watershed on the Applegate Ranger District per direction provided in Section 303(d) of the 1972 Federal Clean Water Act (CWA), as amended.

Sucker and Grayback Creeks on the Illinois Ranger District were previously listed as WQL for summer temperatures, as determined by the Oregon Department of Environmental Quality (DEQ). Both Grayback and Sucker Creeks were listed for temperatures from their mouths to their headwaters. To address summer temperature recovery in Sucker and Grayback Creeks, Total Maximum Daily Loads (TMDLs) and a Water Quality Management Plan (WQMP) was approved by the EPA on May 30, 2002.

Riparian Reserves (RRs) within the area of consideration are dominated by conifer forest vegetation types. Of the approximately 3,553 acres or 13.3% of the allotment area under my decision that are classified as RRs, most are conifer-dominated where there are very minor amounts of forage that is preferred by cattle. The minor amounts of RRs that are not dominated by conifers have large components of alder patches, willows, and sedges, which are typically not preferred by cattle, in addition to the preferred grass species. Stream channels are generally stable (Rosgen A-2, A-3, B-2, and B-3) channels, meaning they have moderately steep-to steep gradients and a substrate dominated by boulders and cobbles. The well-armored channels and relative lack of streamside forage preferred by cattle has resulted in very little direct/indirect impacts to these channels.

Current grazing utilization within riparian areas has been within allowable Forest Plan standards and guidelines overall for many years. Some higher use riparian areas may show signs of overuse but impacts are short-term and seasonal, and have been mitigated by the Permittee by moving his animals as necessary. **My decision** includes prohibiting salting within riparian areas to minimize concentrated cattle use and the contamination of water sources.

Since there is very little browse species and thus only light grazing activity adjacent to channels and within Riparian Reserves, and since current grazing use (Alternative 1, No-Action) has not resulted in or contributed to significant channel degradation, **my decision**, which includes improved management and reduced number of animals, and an increased allotment area for grazing, are expected to result in an improving trend within Riparian Reserves. Accordingly, riparian vegetation and streambank stability would not substantially change from current conditions. In addition, habitat for resident and anadromous fish species would not be affected because of the inherently stable channels and due to the lack of grazing impacts on the availability of large wood for recruitment to streams.

Current conditions (Alternative 1, No-Action) are not preventing attainment of the ACS at the fifth-field scale. Therefore **my decision**, which includes improved range conditions and management would improve conditions regarding Riparian Reserve standard and guidelines GM-1, GM-2 and GM-3; compliance is anticipated.

Although the Grayback/Sucker Watershed is currently slightly over the threshold of concern (TOC) for cumulative watershed effects, ongoing grazing is not measurably adding this condition, and likewise, elimination of grazing would not measurably reduce the watershed rating values (see EA Appendix H). Since **my decision** does not propose additional numbers of animals and the current condition analysis includes historical and ongoing grazing, it is not expected that there would be any change or increase in risk of adverse cumulative effects associated with continued grazing in the Big Grayback Allotment for either affected watershed.

2. Grazing may conflict with objectives associated with the Grayback/Sucker Key Watersheds.

All of the lands within the allotment have been analyzed by a Watershed Analysis and these analyses have been used during the analysis of this AMP update. Portions of the Big Grayback Allotment on the Illinois Valley Ranger District are designated Key Watersheds and are within the Upper Sucker Creek Key Watershed and the Cave/Grayback Key Watershed. A Pilot Watershed Analysis Area (WAA) inventory was conducted in 1995 covering these Key Watersheds and resulted in the Grayback/Sucker Key Watershed Analysis.

My decision expands the permitted area of grazing by increasing the allotment boundary (primarily within the Key Watershed) to better reflect actual cattle use and distribute cattle over a larger area. The effects of **my decision** are expected to be the same or less than current conditions. The watershed effects under my decision are expected to be similar to those discussed with Key Issue #1. Current conditions are within acceptable levels set by Forest Plan standards and guidelines.

3. Grazing may conflict with objectives associated with the Bigelow Lakes, Grayback Mountain (a.k.a. Grayback), and Miller Lake Botanical Areas.

Botanical Areas are managed to protect areas of the Forest with important botanical resources. The goal of these areas is to protect and enhance exceptional botanical values. Botanical Areas are an important component of the Sensitive species management program and also provide a cornerstone for maintaining biological diversity. Botanical Areas are classified as Special Recreation Designations (FSM 2370) and hence a secondary goal of Botanical Areas is the enjoyment of visitors who come to appreciate the attributes of the area.

Bigelow Lakes Botanical Area

The 1989 Siskiyou National Forest LRMP Management Goal for Botanical Areas is:

“The goal is to protect, preserve, and enhance the exceptional botanical features of these areas” (Siskiyou NF LRMP Standards and Guidelines, page IV-87).

The LRMP Desired Future Condition for Siskiyou NF Botanical Areas is:

“Natural physical and biological processes will prevail without human intervention. Plant and animal life inhabiting these unique ecosystems will continue to flourish” (Siskiyou NF LRMP Standards and Guidelines, page IV-87).

Specific LRMP direction for managing livestock in Siskiyou NF Botanical Areas is:

“Livestock grazing shall be prohibited in Botanical Areas, except where such use is part of an existing allotment. Bigelow Lakes is the only recommended Botanical Area with an existing grazing allotment (Big Grayback Allotment, administered by Applegate Ranger District of the Rogue River National Forest). Cattle shall be prevented from reaching the Lakes area by a drift fence. The effects of grazing in the Bigelow Lakes basin shall be monitored, and corrective action taken as necessary” (Siskiyou NF LRMP Standards and Guidelines, page IV-88 and 89).

The moist and wet meadows around the lakes and the large moist/wet meadow system above the upper lake have traditionally been used by livestock. Historical grazing has altered the original plant species composition, structure, and cover. The area has experienced reduced livestock numbers in the last 1-2 decades and may be in a stage of recent limited recovery. Important botanical resources in the moist/wet meadows potentially affected by grazing alternatives are a rare Gentian (*Gentiana plurisetosa*), an uncommon grapefern (*Botrychium simplex*), the American sawwort (*Saussurea americana*) and a relatively intact wet meadow flora. The dry or vernal moist meadow flora surrounding the wetlands has a highly altered species composition as is typical of this habitat on rangelands in the eastern Siskiyou Mountains.

Under current management in Alternative 1, the lakes and meadow area gets light-moderate use by livestock most years. No fences currently exist. No range utilization levels are established in the current AMP. Soils in wetlands, moist meadows and at the lakeshores are disturbed to some degree each year. A moderate amount of native herbaceous vegetation is consumed in these areas with some of the more palatable species consistently targeted by livestock. The drier and vernal moist meadows get somewhat more use (at least the lower, flatter ones), presumably because the footing is better here in the first half of the season and because a few particularly choice grasses and dryland sedges are present. Under Alternative 1, a few of the more vulnerable vascular plants and a fair percentage of the wetland moss and liverwort flora are probably suppressed to some degree by the continued livestock use.

Under **my decision**, exclusionary fences will be built around the Upper Bigelow Lake and the large moist/wet meadow system above the Upper Lake. This is the part of the Botanical Area that has always been the most visited by recreationists and has the majority of “exceptional botanical features”. Under my decision, the known rare vascular plants and the majority of the wetland moss and liverwort flora will be protected from livestock. The composition and structure of the large wetland and meadow plant community within the fenced area would be free to develop without the influence of livestock grazing.

Under my decision, a fence will also be built, if needed, to exclude or limit livestock presence at the Lower Bigelow Lake (where cattle use is currently light). Within the fenced areas, botanically-interested visitors would find native plant communities and their recreation experience undisturbed by livestock. Outside of fenced areas, conditions of various botanical resources would be similar to those described for the current condition.

My decision is judged by the Forest Botanist to meet the LRMP Management Goal, Desired Future Condition, and specific direction for managing livestock in Siskiyou NF Botanical Areas. Range utilization levels of 20% are established in Botanical Areas, and my decision is in compliance with the Rogue River NF Forest Plan direction.

Grayback Mountain Botanical Area (Applegate Ranger District Portion)

The 1990 Rogue River National Forest LRMP Management Goal for Botanical Areas is:

“Protect and enhance exceptional botanical values. Encourage compatible scientific, educational, and recreational use” (Rogue River NF LRMP Standards and Guidelines, page IV-149).

Specific LRMP direction for managing livestock in Rogue River NF Botanical Areas is:

1. Livestock grazing will be controlled in order to benefit or maintain the botanical resource. This control can range from limited or no livestock grazing to seasonal adjustments to benefit the target species. Forage utilization standards will be based on this direction.
2. Range improvements and vegetative manipulation will not be permitted unless they will benefit the botanical resource. No exotic species will be seeded or placed in botanical areas.
3. Provide fences and stock control devices when necessary to protect resource.” (Rogue River NF LRMP Standards and Guidelines, page IV-153).

Around and prior to 1980, this portion of the allotment was in poor ecological condition. It had a long history of heavy use by livestock. Range and watershed ecological conditions have steadily improved in the Botanical Area since livestock usage was sharply reduced in the early 1980s. Since then, the Permittee has kept livestock usage low in the Krouse Cabin Meadow. The plant community in this meadow was a primary reason for designating this Botanical Area.

Wetlands have healed and the native species composition has recovered as much as is possible in 20 years. The *Gentiana plurisetosa* population appears to have increased and the rare grass, *Hierochloe odorata*, has re-appeared. The Botanical Area generally is in a state of recovery, both of its watershed and soil condition, and of its botanical resources in the moist meadow portion.

My decision sets a maximum forage utilization not to exceed 20% in Botanical Areas. In the opinion of the Forest Botanist, this may be an increased level of livestock usage in the meadow above Krouse Cabin compared to Alternative 1 (current conditions) and increases the risk of extirpation of the vanilla grass (*Hierochloe odorata*) and the yellowish lousewort (*Pedicularis bracteosa* var. *flavida*). Besides those two species, a few of the more vulnerable vascular plants and a fair percentage of the wetland moss and liverwort flora would be suppressed to some degree by continued livestock use.

The local viability of a few of the wetland mosses and liverworts could be threatened due to disturbance to their substrate. The eventual composition and structure of the native flora would reflect the effects of livestock grazing and disturbance to some degree. There would be botanically-interested recreation users who find the semi-disturbance and presence of livestock detracting to their enjoyment of the flora.

For the open decomposed granitic uplands in the Sugarloaf/Windy Gap area, recovery is likely to occur under my decision if forage utilization in the adjacent moist meadow is held to the maximum 20% as specified. Since livestock would tend to use this flatter ground with more desirable forage first, it is likely that utilization in the dry barren uplands would be about 10%, a level which should permit recovery of the soil resource and, over time, the vegetation cover.

Primarily because of potential effects to botanical resources in the meadow above Krouse Cabin, **my decision** is judged by the Forest Botanist to meet the LRMP Management Goal and specific direction in the standards and guidelines for managing livestock in Rogue River NF Botanical Areas, except in the Krouse Cabin Meadow where vanilla grass and yellowish lousewort could experience more grazing than in recent years.

Grayback Mountain Botanical Area (Illinois Valley Ranger District portion)

The lower slopes of this high elevation portion of the Botanical Area are forested with Douglas-fir, white fir and noble fir. Upper slopes are more open with shrub-fields, talus and outcrops dominating. This area was allocated under the Siskiyou National Forest Plan to provide an extension to the Grayback Mountain Botanical Area designated by the Rogue River National Forest on the east side of the mountain. Cattle do not frequent this area since it is steep and there is limited desirable forage. **My decision** is not expected to affect botanical resources on this portion of the Grayback Mountain Botanical Area.

Miller Lake Botanical Area

This Botanical Area is surrounded on three sides by the Oliver Matthews Research Natural Area (RNA). It might have been incorporated within the RNA if it weren't for the human-made conditions which include an old road (decommissioned and turned into trail) and an earthen dam that increased the lake's water level. The vegetation includes: Douglas-fir, Brewer's spruce, white fir, Saddle's oak, *Pedicularis howellii*, and an uncommon stonecrop, *Sedum divergens*.

Currently, cattle do not use this area often since much of the surrounding area is forested which doesn't provide much forage. Under **my decision**, a level of livestock grazing similar to Alternative 1 would occur. Because there are no exceptional botanical resources in the Miller Lake Botanical Area that are attractive to cattle, the level of forage utilization and grazing management outlined under my decision will fully meet the Rogue River NF LRMP management goal and standards and guidelines for Botanical Areas, as judged by the Forest Botanist.

4. Grazing may affect the Oregon Caves National Monument (OCNM) domestic water supply and water quality.

The OCNM collects surface water from Lake Creek at two different locations for domestic use. One site is for the administrative buildings and the Ranger's house, and the other is for the lodge (see map contained in response to Comment #1, EA Appendix I, for location of the lodge water source, within the Big Grayback allotment). The Monument has obtained permits from the State of Oregon granting approval for appropriation of surface water through construction of the diversion on Lake Creek for purposes of "domestic, hotel, and fire protection".

The OCNM is responsible for monitoring of their water and regularly samples the quality using standard and approved methods. There is a certain level of risk associated with all surface waters used for domestic water supplies. This risk comes from wildlife, domestic animals and humans. As long as there is unrestricted access to surface water there is the potential for contamination from bacteria, other micro-organisms, and increased sediment and turbidity.

It is the responsibility of the water user, not the owner or manager of the land on which the water exists, to treat the water to acceptable standards. That being said, it is incumbent on the landowner or manager to be a responsible steward and not to allow water quality conditions to deteriorate to a level that the water user would have to resort to excessive treatment measures prior to use. The landowner is responsible for meeting instream state water quality standards, which are not the same as state drinking water quality standards.

It is the responsibility of the Forest Service as a land manager to meet instream water quality standards. As purveyors of treated water for OCNM employees and visitors, it is the responsibility of the National Park Service to treat their water to defined standards for human consumption to prevent disease outbreaks. Under the Oregon Open Range Laws, it is the responsibility of OCNM to fence or otherwise control their boundary if cattle entry on their lands becomes a problem. Cattle presence on the OCNM has not been identified as an issue and the Permittee has been very active in monitoring and controlling cattle to prevent entry into the OCNM.

My decision will fence cattle (exclude them) from Bigelow Lakes area but would not protect Lake Creek where OCNM withdraws surface water for domestic use. Direct effects include both physical and biological effects from cattle near the water intake points. Managing the risk of contamination directly relates to the number and timing of cattle in the Lake Creek drainage. Wildlife and recreational livestock uses would continue in the Bigelow Lakes area. Managing cattle use within specified utilization levels within the Lake Creek Watershed and continuing to treat the water according to approved standards will result in no adverse effects on OCNM water supply and quality.

My decision does not change the risk to the water supply for OCNM. If anything, my decision will lessen this risk by reducing the numbers of domestic livestock. Additionally, cattle management would follow specified Best Management Practices designed to protect water quality. Cattle, as well as wildlife and humans, have access to Lake Creek and other surface water above OCNM's intake. All of these sources can contaminate the stream with fecal material, and damage streambanks, which could increase sediment and turbidity. OCNM can reduce the risk to their water supply by fencing off an area around their water diversion. This would keep channel disturbance down, but would not change the fact that bacteria or other micro-organisms would be in the water and treatment of the water prior to domestic use would still need to be provided. The cumulative impacts from cattle, other livestock (horses, llamas mules etc.), wildlife, and human contamination sources is difficult to predict (and manage). Even the no grazing alternative would not eliminate the threat of contamination to the OCNM domestic water supply.

The risk and potential for *Cryptosporidium* and *E. coli* contamination to the domestic water sources used by OCNM is extremely difficult to isolate and associate to any single contaminant source. Since there has not recently been any reported case of either contaminant, **my decision** is likely to continue to present the same degree of risk for contamination to the Lake Creek domestic water source used by OCNM as current conditions.

5. Economic Consequences and Forest Service Costs for Grazing Administration.

This issue is viewed from two perspectives: 1) cost and effectiveness of the alternatives analyzed in regard to the costs to the Permittee and 2) cost and effectiveness of the alternatives analyzed in regard to costs to the Forest Service for construction and maintenance of existing and proposed facilities and improvements, and the costs of administration for the allotment. The indicators for this issue are the total cost by alternative associated with the range Permittee, and the total administration costs (including construction and maintenance of facilities) associated with the USDA Forest Service.

Under **my decision**, up to three exclusionary fences are required in the Bigelow Lakes area. The fence around the small lake would be required only if established utilization levels for the Botanical Area were not obtained through increased management and control of livestock. Two additional fences (four strand barbed wire with metal posts) are required (Forest Service supplies the material and the Permittee would build and maintain); the Thompson Creek fence and the Little Bear fence, a cattleguard, and a corral reconstruction. The total costs for fences under my decision will range from approximately \$52,000 to \$53,300 (dependent on the need for the third Bigelow Lakes fence). Permittee maintenance costs are estimated at \$1,000 to \$8,000. Forest Service maintenance costs are estimated at \$1,000. Maintenance costs are based on an average year under typical (normal) weather conditions and typical effects on improvements requiring maintenance. Costs are estimated to trend toward the high end of stated range as improvements age with time. Maintenance costs could increase beyond these estimates if extreme weather conditions occurred.

Range improvement projects required under my decision, when implemented, will assist the recovery of range conditions and allow better management of livestock. Additional fencing improvements could be required under my decision depending on the demonstrated need as allotment management is monitored and as directed through the Annual Operating Instructions. Identified range improvement projects will be implemented over the next several (3-5) years, as funding becomes available and the workforce can be scheduled.

The cost to the government for administering livestock grazing permits on this allotment under my decision will be greater than the return from grazing fees. Current law and policy do not require cost-effectiveness as the sole criteria for allowing livestock grazing on National Forest System lands. The Forest Plans contain established goals and objectives to provide forage for domestic livestock in a manner consistent with other resource objectives and environmental constraints.

Although funding for federal grazing administration fluctuates and has been declining in recent years, a priority would be placed on monitoring and administration of critical needs associated with Forest Service administration of an updated AMP for the Big Grayback Allotment, as authorized by this analysis and my decision in accordance with NEPA procedures.

B. Response to Other Issues

The EA documents discussion (EA pages 60-85) of additional issues and effects that were identified during the process but that were not found to be key in designing or evaluating alternatives. In evaluating the alternatives, these issues were found to sometimes have variable effects or common or similar effects, or were equally mitigated under all of the action alternatives considered. These issues will not be discussed further within this decision document.

IV. Other Alternatives Considered

Alternative 1 - No-Action

Alternative 1 describes the current baseline conditions of the physical, biological, social and economic environments within the present allotments and under the existing Allotment Management Plan. The term “No-Action” means no change from present conditions at this time; key components of the current Allotment Management Plans would not be updated for the Big Grayback Allotment. This alternative is described in the EA, pages 22-25.

This alternative was not selected because:

Alternative 1 does not conserve riparian/botanical resources to the degree that my decision (Alternative 3a) does. The Environmental Consequences section in the EA indicates that Alternative 1, the current condition, has not resulted in or contributed to significant channel degradation, however the other alternatives (because they have reduced number of animals, or reduced allotment area for grazing) are expected to result in an improving trend within Riparian Reserves. Riparian vegetation and streambank stability would not substantially change from current conditions.

Alternative 1 does not contain, nor establish utilization levels in Botanical Areas, as required by Forest Plan direction. Without utilization levels set at levels lower than the surrounding general rangelands, there remains a threat to the goals and objectives of Botanical Areas. This alternative is judged by the Forest Botanist to only partially meet the LRMP Management Goal and Desired Future Condition for Siskiyou NF Botanical Areas.

Alternative 2a

Alternative 2a addresses the need to manage the allotment with objectives of lessening impacts to the Cave/Grayback Creeks and the Upper Sucker Creek “Key Watershed; Bigelow Lakes and Grayback Mountain Botanical areas on the Illinois Valley Ranger District; the Oregon Caves National Monument (water system and trails) and general recreational use on the Illinois Valley Ranger District portion of the Big Grayback Allotment. This alternative is described in the EA, pages 26-29.

This alternative was not selected because:

Alternative 2a relies on the construction of approximately 8.3 miles of fence along the boundary between the Applegate and Illinois Valley Ranger Districts to prevent livestock use of areas on the Illinois Valley District. This fence would be very costly in two ways, first being the initial cost \$332,000 and then the second being maintenance cost for upkeep due to winter damage. It is estimated that this would require partial to complete reconstruction about every 5 to 10 years (based on snow fall). Fences have been tried in this area before, with little effect and long term viability (see EA Appendix A). The fence in Alternative 2a could then potentially put higher utilization pressure on the other Botanical Areas (Grayback and Miller Botanical Areas), glades, and meadows.

Alternative 2b

Alternative 2b is similar to Alternative 2a but instead of requiring construction of approximately 8.3 miles of fence, relies on Permittee control of livestock to prevent them from grazing on the Illinois Valley Ranger District. This alternative is described in the EA, pages 28, 29.

This alternative was not selected because:

Alternative 2b relies on the Permittee's control of livestock along a very open area more than 8.3 miles long. Alternative 2b would not require the boundary management fence which would continue to maintain current conditions on the Grayback and Miller Glade Botanical Areas. Without the fence (note improvement history section), there would be extremely limited success in keeping cattle from going over the Grayback crest to Pepper Camp and Elk Creek areas. This could put the permittee into a trespass situation throughout the entire term grazing permit.

Alternative 3a

This is the selected alternative and is fully described in **The Decision** section of this decision document. The rationale for its selection is described in the **Reasons for the Decision** section of this decision document. This alternative is described in the EA, pages 30-33.

Alternative 3b

This alternative differs from 3a in that no fences would be constructed around Bigelow Lakes and relies on Permittee control to not exceed utilization standards. This alternative is described in the EA, pages 33, 34.

This alternative was not selected because:

Alternative 3b is considered to be less effective than the selected alternative as it relies on Permittee control of cattle in all areas where utilization standards have been set less than current use levels. As with Alternative 2b, without fences as tried before (note improvement history section) there would be extremely limited success in keeping cattle out of the Bigelow Lakes area; this situation may not meet Forest Plan standards and guidelines.

Alternative 4

Alternative 4 proposes to eliminate livestock grazing in the high elevation areas through the use of low and middle elevation fencing. It is designed to address several Key Issues and results in elimination of cattle grazing on the Illinois Valley Ranger District and the Grayback/Sucker Creeks Key Watersheds, the Bigelow Lakes, Grabyback Mountain, and Grayback Botanical Areas, and the dispersed recreation trails and areas in the higher elevations. It is also designed to increase protection of the OCNM water supply on Lake Creek. This alternative is described in the EA, pages 35-37.

This alternative was not selected because:

Alternative 4 would adversely affect the Permittee and make it potentially infeasible to graze in this allotment. It would also concentrate grazing pressure on the lower elevation portions of the allotment. The fences are costly and would be hard to maintain. Cattle could drift around fences and could be trapped in the upper elevation areas were they do not belong.

Alternative 5

Under Alternative 5, current grazing would be phased out over a three-year period to minimize the impacts to the Permittee. No livestock grazing would be authorized on the Big Grayback Allotment. Existing range improvements would remain as they currently are, with no further maintenance or activity by the affected permittee. Effects resulting from current and past grazing would change and/or recover naturally within the affected range allotments. This alternative was analyzed to provide a baseline that shows the effects of grazing in Big Grayback Allotment and to respond to Key Issues related to grazing effects on the National Forest. This alternative is described in the EA, page 39.

This alternative was not selected because:

This alternative does not meet the stated Purpose and Need. Current information on resource conditions does not warrant elimination of grazing on this allotment. I believe active and effective management of this allotment allow some level of livestock grazing to continue and contribute to the upward trend of range conditions and improvement of botanical resources.

V. Public Involvement

Letters requesting public comment were sent in April and October of 1991 to individuals and organizations who requested to be notified of all planning activities on the Applegate Ranger District. Two public open houses were conducted in May 1991 to discuss planning actions scheduled for the District. A project-specific (AMP update) open house was also held in December 1991. After determining that more field data collection and analysis was required, the IDT delayed further project analysis until this data could be collected. Several informal meetings with the Permittee and the Forest Service were conducted to discuss annual operating plans and preliminary alternatives.

As the AMP update process resumed in 1993, an additional public scoping letter was sent (April 1993) and open house conducted (May 1993) regarding the AMP updates. An invitation to comment on the proposed project was published in the Legal Notice section of four local newspapers. The newspapers and the dates of publication of the legal notices were: Medford's *Mail Tribune* (4/29/93), *Ashland Daily Tidings* (4/29/93), *Grants Pass Daily Courier* (4/29/93), and the *Siskiyou Daily News* (Yreka, CA; 4/28/93). Many responses were received.

An Environmental Assessment (EA) for the Big Grayback allotment was available for public comment and was advertised in Medford's *Mail Tribune* Legal Notice section on September 28, 1995. The comment period ended on October 28, 1995. Seven letters were received with comments from individuals or interested groups. A summary of the comments by letter was prepared and is part of the analysis files.

On September 24, 2003 a legal notice was published in Medford's *Mail Tribune* newspaper announcing the re-opening of the scoping process for the Big Grayback AMP update. This analysis was also announced in the Rogue River Schedule of Proposed Actions (SOPA) during 2003 and 2004.

An EA was developed in February 2005. Copies of the February 2005 Big Grayback Allotment Management Plan Update Environmental Assessment (EA) and Appendices, along with an invitation to comment, were mailed to those individuals and organizations who were involved with this project or who had requested a copy of the EA. A Legal Notice published in Medford's *Mail Tribune* newspaper February 13, 2005 established a Comment Period under 36 CFR 215. The Comment Period began on February 14 and ended March 15, 2005, a period of 30 days.

Seventy-one comment letters (and/or E-mails) were received during the Comment Period. The comment letters were read and coded based on content and intent by a three-person Forest Service planning team, with District Ranger/Responsible Official oversight, review and concurrence. The original comment letters and letters containing the Forest Service review and coding are made a part of the Project Record (incorporated by reference) and are available upon request.

Comments received on the previous EAs (released for previous public comment in September 1995 and February 2005) were utilized as scoping input and substantive comments were incorporated into the September 2005 EA. Under provisions of 36 CFR 215, the September 2005 EA has incorporated changes, corrections, clarifications, and revisions from the February 2005 EA Comment Period. This revised EA (September 2005) is the basis of this decision and supercedes all other EAs previously developed. A Response to Comments section prepared under 36 CFR 215 (and containing specific responses to all substantive comments received) was added to the EA Appendices (Appendix I).

VI. Consistency Findings

The Rogue River National Forest Land and Resource Management Plan (RRNF Forest Plan) and Siskiyou National Forest Land and Resource Management Plan (SNF Forest Plan) was amended with the adoption, May 20, 1994, of the Record of Decision (ROD) and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl.

This action has been analyzed and designed under the Northwest Forest Plan and the RRNF-LRMP and SNF-LRMP, as applicable. **I find that my decision (Alternative 3a) is consistent with the Rogue River and Siskiyou National Forest Land and Resource Management Plans, as amended by the Northwest Forest Plan; and other laws, regulations and agreements applicable to the management of National Forest System lands and resources,** including: 36 CFR 219.14, 36 CFR 219.27 (b) (EA Chapter III, Environmental Consequences).

This decision is consistent with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations for implementing NEPA, 40 CFR 1500-1508, July 1, 1986, the Multiple-Use Sustained Yield Act of 1960, the National Forest Management Act of 1976, and the Endangered Species Act.

I find that implementation of my decision will not retard or prevent the attainment of the Aquatic Conservation Strategy (ACS) at the fifth-field scale, and will comply with Riparian Reserve standards and guidelines. Mitigation measures and Best Management Practices were designed to minimize the potential effects on water quality and fisheries habitat and to meet the intent of the ACS Objectives.

Finding of No Significant Impact (FONSI)

Based on the information contained in the September 2005 EA and as further documented within this Decision Notice, **I have determined this action will not individually or cumulatively significantly affect the quality of the human environment.** Therefore, an Environmental Impact Statement will not be prepared. This determination is based on the following factors:

1. ***No known significant irreversible resource commitments or irretrievable losses of vegetation, wildlife habitats, soil productivity, or water quality.***

Implementation of my decision will not create significant resource commitments or any significant irretrievable losses of vegetation, soils, water, or wildlife and fish habitats. The EA indicates in the Environmental Consequences section that this decision allows for the maintenance and restoration of water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. It also maintains the biological, physical, and chemical integrity of the hydrologic system and benefits the survival, growth, reproduction, and migration of wildlife species dependant on aquatic and riparian communities (EA Chapter III, Environmental Consequences).

The project design incorporates mitigation measures and Best Management Practices, to achieve consistency with standards and guidelines for Riparian Reserves and ACS Objectives at the fifth-field scale.

2. *There are no significant effects on public health and safety.*

Project safety on Forest Service managed lands is guided by FS Handbook 6709.11 (Health and Safety Code Handbook). The risk and potential for *Cryptosporidium* and *E. coli* contamination to the domestic water sources used by OCNM is extremely difficult to isolate and associate to any single contaminant source. Since there has not recently been any reported case of either contaminant, **my decision** is likely to continue to present the same degree of risk for contamination to the Lake Creek domestic water source used by OCNM (EA Chapter III, Environmental Consequences).

3. *There are no unique characteristics of the geographical area that will be significantly affected by the selected action.*

Botanical Areas are managed to protect areas of the Forest with important botanical resources, and therefore could be considered as a unique characteristic of the area. Botanical Areas are an important component of the Sensitive species management program and also provide a cornerstone for maintaining biological diversity. Botanical Areas are classified as Special Recreation Designations (FSM 2370) and hence a secondary goal of Botanical Areas is the enjoyment of visitors who come to appreciate the attributes of the area.

Under **my decision**, exclusionary fences will be built around the Upper Bigelow Lake and the large moist/wet meadow system above the Upper Lake. The Bigelow Lakes area is the area of most concern and is the portion of the Botanical Area that has always been the most visited by recreationists and has the majority of “exceptional botanical features.” Under my decision, the known rare vascular plants and the majority of the wetland moss and liverwort flora will be protected from livestock. The composition and structure of the large wetland and meadow plant community within the fenced area would be free to develop without the influence of livestock grazing (EA Chapter III, Environmental Consequences). Therefore, the effects on Botanical Areas from my decision are not significant.

4. *The environmental analysis revealed no effects on the human environment that are highly uncertain or involve unique or unknown risks.*

Activities proposed and analyzed in the Environmental Assessment - Big Grayback Allotment Management Plan Update does not involve uncertain risks; no uncertain or unique/unknown risks were identified (EA Chapter III, Environmental Consequences).

5. *The effects of this action on the human environment are not highly controversial.*

Although there is a substantial degree of public interest in this analysis, based on correspondence with the public and other interested parties, the environmental effects of grazing and of my decision on the quality of the environment are not scientifically highly controversial (see DN page 15).

6. *This action is not precedent setting.*

This action does not establish a precedent for future actions which may have a significant effect on the environment. It does not represent a decision in principle about a future consideration. This is not a major action within the context of the RRNF-LRMP or SNF-LRMP, nor is it a substantial change from the historical levels of management activity in the area of this allotment (EA Chapter III, Affected Environment and Environmental Consequences).

7. *There are no known significant cumulative effects between this and other actions ongoing or proposed in the affected watersheds.*

All known actions, which are likely to occur in the reasonably foreseeable future, were analyzed, including direct, indirect, and cumulative effects. These actions were identified in the EA (Chapter III, Environmental Consequences and EA Appendix H).

8. *There are no significant effects on cultural (heritage) resources.*

Surveys for archaeological and historic resources have been completed within substantial portions of the Big Grayback Allotment as part of previous projects (2003-2004). Additional Cultural Resource surveys were conducted for this planning effort in 2005. All identified cultural resources will remain protected under my decision. Identified cultural resources will remain unaffected by the continuation of grazing as proposed in my decision and from potential effect during implementation of the associated range improvements (EA Chapter III, Affected Environment and Environmental Consequences, and EA Appendix F).

9. *This action will not adversely affect any threatened or endangered species or critical habitat outside of the scope of the current recovery efforts.*

Surveys to locate all Threatened, Endangered, and Sensitive species in compliance with the Endangered Species Act have been accomplished. Appropriate conferencing and consultation have been conducted with National Marine Fisheries Service and the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. No significant adverse effects to species or their critical habitat are anticipated (EA Chapter III, Affected Environment and Environmental Consequences, EA Appendix C and D).

10. *This action does not threaten a violation of Federal, State, or local laws or other legal requirements imposed for protection of the environment.*

The EA has identified that compliance is anticipated with Oregon Department of Environmental Quality, the Aquatic Conservation Strategy of the Northwest Forest Plan based on the implementation of my decision. Appropriate consultation and conferencing has been completed in compliance with the Endangered Species Act. No violations of any State, Federal or local laws or other legal requirements are anticipated (EA Chapter III, Environmental Consequences).

Consideration of both context and intensity were used to determine significance of the effects of this action, as described in 40 CFR 1508.27. Sufficient information is available to make a reasoned choice among alternatives based on analysis information in the Environmental Assessment and past actions of similar context and intensity in this area. The relationship of individually insignificant actions that have cumulatively significant effects (1508.27[b][7]) was part of the analysis for the Final Environmental Impact Statement (FEIS) for the Rogue River and Siskiyou National Forest's Land and Resource Management Plan.

VII. Implementation of this Decision

Authorization of my decision based on this Decision Notice and the September 2005 Environmental Assessment – Big Grayback Allotment Management Plan Update will not take place prior to 50 days following the publication of a legal notice announcing this decision in Medford's *Mail Tribune* Newspaper. The implementation of this decision is expected to begin during the 2006 grazing season.

VIII. Right to Administrative Review (Appeal)

This decision is subject to administrative review (appeal) under the Code of Federal Regulations at both 36 CFR part 215 and 36 CFR part 251, subpart C. An allotment permittee may appeal under either part 215 or part 251 but not under both parts.

Pursuant to 36 CFR 215: appeals may be filed with the Appeal Deciding Officer (Forest Supervisor, Rogue River–Siskiyou National Forest) by mail at P.O. Box 520, Medford, Oregon 97501 or by FAX at (541) 858-2330 or via electronic mail at appeals-pacificnorthwest-rogueriver-siskiyou@fs.fed.us or may be hand delivered to 333 West 8th Street, Medford, Oregon during regular business hours (8:00 a.m. to 4:30 p.m.)

Appeals must be filed within 45 days following the date of publication of this legal notice. The publication date of the legal notice in the Medford *Mail Tribune* 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.

In accordance with 36 CFR 215.14, it is the appellant's responsibility to provide sufficient project or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, an appeal must include the following:

1. Appellant's name and address, with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
3. When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed (36 CFR part 215);
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
9. How the appellant believes the decision specifically violates law, regulation, or policy

Pursuant to 36 CFR 251: subpart C, grazing and livestock permit holders with permits on this allotment (issued under 36 CFR 222, subpart A) have the right to file an appeal of my decision to update their Allotment Management Plan.

A written notice of appeal must be filed within 45 days of publication of the notice of decision in the legal ad section of Medford's *Mail Tribune* newspaper. A written notice of appeal must be filed with the Appeal Reviewing Officer: Forest Supervisor Rogue River-Siskiyou National Forest, 333 West 8th Street / P.O. Box 520, Medford, Oregon 97501-0209. It is the responsibility of those filing an appeal to file the notice of appeal by the end of the filing period. In the event of questionsn6appeal to7file th