

**DECISION NOTICE AND
FINDING OF NO SIGNIFICANT IMPACT
BEAR RIVER GRAZING ALLOTMENT MANAGEMENT PROJECT
U.S.D.A. FOREST SERVICE
ELDORADO NATIONAL FOREST
AMADOR RANGER DISTRICT
AMADOR COUNTY, CALIFORNIA**

DECISION

Based upon my review of the Bear River Grazing Allotment Management Project Environmental Assessment (Bear River Grazing EA) and associated project record documents, I have decided to implement Alternative 1 – Proposed Action, which meets the purpose and need to: (1) authorize continued grazing on the Bear River Allotment; (2) manage grazing activities on the allotment to provide for sustainable use of the rangeland resource while meeting Forest Plan direction designed to protect wildlife, cultural resources, soil, water, plants, and other natural resources and uses; and (3) monitor range conditions to ensure that grazing activities are being properly implemented, and that design features of the project are achieving their intended outcomes for conserving natural and cultural resources on the allotment. In addition, this decision will allow the issuance of a Special Use Permit to continue the use of the Dufrene Camp facilities in conjunction with grazing management operations.

DECISION RATIONALE

My decision to select Alternative 1 – Proposed Action was made after fully considering the physical, biological, cultural, economic and social effects of the alternatives analyzed in detail in the Bear River Grazing EA, associated specialist reports, and public input. The analysis was based on hydrology and soils reports including proper functioning condition (PFC) assessments and cumulative watershed effects analysis, riparian conservation objective analysis, a range report, biological assessments and evaluations for aquatic species and terrestrial wildlife species and management indicator species reports, a biological evaluation for sensitive plants, a noxious weed risk assessment and cultural resources report.

I believe Alternative 1 best meets the purpose and need because:

- Alternative 1 meets the purpose to authorize continued grazing on the Bear River Allotment, with improvements to protect sensitive natural and cultural resources. The decision to implement Alternative 1 will manage grazing activities on the allotment to provide for sustainable use of the rangeland resource while meeting *Eldorado National Forest Land and Resource Management Plan 1989* as amended by the *Sierra Nevada Forest Plan Amendment Final Supplemental Environmental Impact Statement 2004* (LRMP) direction designed to protect wildlife, cultural, soils, water, plants, and other natural resources and uses.

- This alternative includes provisions to monitor range conditions to ensure that grazing activities are being properly implemented and that design features of the project are achieving their intended outcomes for conserving natural resources on the allotment.
- The “starting point” for allowable use on the Bear River Allotment will be the current permitted numbers and season of use as shown in Table 5 of the Bear River Grazing EA. Using an adaptive management strategy, authorized stocking rates and season of use could be incrementally increased or decreased over time. Monitoring data would be used to inform the adaptive management strategy.
- Alternative 1 will move the allotment towards desired ecological conditions by implementing standards and guidelines that limit woody riparian shrub and hardwood browse, herbaceous forage utilization, streambank disturbance and bare ground and conform to the 2004 Sierra Nevada Forest Plan amendment. Monitoring standards include limits on woody riparian shrub and hardwood browse, herbaceous forage utilization, streambank disturbance and bare ground for streams and special aquatic features and impacts on cultural resource sites.
- Alternative 1 protects water quality of streams within the allotment by limiting livestock disturbance to streambanks and limiting riparian shrub browse, in order to maintain healthy streams with a diversity of riparian plant age classes for regeneration. These protections will also reduce impacts to sensitive and listed aquatic plant and animal species.
- Alternative 1 limits livestock browse on hardwood seedlings and advanced regeneration to meet hardwood regeneration and recruitment needs and meet LRMP standards and guidelines.
- Alternative 1 designates management actions to protect cultural resource sites and reduce the risk of impacts. Alternative 1 includes monitoring of cultural sites and adaptive management actions if monitoring indicates presence of unacceptable impacts.
- Alternative 1 applies management practices to reduce the risk of introduction or spread of invasive plant species within the allotment.
- Alternative 1 implements a monitoring plan (see Appendix C, Bear River Grazing EA) to ensure that resource protection standards are being met and implements an adaptive management strategy requiring adjustments in livestock management and use if standards are not met. Through monitoring, grazing use pattern can be changed by implementing pre-approved range structural improvements designed to protect specific concerns at specific locations (Table 7, Bear River Grazing EA), if and when needed.
- Livestock access will be restricted at two sites with new construction and maintenance of exclusion fences (Table 7, Bear River Grazing EA). In addition, potential adaptive management actions include additional exclusion fencing, water trough installation, modifying salting and herding practices or reducing season of use or numbers, if and when needed.

- Alternative 1 designates seven special aquatic features as Critical Areas and applies management strategies to protect these resources, maintain desired conditions and comply with LRMP standards and guidelines. Management strategies include monitoring these sites.
- A Biological Assessment for activities occurring within designated critical habitat for Sierra Nevada yellow-legged frog was submitted to the U.S. Fish and Wildlife Service (USFWS) for consultation under the Endangered Species Act (ESA). Consistent with the Programmatic Biological Opinion issued by the USFWS, consultation was initiated and concurrence was received on June 15, 2017 (08ESMF00-2017-F-2285). The letter of concurrence appended the Bear River Grazing EA project to the original Programmatic Biological Opinion (FF08ESMF00-2014-F-0057), which covered grazing as one of the program areas managed by the Eldorado National Forest.
- Alternative 2 – No Action was considered but not selected because it does not meet the purpose to authorize continued livestock grazing on the Bear River Allotment in accordance with the Eldorado LRMP, and in compliance with applicable laws, regulations, and policies. Alternative 2 does not meet Congressional intent or Forest Service policy to provide grazing on National Forest lands where grazing is a suitable use, and in compliance with other laws and regulations. It is the Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with Forest LRMPs (FSM 2203.1; 36 CFR 222.2(c)).

In addition to the selected alternative, I considered three other alternatives that were suggested by the public. These alternatives are described on page 9 of the Bear River Grazing EA. These alternatives were not analyzed in detail because they either did not meet the purpose and need, or were already addressed in the proposed action or existing Forest Plan standards and guidelines.

The Bear River Grazing EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Eldorado National Forest Schedule of Proposed Actions in January 2015 and updated periodically during the analysis. A scoping letter and description of the proposed action was sent to interested parties on December 16, 2015 via email and hard copy mailing. The scoping notice was also published on the project website. Six letters were received with comments on the proposed action. The summary of scoping comments received and how they were considered can be found in the project file.

The legal notice for the opportunity to comment on the Bear River Grazing EA was published in the Mountain Democrat on October 27, 2017. Letters were sent to interested parties including those who provided comments during public scoping on October 25, 2017. The Bear River Grazing EA was published and legal notice announcing the opportunity to comment was also posted on the project website. Nine letters were received during the 30-day comment period to the Bear River Grazing EA. The summary of comments received during the 30-day comment period and how they were considered is included in Appendix E of the Bear River Grazing EA.

Interested parties who had provided project-specific comments during the public scoping or during the comment period were directly notified of the opportunity to object on June 1, 2018. No comments were received during the 45-day objection period which closed on July 16, 2018.

FINDING OF NO SIGNIFICANT IMPACT

The justification for the Finding of No Significant Impact (FONSI) is described below. A more in depth discussion of the effects related to the FONSI can be found in the Bear River Grazing EA. I determined these actions will not have a significant effect on the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will not be prepared.

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27).

CONTEXT

For the proposed action and no action alternative the context of the environmental effects is based on the environmental analysis in the Bear River Grazing EA. All of the resource analyses identified the spatial and temporal bounds of their analysis, based upon the potential environmental impacts. These impacts are well known, as grazing has occurred on the Eldorado National Forest, and on this specific allotment for decades. The potential environmental effects would be localized to the allotment area, and would not be measurable at a regional or larger scale.

INTENSITY

The intensity of effects was considered in terms of the following:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. Alternative 1 would authorize continued livestock grazing, making forage available in accordance with Forest Service policy, while improving existing conditions and protecting sensitive resources. The alternative would protect water quality and would not change the risk of cumulative watershed effects. (See Bear River Grazing EA pages 25-27) Exclusion fences and adaptive management strategies would protect identified special aquatic features and fen-associated plant species from livestock impacts. (See Bear River Grazing EA pages 14-16, 25-30) The potential for adverse impacts to sensitive plant species, and the potential to introduce noxious weeds would be low. (See Bear River Grazing EA pages 30-33) Monitoring and management actions are designed to protect or improve special aquatic features, streambank and soil conditions, herbaceous forage, riparian and hardwood

browse, cultural resources, and sensitive plants and animals. (See Bear River Grazing EA pages 14-20, and Appendix C)

2. The degree to which the proposed action affects public health or safety.

No issues were raised regarding public health or safety. The effects analysis identified water quality and beneficial uses of the Bear River would not be affected, as grazing impacts do not contribute towards the pollutants that impair this water body. (Bear River Grazing EA, pages 23-27 and Appendix E– Response to Preliminary Environmental Assessment Public Comments)

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The privately owned Dufrene Camp facilities located on National Forest System lands are eligible for the National Historic Register, and, under Alternative 1, would be permitted for use under a Special Use Permit. The permit will have specific requirements to ensure that eligibility is not impacted. (Bear River Grazing EA, pages 22-23) Known cultural resources will be protected with the identified protection measures identified in the proposed action. Consultations with local tribes are ongoing.

There are several small wetlands and riparian areas throughout the allotment, several of which are identified for additional protection measures to ensure properly functioning condition under Alternative 1. The Bear River Grazing EA (pages 25-30) discloses that there will be no adverse impacts to these resources, and that through the implementation of the proposed action, these resources would move towards the desired conditions.

Portions of the southern boundary of the grazing allotment that is on the North Fork Mokelumne River is suitable and recommended as a Federal Wild and Scenic River. However, that portion of the allotment is not typically used for grazing, therefore there would be no effect to the wild and scenic status.

There are no Research Natural Areas, Special Interest Areas, or other unique geographical areas within the allotment boundary.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Controversy in this sense refers to scientific uncertainty or debate, not disagreement with the proposed activity. The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action (Alternative 1).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The Agency has considerable experience with actions like the ones proposed. Livestock grazing has occurred on western lands for more than a century, and on the Bear River Allotment for decades. The proposed activities are consistent with grazing activities on other allotments on the Eldorado National Forest, and do not present any novel, unique, or unknown risks.

6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The action is not likely to establish a precedent for future actions with significant effects, because future decisions to issue term grazing permits would be analyzed separately and on their own merits to determine a future course of action. Future projects would require site-specific analysis and separate decisions as required under NEPA. This decision would apply only to the Bear River Allotment and would be subject to review at permit renewal, typically within 10 years.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

The cumulative impacts would be non-significant. A cumulative effects analysis was completed separately for each potentially affected resource area. The effects of the proposed action (Alternative 1) would be limited to the local area, and when combined with ongoing or reasonably foreseeable future actions, would not create significant adverse effects. All analyses indicated that there would be no significant adverse effects, either direct, indirect or cumulative, due to implementation of Alternative 1. (See Bear River Grazing EA pages 23-36).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The proposed action would have no adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, and would not cause loss or destruction of significant scientific, cultural, or historical resources (See item #3). The proposal complies with Section 106 of the National Historic Preservation Act of 1966, as amended in accordance with provisions of the *Programmatic Agreement Among the U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), the California State Historic Preservation Officer, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forests of the Pacific Southwest Region (Regional PA 2013)* as well as the *Programmatic Agreement Between the Rangeland Management Activities on National Forest*

System Lands and the Grazing-Heritage Resource Management Strategy for the Eldorado National Forest. The Cultural Resource Report (No. R2017-05-03-10006, Project Record) determined that there would be no adverse effects to cultural resources from implementing the proposed action with its management actions and monitoring requirements. (Bear River Grazing EA page 36).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Analysis of the potential effects to the Sierra Nevada yellow-legged frog found the proposed action ‘may affect, and is likely to adversely affect’ the frog populations and the Critical Habitat in the project area. No other endangered or threatened species would be affected by this project.

The proposed action (Alternative 1) includes monitoring and management actions to assure these requirements are met, including additional enclosure fencing and barrier placement to protect aquatic features. (See Bear River Grazing EA pages 14-21, and Appendix C) Program Specific Conservation Measures for Rangeland Management are part of the project, including BMP 8.1, 8.2 and 8.3, which require rangeland planning, permit administration and implementation of rangeland improvements to protect or restore water, aquatic and riparian resources. S&G 117 requires an assessment of the hydrologic function of special aquatic features to assure they are at Proper Functioning Condition. S&G 120 and 121 limit herbaceous forage utilization and riparian shrub browse.

The Forest must adhere to the incidental take statement in the Biological Opinion (BO), including Reasonable and Prudent Measures and Terms and Conditions. All requirements of the BO, including conservation measures and the incidental take statement will be made part of the terms and conditions of the term grazing permit for the Bear River Allotment.

The BO requires monitoring, including compliance/implementation monitoring which is incorporated into the project (See Bear River Grazing EA Appendix C – Monitoring Plan). The Forest Service will also monitor effectiveness of the conservation measures and incidental take and report all monitoring to USFWS in accordance with the BO.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the Bear River Grazing EA. The proposed action is consistent with the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), Endangered Species Act (ESA), Clean Water Act and the National Historic Preservation Act (NHPA). The proposed action is fully consistent with the Eldorado National Forest Land and Resource Management Plan 1989 as amended by the 2004 Sierra Nevada Forest Plan Amendment.



Consistent with the Programmatic Biological Opinion issued to Region 5 of the Forest Service by the Sacramento Office of the U. S. Fish and Wildlife Service, consultation was initiated and concurrence with the determinations and protection measures was received on June 15, 2017 (08ESMF00-2017-F-2285). The letter of concurrence appended this project to the original Programmatic Biological Opinion (FF08ESMF00-2014-F-0057), which covered grazing as one of the program areas managed by the Eldorado National Forest.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Eldorado National Forest Land Management Plan (1989) as amended by the Sierra Nevada Forest Plan Amendment (2004). The project was designed in conformance with desired conditions relevant to livestock grazing and other resources. (See Bear River Grazing EA pages 1-3).

IMPLEMENTATION DATE

After this Decision Notice is signed, implementation may begin immediately.

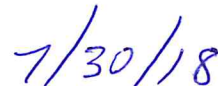
CONTACT

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RICHARD G. HOPSON

Amador District Ranger



Date

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