

Record of Decision

Introduction

This Record of Decision (ROD) documents my decision and rationale for the selection of Alternative 3 Modified from the Joseph Creek Rangeland Analysis (JCRA) Final Environmental Impact Statement (FEIS).

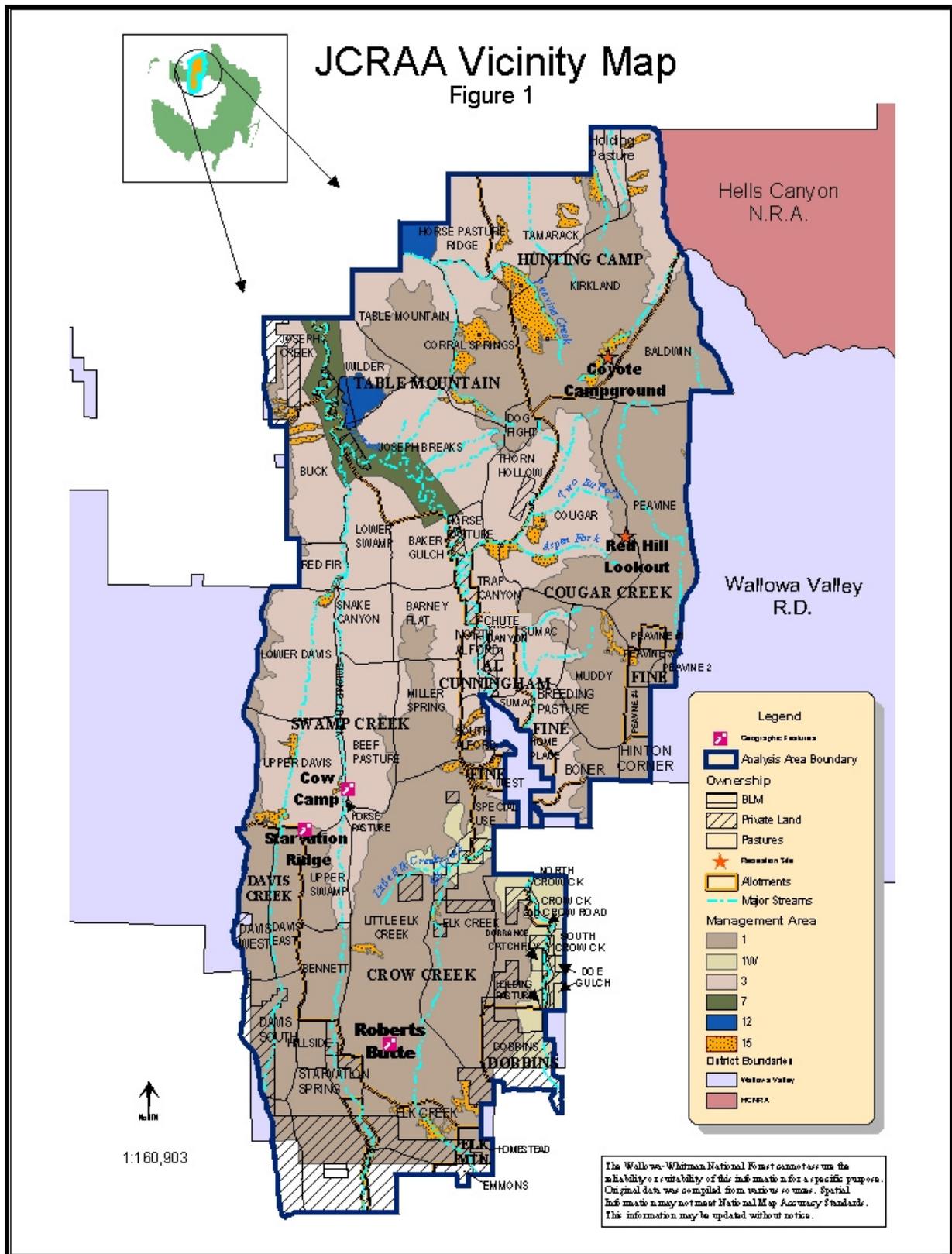
Decision

As Wallowa-Valley District Ranger, I have decided to authorize livestock grazing on eleven livestock allotments within the 95,555-acre Joseph Creek Rangeland Analysis Area (JCRAA) as described in Alternative 3 Modified of the Joseph Creek Rangeland Analysis Final Environmental Impact Statement. The eleven allotments are Al-Cunningham, Cougar Creek, Crow Creek, Davis Creek, Dobbins, Elk Mountain, Fine, Hunting Camp/Table Mountain, Joseph Creek, and Swamp Creek Allotments. Refer to Figure 1 for a vicinity map. A detailed description of Alternative 3 Modified and its accompanying mitigation and monitoring measures are contained in Chapter 2 of the FEIS, Pages 31 to 46 and 66 to 74.

Purpose and Need

The Wallowa-Valley District Ranger has identified a purpose and need for forage allocation for commercial livestock grazing. The purpose and need for action is based on the premise that livestock forage production is to be offered where forage is in excess to basic plant and soil needs, wildlife forage is available, and other specific resource conditions are achieved or maintained (Wallowa-Whitman National Forest Land and Resource Management Plan, Page 4-3). This plan, referred to as the Forest Plan, recognizes that the local livestock industry desires to maintain and increase National Forest grazing which coincides with Forest and Rangeland Renewable Resources Act (RPA) projections of increases in National population and total demand for beef (Forest Plan, Page 2-10). However, the Forest Plan also notes the complications that are involved regarding livestock effects on streamside damage to soil, vegetation and water quality, and the cost of improvements needed to alleviate these effects (Page 2-10).

The purpose and need is represented by the difference between the area's desired and existing conditions with respect to the management direction for the area.



Desired Condition

Basic rangeland, wildlife, and resource conditions are defined by the Forest Plan specific to each Management Area. The Joseph Creek Rangeland Planning Area contains Forest Plan allocations of Timber Emphasis (Management Area 1), Timber/Big Game Emphasis (Management Area 3), Wild and Scenic Rivers (Management Area 7), Proposed Research Natural Areas (Management Area 12), and Old Growth Emphasis (Management Area 15). Refer to Figure 1 for the location of these management areas. Desired range, wildlife, and resource conditions for each management area are described below.

For Management Areas 1 and 3, desired conditions are prescribed by the Forest Plan as 'satisfactory' range conditions. In ecological terms, 'satisfactory' rangelands are those in fair to good condition with static or upward trend. Satisfactory condition rangelands are assumed to be represented by mid to late-seral plant communities. Management Area 3 distinguishes winter range for big game, which adds provisions that adequate forage be available for wintering big game. Desired riparian vegetation conditions within these management areas are to be established by setting measurable objectives for key parameters such as stream surface shade, streambank stability, and shrub cover (Forest Plan, Page 4-54). Regional Forester Amendment #3, referred to as PacFish, established streambank stability standards of at least 80 percent. Desired conditions for Swamp Creek are to reach shrub density and diversity conditions on the meadow segment similar to the lower canyon segment.

For Management Area 7, desired rangeland conditions are prescribed by the Forest Plan as those needed to protect or enhance the Outstandingly Remarkable Values for the Joseph Creek Wild and Scenic River. The Joseph Creek Wild and Scenic River Management Plan (Page 6) gives the following description for rangeland desired conditions.

"The desired future condition for this resource will consist of sustained production of both palatable and non-palatable species for grazing by livestock and dependent wildlife. The areas will remain ecologically diverse and provide excellent winter browse for big game species. The variety of grasses, forbs, shrubs, and trees will be more representative of the natural community at the time of Euro-American settlement. On the grasslands, native bunchgrass communities will predominate, browse species such as ocean spray, snowberry, ninebark, and serviceberry will predominate. Riparian habitat will improve and approximate the natural potential of each site and contain dense stands of willow with a fair component of black cottonwood and aspen. Recreational/grazing conflicts and livestock presence in riparian zone, however few, will be reduced. Recreationists, from late fall to spring, will encounter evidence of cattle on the trails, and the physical presence of livestock, but this will be less than in the past."

For Management Area 12, desired conditions are prescribed by the Forest Plan as those needed to preserve options for future establishment of Research Natural Areas (RNA). The potential Horse Pasture Ridge RNA and the Haystack Rock RNA comprise the area allocated to Management Area 12 within the JCRAA. Both areas were identified as

potential RNAs for their representation of native bunchgrass communities. In ecological terms, the desired condition for the potential RNAs is for maintenance of late-seral plant communities.

For Management Area 15, desired conditions are not addressed, as rangeland forage presence in designated old growth stands is considered incidental and transitory due to competition with the conifer overstory.

Existing Condition

Existing conditions can be described in the context of two scenarios: as if no livestock grazing occurred, or if the current grazing regime continued. Because the existing range condition developed from a grazing history that predates the National Environmental Policy Act and in some cases pre-dates establishment of the National Forest, existing conditions are described here under the scenario of current grazing as influenced by historical grazing. Further information regarding range conditions is provided in Chapter 3 of this analysis.

Range conditions were evaluated for each of the 65 pastures of the Joseph Creek Rangeland Planning Area. All except for 4 pastures were found to have 'satisfactory' range condition. A description of range conditions by Management Area follows.

For pastures primarily within Management Area 1, range conditions are 'satisfactory' with the exception of the Bennett and Upper Swamp pastures of the Swamp Creek Allotment and the Bennett pasture of the Davis Creek Allotment. Portions of the riparian areas in these pastures are in an early seral stage, although in an upward trend. Swamp Creek has been altered through a history of railroad logging, homesteading, road construction, and grazing. The 8.5-mile segment referred to as the Meadow Segment was recently acquired through a land exchange. In this segment, shrub species diversity and quantity are lacking and some streambank reaches are unstable. Much of the herbaceous plants include non-native seeded grasses such as timothy, orchard, and brome. Although beaver occur downstream, they are not found in the Meadow Segment, probably because the food source is limited. The stream system supports steelhead, and the meadow supports a variety of wildlife.

Range conditions for pastures primarily within Management Area 3 are 'satisfactory' with the exception of the Sumac Pasture of the Cougar Creek Allotment. Condition and Trend monitoring for this pasture indicates that areas are in an early seral stage as indicated by a substantial drop in native perennial grasses such as bluebunch wheatgrass and Sandberg's bluegrass.

Management Area 3 emphasizes big-game winter range. Under the current grazing system, big-game winter range has been adequate, according to Oregon Department of Fish and Wildlife biologists. Current Rocky Mountain elk and mule deer populations are below Management Objectives, however. The decline in big-game populations can be attributed to factors such as open road densities, lack of hiding cover, hunting pressure, and predation.

If deer and elk populations were to increase to Management Objectives, additional forage may be needed than currently available at the end of the livestock grazing period.

For areas within Management Area 7, range conditions in the Joseph Creek Wild and Scenic River corridor are 'satisfactory' with isolated small areas of 'unsatisfactory' range condition. The 'unsatisfactory' condition is evident where annual non-native plant species such as cheat grass and introduced grass species exist as a relic of homesteading in this area before establishment of the National Forest. Riparian shrubs are present along Joseph Creek and its tributaries at a density and species diversity that would occur naturally. This condition is assumed to occur when utilization of shrubs by livestock and big game is less than 20 percent.

For areas within Management Area 12, range conditions in the proposed Research Natural Areas are in a good to excellent ecological condition, and a static to upward trend. These areas are represented by late-seral plant communities.

For areas within Management Area 15, the existing range condition is mixed because the conifer overstory generally precludes sustainable rangeland.

Refer to Chapter 3, Rangeland Resources in the FEIS, for further description of existing range conditions.

Public Involvement

Scoping

Public scoping for the JCRA was initiated in January 1999 with the project's inclusion on the January Schedule of Proposed Actions mailed from the Wallowa Mountains Office in Enterprise, Oregon. Also in January 1999, a project information letter was mailed to over 100 individuals, organizations, and agencies for their comment. These individuals and organizations included grazing permittees, State and Federal resource management agencies, and other special interest organizations. A Notice of Intent to prepare an Environmental Impact Statement was published in the Federal Register on February 18, 1999.

Contacts were made with employees of the Nez Perce Tribe and Confederated Tribes of the Umatilla. An office meeting was held in October 2002 with fisheries/environmental policy representatives of the Nez Perce Tribe, and follow-up meetings were held throughout the process thereafter. A field review was conducted with fisheries/environmental policy employees from the Confederated Tribes of the Umatilla in October 2002.

The permittees holding grazing permits on the allotments analyzed in this EIS were included throughout the process. The permittees provided input for alternatives and site-specific development proposals for their respective allotments.

Coordination with Oregon Department of Fish and Wildlife was conducted for this proposal through two September 2003 meetings and several telephone conversations.

These scoping efforts generated responses from 19 agencies, organizations, tribes, or individuals. Responses are documented in 15 letters, as well as several e-mails, telephone conversation records, and meeting notes.

To clarify the concerns, follow-up telephone conversations, meetings, and e-mails were made between the Interdisciplinary Team and those who submitted comments. Much of the correspondence focused on what information should be provided in the EIS. Information obtained from the scoping process is contained in the JCRA analysis file.

Some respondents expressed concerns about how grazing management might affect specially designated areas, such as the Joseph Creek Wild and Scenic River, and potential Research Natural Areas. Key Issues 1, 2, and 3 were developed to respond to these concerns. Concerns about water quality and fisheries habitat were expressed, particularly in Swamp Creek. Key Issue 2 responds to those concerns. Range health and potential conflicts between livestock management and listed plant species were mentioned by some respondents. Key Issue 4 was developed to respond to those concerns. Several livestock grazing permittees expressed concerns about how increasing constraints on their operations sometimes inhibit their ability to manage the range resource effectively. Key Issue 5 was developed to address these concerns. Key Issue 5 also addresses concerns raised by the Nez Perce Tribe about flexibility in grazing systems if the tribe should assert treaty rights related to pasturing of cattle or horses within these allotments. Consultation with Oregon Department of Fish and Wildlife biologists about big-game use of the analysis area resulted in few concerns with the current grazing program. However, the biologists emphasized the need to maintain big-game winter range in key locations, even in drought years. Key Issue 6 was developed to address this concern. Several respondents stressed the need to design grazing systems that provide for long-term rangeland health. Key Issue 7 was developed to address this concern.

Comments on Draft Environmental Impact Statement

A Draft Environmental Impact Statement (DEIS) which responded to the 7 key issues was circulated to all participants in the scoping process, along with the various agencies offered opportunity for review. The Notice of Availability of a DEIS was published in the Federal Register on September 24, 2004.

A total of 7 letters and 7 e-mails were received in response to the DEIS. These comments were reviewed and addressed by the interdisciplinary team. Refer to Appendix B of the FEIS for individual comments and responses.

Consultation with Indian Tribes

Consultation with the Nez Perce Tribe and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) was completed through a series of field and office meetings. A field meeting with staff members for the CTUIR was held in October 2002. A November 2002 letter from the CTUIR Department of Natural Resources director was then received. This

letter was addressed throughout the DEIS. Appendix A of the FEIS lists how the comments in the letter were addressed. Although a letter inviting comment on the DEIS was sent to the department director in October 2003, along with a copy of the DEIS in September 2004, no further comments were received.

Several meetings were held and telephone calls exchanged with staff members for the Nez Perce Tribe starting in 2002 and continuing to the present (refer to the analysis file for a record of these contacts). A letter inviting comment on the Draft EIS was sent to the Chair of the Natural Resources Subcommittee for the Nez Perce Tribe on November 17, 2003, and a copy of the DEIS was then sent in September 2004. The Nez Perce Tribe Executive Committee sent a letter dated October 26, 2004 which contained a detailed response to information in the DEIS. Meetings between tribal and agency staff members continued after the October 26, 2004 letter to clarify concerns and suggest approaches for resolving concerns. A letter that confirmed the agency's interest in and approach to responding to the committee's letter was sent to the Executive Committee on April 6, 2005. Refer to Appendix B of the FEIS for specific comments on the DEIS and how the agency responded to each comment in the FEIS. An update on the status of the JCRA was presented by the District Ranger and Forest Supervisor at an August 16, 2005 Executive Committee meeting and a September 20, 2005 Natural Resources Subcommittee Meeting.

Issues

Issues that could best be addressed by forming an alternative or introducing mitigation or monitoring were identified and categorized as 'Key Issues'. An issue tracking sheet in Appendix A of the FEIS lists other issues considered by the team and either addressed in the analysis or considered outside the scope of this analysis. The following seven key issues and their indicators for measurement were developed from comments on the proposal.

Key Issue 1 - Authorizing livestock grazing within the Joseph Creek Wild and Scenic River may degrade water quality to the point that the Outstandingly Remarkable Values of 'Fish and Water Quality' and 'Wildlife' are neither protected nor enhanced.

- Percent streambank stability in 10 years
- Increases in average maximum summer water temperature in 10 years
- Increases in percent cobble embeddedness in 10 years
- Decreases in percent stream shade in 10 years
- Allowable shrub utilization in the Wild and Scenic River Corridor
- Allowable forage utilization in the Wild and Scenic River Corridor

Key Issue 2 - Authorizing livestock grazing along Swamp Creek may degrade water quality before it reaches the Wild and Scenic River so that the Outstandingly Remarkable Value of 'Fish and Water Quality' is neither protected nor enhanced.

- Allowable shrub utilization in the Meadow Segment of Swamp Creek
- Anticipated streambank stability along the Meadow Segment of Swamp Creek in five to ten years

Key Issue 3 - Authorizing livestock grazing as proposed may not preserve options for establishing Research Natural Areas for the Haystack Rock and Horse Pasture Ridge potential Research Natural Areas.

- Area within the Haystack Rock potential RNA where late-seral plant communities are maintained.
- Area within the Horse Pasture Ridge potential RNA where late-seral plant communities are maintained.

Key Issue 4 - Authorizing livestock grazing within the Tommy's Ridge and Fire Ridge areas as proposed may or may not adequately protect a Threatened plant, Spalding's catchfly, from livestock trampling and habitat alteration. It may or may not adequately protect unknown Spalding's catchfly occurrences in uninventoried portions of the analysis area.

- Uninventoried Spalding's catchfly risk areas subjected to livestock grazing impacts after 3 years
- Acres of risk areas that would be inventoried for the presence of Spalding's catchfly within 3 years.

Key Issue 5 - Authorizing livestock grazing as proposed throughout the Joseph Creek Rangeland Analysis Area may not be adaptive enough to allow a timely or effective response to changing conditions.

- Minimum area for which season of use is defined
- Can tribal treaty rights for pasturing of horses be asserted without initiating a new proposal under NEPA?

Key Issue 6 - Authorizing fall livestock grazing in areas designated as big-game winter range may not provide enough winter range for over-wintering big game.

- Percent plant material retained at the end of fall grazing in areas designated as big-game winter range (Management Area 3)

Key Issue 7 - Grazing as proposed for the JCRAA may not adequately provide for long-term range health in the 4 pastures which were identified as having areas with early seral stage plant communities.

- Predominant seral stage of plant communities within 10 to 20 years in the Sumac Pasture of the Cougar Allotment
- Allowable shrub utilization in the Meadow Segment of Swamp Creek

Alternatives Considered in Detail

A total of six alternatives were considered by the interdisciplinary team. Alternative 1, no grazing; Alternative 2, current management and Proposed Action; Alternative 3 Modified, and Alternative 4 were analyzed in detail in the FEIS. Alternative 3 from the DEIS was dropped from analysis in the FEIS. A sixth alternative was not analyzed in detail.

Alternative 1 - No Action

Alternative 1 represents the 'no grazing' alternative. Under this alternative, all Term Grazing Permits would be canceled upon implementation of the decision and resolution of the appeals process. No permits would be issued for the eleven affected allotments.

For a more detailed description of Alternative 1 refer to Page 18 of the FEIS.

Alternative 2 - The Proposed Action

Alternative 2 represents continuation of the current grazing systems and is the Proposed Action. The 11 allotments and their associated pastures would be stocked at the same level that is currently authorized. Permits would be issued to continue the current grazing system.

For a more detailed description of Alternative 2 refer to Pages 18-30 and 63-64 of the FEIS.

Alternative 3 Modified

Alternative 3 Modified was developed with acknowledgement that changes will occur in resource conditions, issues, and agency direction throughout time. This alternative incorporates adaptive management techniques to address those changes. Potential changes that this alternative may respond to include wildfire, drought, ranching operational changes, ecological conditions, Federal listing of additional species under the Endangered Species Act, Forest Plan revision, and possible execution of Tribal treaty rights. Alternative 3 is the 'preferred alternative'. The 11 allotments would be stocked at the same level as Alternative 2. Stocking of individual pastures within the 11 allotments would be determined by resource conditions rather than recent stocking levels. Modifications to the alternative were made in response to comments received during the public review period related to steelhead habitat, big-game winter range, Spalding's catchfly protections, and stocking of the Swamp Creek Allotment.

For a more detailed description of Alternative 3 Modified refer to Pages 31-46 and 63-64 of the FEIS.

Alternative 4

Alternative 4 was developed in response to comments received during the 45-day public review period of the DEIS. This alternative focuses on a different approach to riparian area management, Wild and Scenic River management, and botanical resources management as suggested by commenters on the DEIS. Alternative 4 is patterned after Alternative 2 in that it specifies stocking levels and grazing durations for each pasture of each allotment. Under Alternative 4, a specific prescription was made to reduce the presence of livestock grazing on fish-bearing streams to an incidental level. This would be accomplished through fencing, herding, and changing the periods in which livestock are permitted to graze.

For a more detailed description of Alternative 4 refer to Pages 47-64 of the FEIS.

Comparison of Alternatives

The following Tables 1 and 2 compare the alternatives.

Table 1 – Comparison of Alternatives

Features	Alternative 1	Alternative 2	Alternative 3 Modified	Alternative 4
Need for Action Elements – Range Condition in 10 to 20 years				
Sumac Pasture of the Cougar Creek Allotment	Satisfactory	Satisfactory	Satisfactory	Satisfactory
Bennett Pasture of the Swamp Creek Allotment	Satisfactory	Satisfactory	Satisfactory	Satisfactory
Upper Swamp Pasture of the Swamp Creek Allotment	Satisfactory	Satisfactory	Satisfactory	Satisfactory
Bennett Pasture of the Davis Creek Allotment	Satisfactory	Satisfactory	Satisfactory	Satisfactory
Authorization				
Livestock Type	None	Cattle and Incidental Horse	Cattle and/or Horse	Cattle and/or Horse
Maximum Stocking (Animal Months)				
Al-Cunningham	0	321	321	0
Cougar	0	2,702	2,702	2,702
Crow Creek	0	262	262	232
Davis Creek	0	631	631	631
Dobbins	0	378	378	378
Elk Mountain	0	179	179	179
Fine	0	253	253	253
Hunting Camp / Table Mountain	0	3,104	3,104	2,548
Joseph Creek	0	135	135	95
Swamp Creek	0	4,901	4,901	4,901
Total	0	12,866	12,866	11,919

Table 2 – Key Indicators by Alternative

Issue and Indicators	Alternative 1	Alternative 2	Alternative 3 Modified	Alternative 4
Issue 1: Wild and Scenic River				
• Percent streambank stability in 10 years	95	95	95	95
• Increases In average summer water temperature in 10 years	0	0	0	0
• Increases in % cobble embeddedness in 10 years	0	0	0	0
• Decreases in % stream shade in 10 years	0	0	0	0
• Allowable shrub utilization in WSR Corridor (%)	wildlife only	30	20	incidental
• Allowable forage utilization in WSR Corridor (%)	wildlife only	55	50	incidental
Issue 2: Wild and Scenic River				
• Allowable utilization of shrubs in the Meadow Segment of Swamp Creek (%)	0	Up to 30	Determined by monitoring	Determined by monitoring
• Streambank stability along the Meadow segment of Swamp Creek in five to ten years (%)	95	75 to 85	85 to 95	85 to 95
Issue 3 - Potential Research Natural Areas				
• Area within the Horse Pasture Ridge potential RNA where late-seral plant communities are maintained	250 acres	250 acres	250 acres	250 acres
• Area within the Haystack Rock potential RNA where late-seral plant communities are maintained	400 acres	400 acres	400 acres	400 acres
Issue 4 – Spalding’s Catchfly				
• Acres of uninventoried Spalding’s catchfly risk areas subjected to livestock grazing impacts after 3 years	0	7630	0 to 4740	0 to 4740
• Acres of additional risk areas that would be inventoried for the presence of Spalding’s catchfly within 3 years	0	0	2890 to 7630	2890 to 7630
Issue 5 – Adaptive Management				
• Minimum area for which season of use is defined	Not Applicable	Pasture	Allotment	Pasture
• Can tribal treaty rights for pasturing of cattle be asserted without initiating a new NEPA analysis?	Not Applicable	Yes	Yes	Yes
• Can tribal treaty rights for pasturing of horses be asserted without initiating a new NEPA analysis?	Not Applicable	No	Yes	Yes
Issue 6 – Big Game Winter Range				
• Percent plant material retained at the end of fall grazing in designated big-game winter range	Wildlife use only	45	50 to 60	50 to 60
Issue 7 – Range Condition				
• Predominant seral stage of plant communities within 10 to 20 years in the Sumac Pasture of the Cougar Allotment	Mid to Late	Mid to Late	Mid to Late	Mid to Late
• Allowable shrub utilization in the Meadow Segment of Swamp Creek (%)	Wildlife use	Less than 30	Determined by monitoring	Determined by monitoring

Rationale for the Decision

As the Responsible Official, it is my decision to select Alternative 3 Modified as described in the FEIS for the Joseph Creek Rangeland Analysis (Chapter 2, Pages 31–46, and 63-64), including the mitigation and monitoring requirements described in the FEIS (Chapter 2, Pages 66-74). I selected this alternative after considering how it meets the purpose and need for action, how it addresses the key issues, the trade-off of environmental effects identified in the FEIS, and its responsiveness to public comments received on the DEIS.

Purpose of and Need for Action

I selected Alternative 3-Modified because it is the best alternative for meeting the purpose of and need for action. The purpose of and need for action is that livestock forage production is to be offered where forage is in excess to basic plant and soil needs, where wildlife forage is available, and where other specific resource conditions are achieved or maintained. This condition was defined for this analysis as maintaining satisfactory range conditions while allowing forage beyond basic plant and soil needs to be made available for wildlife and livestock.

I selected Alternative 3-Modified because it provides for a level of livestock grazing that I believe will maintain satisfactory range conditions. Alternative 3 Modified authorizes the same stocking level as the current grazing systems. As shown on Pages 82-88 of the FEIS, monitoring of the current stocking level since 1995 indicates that utilization standards have been met at least 95 percent of the time, and condition and trend surveys indicate unsatisfactory range conditions in portions of just 4 of the 65 pastures within the JCRAA. Three out of the four pastures with unsatisfactory range conditions are associated with riparian conditions along Swamp Creek that are recovering from more intensive use while the pastures were held in private ownership. Considering the variability associated with measuring utilization levels, I am comfortable with 95 percent compliance. The prevalence of satisfactory range condition and relative success in complying with utilization standards indicates to me that reductions in stocking to maintain satisfactory range condition over time are not needed. Rather, problem areas in the JCRAA with respect to range condition appear to be localized. Localized problem areas are addressed by Alternative 3 Modified through mitigation and monitoring, which I believe will be more effective than simply reducing stocking levels. Alternative 3-Modified authorizes a total of 12,866 head-months of livestock grazing. I believe that this level of stocking is allowing for basic plant and soil needs. Oregon Department of Fish and Wildlife biologists assessed the current livestock grazing level in the JCRAA as not limiting winter forage for big game. At the same time, this level of stocking supports viable livestock grazing operations.

Alternative 1, the no-grazing alternative, does not make forage beyond that needed for basic plant and soils needs and for wildlife available for livestock grazing. Therefore, it does not meet the purpose of and need for action, and I did not select it. Alternative 2, current management, provides for the same level of stocking as Alternative 3-Modified. However, I prefer Alternative 3-Modified because it adopts a monitoring program for

adjusting livestock grazing use along the Meadow Segment of Swamp Creek. While riparian conditions along this segment of Swamp Creek are continuing to recover from an “unsatisfactory” condition since their acquisition from a private landowner, Alternative 3-Modified would allow for a greater rate of recovery by initiating a monitoring program for streambank stability and shrub utilization. I did not select Alternative 4 because while it meets the purpose of and need for action, it does so at a cost that would threaten the viability of livestock operations that have shown a 10-year record of leaving adequate forage for plant and soil and wildlife needs and therefore meeting the purpose of and need for action.

Key Issues

The key issues were developed from responses to comment and resource specialist information regarding the proposed action. Refer to Table 2 for a summary of how the alternatives respond to the key issues. Key issues were developed with respect to the Joseph Creek Wild and Scenic River (Issue 1) and potential Research Natural Areas (Issue 3). Based on analysis of these issues however, the indicators did not point to distinct differences between alternatives. We included the issues, however, because of public interest and the disclosure of potential effects provided by the analysis of these issues. Information in the FEIS indicates that a certain level of livestock grazing is appropriate for the Wild and Scenic River (Pages 209-216) and potential Research Natural Areas (Pages 216-219). Recent grazing systems for these areas have successfully maintained the conditions for which these areas were designated, and little difference among the alternatives was noted in the FEIS. In a similar vein, the issue related to forage health (Issue 7) is resolved among all of the alternatives, due to normal range monitoring and application of Forest Plan Standards and Guidelines.

My selection of Alternative 3 Modified focuses on the differences among alternatives with respect to Swamp Creek (Issue 2), Spalding’s catchfly (Issue 4), adaptive management (Issue 5), and big game (Issue 6). I prefer the monitoring approach for determining shrub utilization and streambank stability for Swamp Creek, which is included in Alternative 3 Modified. I think it is imperative to complete adequate inventory and monitoring of Spalding’s catchfly potential habitat to reduce the potential risk to the species, and Alternative 3 Modified commits to completion of that inventory. The adaptive management associated with Alternative 3 Modified allows greater flexibility in responding to change and allows for more timely response to assertion of tribal treaty rights for pasturing of cattle or horses. I also support a measured approach to providing for big-game winter range that considers fluctuating climatic and resource conditions. Alternative 3 Modified provides for adequate big-game forage, but without undue changes in livestock use.

Environmental Effects

I considered the balance of environmental effects presented in Chapter 3 of the FEIS before selecting Alternative 3 Modified. I noted that all of the alternatives were consistent with applicable laws such as the Endangered Species Act and Clean Water Act. While Alternative 1 is the environmentally preferable alternative and shows a clear difference in

impacts on the biological and physical environment from the other alternatives, I did not select Alternative 1 partly because of the adverse social and economic impacts associated with it. Alternative 1 also does not address Forest Plan direction to make available for livestock grazing the forage that is surplus to the needs of plants, soil, and wildlife. Clearly there is a demand for use of this surplus forage, and not offering it for livestock utilization would be inconsistent with management direction. Between Alternatives 2, 3, Modified, and 4, I found a similarity in impacts between Alternatives 2 and 3 Modified as opposed to Alternative 4. Alternative 4 would lessen impacts on fisheries and water quality at a higher economic cost to the livestock permittees. As the FEIS compares impacts on aquatic resources to livestock grazing standards in the Forest Plan, as established by PacFish and InFish (FEIS, Pages 151-159), I see that none of the alternatives would retard attainment of RMOs. Alternative 4 provides a different approach for livestock management in Nonetheless, this different approach is at the economic detriment to viable livestock grazing operations. I narrowed my selection to Alternatives 2 or 3 Modified because they provide for a rate of recovery for aquatic resources consistent with Forest Plan standards and guidelines, and livestock grazing systems in these alternatives are similar to recently used systems which have proven to be viable over time. My decision to select Alternative 3 Modified over Alternative 2 is then based on the adaptive management feature of Alternative 3 Modified. The FEIS identifies foreseeable future actions (Page 77), but experience shows that unforeseeable future actions are likely to occur as well (FEIS, Page 31). I like the flexibility that Alternative 3 Modified affords to respond to changing conditions with fewer ties to traditional grazing systems. I believe that managing environmental effects within the sideboards of Forest Plan standards and guidelines would be more readily achieved under Alternative 3 Modified than under Alternative 2.

Comments on the DEIS

I selected Alternative 3 Modified because I believe it is the most responsive alternative to comments received on the DEIS. The individual comments and responses are contained in Appendix B of the FEIS. The comments represented a wide variety of viewpoints on the preferred alternative. Some comments stated that the preferred alternative was too restrictive on livestock grazing operations while other comments stated that the preferred alternative did not contain enough restrictions on livestock grazing operations. I considered all of the comments carefully in making my decision.

I considered the government to government and staff to staff communications that we have maintained throughout the analysis process with the Nez Perce Tribe and the Confederated Tribes of the Umatilla Indian Reservation. With the JCRAA being part of Nez Perce Tribe ceded lands, I acknowledge our responsibility to address the reserved rights of hunting, fishing, gathering, and the pasturing of cattle and horses. Consequently, I instructed the interdisciplinary team to develop and address Alternative 4 and to modify and address Alternative 3. The new and modified alternatives emphasize protection of those rights to a greater degree than the proposed action. Alternative 4 provided for greater protection of steelhead-bearing streams from the presence of livestock grazing through fencing and altering livestock use. It also halted fall grazing of the Joseph Creek canyon, and limited livestock grazing to spring use, thus providing ample winter forage for big-game. In Alternative 4, it is also anticipated that if the Blue Mountain Land Exchange proposal is

finalized, that the Al-Cunningham allotment would not be stocked. Vacant allotments provide logical placements for tribal grazing if treaty rights are asserted. Obviously, Alternative 4 addresses the Nez Perce Tribe's concerns to a greater degree than the other alternatives. Modifications to Alternative 3 between the DEIS and FEIS also addressed tribal comments, albeit to a lesser extent than Alternative 4. Alternative 3 Modified includes some streamside fencing of steelhead fisheries, adopts the tribe's suggested controls on fall use of forage in big-game winter range, and adopts greater protections for Spalding's catchfly. When I consider the full range of comments received on the DEIS, however, Alternative 3 Modified emerges as a better balance, as described below.

Comments were received from a group of permittees that elected to submit a single letter. These comments focused on how information in the DEIS inaccurately characterized resource conditions in the JCRAA as degraded. These comments concluded with a preference towards a blending of Alternatives 2 and 3 so that producers would have more assurances in the future. These comments and responses to the comments are contained in Appendix B of the FEIS. Of particular concern in the permittee letter was the characterization of range condition within the South Crow and Doe Gulch Pastures of the Crow Creek Allotment. An October 2004 field review by the interdisciplinary team confirmed that range condition ratings used in the DEIS were overly broad and mischaracterized the range condition of these two pastures. The permittees also commented on how detrimental effects on aquatic and wildlife resources in the DEIS were presented as the general condition rather than isolated concern areas. The interdisciplinary team considered each of these comments and where warranted, revised the FEIS by clarifying the extent of any detrimental effects. I believe that the adaptability introduced by Alternative 3 Modified could be either beneficial or detrimental to permittee operations, depending on the adaptation that is needed. Therefore, I do not believe that my selection of Alternative 3 Modified constitutes an undue threat to the viability of livestock grazing operations in the JCRAA.

Of the 14 letters or e-mails we received on the DEIS, 11 of these contacts expressed a preference for no grazing or strictly limited grazing within the Joseph Creek Wild and Scenic River Corridor. One commenter submitted a detailed photo monitoring report taken along the Wild and Scenic River Corridor in August 2004 along with a letter referencing the report. The letter and photo report outlined what the commenter believed was substantial ongoing damage to the riparian vegetation and streambanks due to livestock grazing. Normally, the Wild and Scenic River corridor is grazed in the summer and fall. However, in August 2004, as described in the response to comment 7c.20, in Appendix B of the FEIS, a group of 10 cow-calf pairs and 1 dry cow were missed when moving a herd from the Swamp Creek allotment and spent about two weeks in the vicinity of Joseph Creek before they were detected. The livestock were removed upon notifying the permittee. We also received several reports of a moose residing in the corridor that summer, and elk presence along the river is not uncommon. All of these factors contributed to evidence of large animals being in the vicinity of Joseph Creek in August 2004.

When I review the monitoring photos, I note the evidence of large animals such as bent grass and some hoof prints along the river bank. However, when this relatively subtle amount of impact is compared to the standards established by the Joseph Creek Wild and Scenic River Management Plan, I believe that the impacts noted in August 2004 are well within the plan's desired condition. Joseph Creek is designated as a Wild River bounded by

an area designated Management Area 3 (big-game winter range). The Management Plan gives specific desired conditions to be achieved within the corridor related to livestock grazing. While I understand the value that individuals would place on this unique area, I also believe that the Management Plan, a Forest Plan amendment, is the basis from which I am obliged to manage the area. The FEIS clearly describes the existing condition within the corridor and projects future effects from livestock grazing that would be well within the limits of the Management Plan (Pages 165-166 and 214-216). Therefore, I feel that the level of protection provided to the Wild and Scenic River by Alternative 3 Modified is consistent with the Forest Plan. One commenter suggested that the Forest Plan be amended by my decision on the JCRA so that more restrictive standards could be placed on livestock-induced effects. I find no compelling need for a Forest Plan amendment, rather I note that a commenter simply disagrees with the standards implemented by the original Management Plan for the Joseph Creek Wild and Scenic River Management Plan.

Several letters on the DEIS were submitted by organizations that prepared detailed comments, and in response, the interdisciplinary team prepared detailed responses (Appendix B of the FEIS). I used these comments as information for modifying Alternative 3 and for developing Alternative 4. The level of concern about big-game indicated to me that Alternatives 3 Modified and 4 would best be designed to maintain in the fall 50 to 60 percent of available forage in designated big-game winter range. Protections for known Spalding's catchfly sites were strengthened for Alternatives 3 Modified and 4, based on these comments. Since Alternative 4 was developed partly in response to these comments, I expect that these commenters would support selection of Alternative 4 or perhaps an even more restrictive alternative. However, my selection of Alternative 3 Modified does address some of the concerns in these comments.

When I evaluate the comments received on the DEIS, I believe that Alternative 3 Modified strikes a reasonable balance by addressing comments that are within the scope of my authority as well as consistent with how grazing management has been represented by the Forest Plan and its amendments.

Findings Required by Other Laws, Regulations, and Orders

National Forest Management Act

The Forest Plan guides all natural resource management activities through the establishment of Forest-wide and Area-specific standards and guidelines. These standards and guidelines are based on the NFMA management requirements set forth at 36 CFR 219.27. The analysis contained in Pages 77 to 232 of the JCRA and the analysis contained in the Analysis File address (1) the NFMA management requirements of resource protection, riparian areas, soil and water, and diversity and (2) the Forest-wide and Area-specific standards and guidelines of the Forest Plan.

I find that these analyses demonstrate that the JCRA is consistent with the requirements of the NFMA and the standards and guidelines of the Forest Plan. Therefore, based on the effects analysis contained in Pages 77 to 232 of the JCRA, and the data in the Analysis File,

I find that the implementation of Alternative 3 Modified is consistent with Management Direction for the Forest Plan.

Endangered Species Act

As analyzed in the Lower Grande Ronde Biological Assessment, the proposed action 'may affect, but is not likely to adversely affect' listed Snake River steelhead. This is supported by the determination that the proposed actions would maintain or improve the environmental baseline of Matrix indicators for streams within the analysis area and would decrease the risk of aggregate and cumulative effects on population and/or habitat. A risk of direct effects from trampling of steelhead redds is identified, but the risk would be minimized through protection measures adopted for allotments containing steelhead habitat. Refer to Pages 145-169 of the FEIS for further information on direct, indirect, aggregate, and cumulative effects. National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (USFWS) have reviewed the best available information and concur with information presented in the Lower Grande Ronde Subbasin Multi-Species Biological Assessment (contained in the Analysis File). Both agencies concur with the Wallowa-Whitman National Forest finding that authorizing grazing in the JCRAA May Affect, but is not Likely to Adversely Affect listed Snake River steelhead trout. This concurrence was documented in a joint Letter of Concurrence from the two agencies received on April 30, 2001 and contained in the analysis file.

With respect to Spalding's catchfly, a determination of May Affect Likely to Adversely Affect was made for the Al-Cunningham, Cougar Creek, Crow Creek, Davis Creek, Hunting Camp, Table Mountain, and Swamp Creek Allotments, a determination of May Affect, Not Likely to Adversely Affect was made for the Joseph Creek Allotment, and a determination of No Effect was made for the Dobbins, Elk Mountain, and Fine Allotments. Refer to Pages 102-120 of the FEIS for further rationale behind these determinations. The USFWS concurred with these determinations through its Biological Opinion dated September 16, 2005.

Effects on threatened or endangered wildlife species, or species proposed for listing, were evaluated, and a determination of No Effect was made (refer to the Wildlife Biological Assessment in the Analysis File). Under interagency guidelines for implementing Section 7 of the Endangered Species Act, such a determination requires no consultation with USFWS.

Based on the process followed in making determinations of effect and consulting with USFWS and NMFS on these effects, I find that implementation of Alternative 3 Modified is consistent with Section 7 of the Endangered Species Act.

Clean Water Act

The Clean Water Act provides direction “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”. To carry out this law, the State of Oregon has established state water quality standards for factors such as water temperature, sedimentation, habitat modification and pH, and an anti-degradation policy to protect water quality conditions. Under the anti-degradation policy in Section 303(d), water bodies that do not meet water quality standards are designated as “water quality limited”.

Alternative 3 Modified is consistent with the Clean Water Act because as noted in the FEIS (Page 159), there would be no additional effect to the parameters for which certain streams in the JCRAA were placed on the ODEQ 303(d) list. Therefore, I find that implementation of Alternative 3 Modified is consistent with the Clean Water Act.

National Historic Preservation Act

The Oregon State Historic Preservation Officer (SHPO) has been consulted concerning proposed activities in the JCRAA. The SHPO concurred with findings by the project archaeologist that the project will have an effect on known cultural resources through a letter dated July 21, 2005. A Memorandum of Agreement will be drafted between the Forest Service and SHPO for implementing the mitigations and monitoring contained in the FEIS for archaeological site protection. I therefore find that Alternative 3 Modified is consistent with the National Historic Preservation Act.

Civil Rights, Women, and Minorities

Adverse effects on civil rights, women and minorities are not expected from implementing Alternative 3 Modified, as addressed on Page 231 of the FEIS. To the greatest extent possible, all populations have been provided the opportunity to comment before decisions are rendered on proposals and activities affecting human health or the environment. The activities in this decision will not have a direct or indirect negative effect on minority or low-income populations.

Environmental Justice

On February 11, 1994, President Clinton signed Executive Order 12898. This order directs each Federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The President also signed a memorandum on the same day, emphasizing the need to consider these types of effects during NEPA analysis. On March 24, 1995, the Department of Agriculture completed an implementation strategy for the executive order. Where Forest Service proposals have the potential to disproportionately adversely affect minority or low-income populations, these effects must be considered and disclosed (and mitigated to the degree possible) through the NEPA

analysis and documentation. Effects on the human environment from implementation of Alternative 3 Modified are expected to be similar for all human populations, regardless of nationality, gender, race, or income (refer to Page 231 of the FEIS). I therefore find that Alternative 3 Modified is consistent with Executive Order 12898.

Wetlands and Floodplains

Executive Order 11988 requires government agencies to take actions that reduce the risk of loss due to floods, to minimize the impact of floods on human health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. Wetlands and floodplains are affected by the decision in this ROD. Livestock grazing will occur within 100-year floodplains, however, the requirements in Alternative 3 Modified minimize impacts and in the case of Swamp Creek, would contribute to the restoration of the flood plain (Page 231 of the FEIS). I therefore find that Alternative 3 Modified is consistent with Executive Order 11988.

Executive Order 11990 requires that government agencies take action to minimize the destruction, loss, or degradation of wetlands. Streamside riparian areas, seeps, springs, and other wet habitats exist within the JCRAA and would be grazed by livestock. Management requirements and site-specific mitigation will minimize the effects of livestock grazing on wetlands (refer to Page 231 of the FEIS). I therefore find that Alternative 3 Modified is consistent with Executive Order 11990.

The Environmentally Preferable Alternative

In this decision, I have described the selected alternative and given rationale for its selection. It is also required by law that one or more environmentally preferable alternatives be disclosed [40 CFR 1505.2(b)]. The environmentally preferable alternative is not necessarily the alternative that will be implemented and it does not have to meet the underlying need for the project. It does, however, have to cause the least damage to the biological and physical environment and best protect, preserve, and enhance historical, cultural, and natural resources (Title I, Section 101, NEPA as amended).

In the case of the JCRA, I have determined that Alternative 1, no action, is the environmentally preferable alternative: Because Alternative 1 does not authorize livestock grazing, the influence of livestock on the biological and physical environment and historical, cultural, and natural resources would be eliminated. As previously noted, however, Alternative 1 does not meet the purpose of and need for action. Alternatives 2, 3 Modified, and 4 all authorize livestock grazing, along with the livestock-induced effects upon the biological and physical environment and upon historical, cultural, and natural resources. Refer to effects on the environment described in Chapter 3 of the FEIS.

Mitigation Measures

Mitigation measures pertinent to the action alternatives are listed below. Mitigation measures address potential impacts by avoiding adverse impacts, minimizing adverse impacts by limiting activities, or rectifying adverse impacts through rehabilitation. In addition to the mitigation measures listed below, measures are included from the Forest Plan (including PacFish/InFish) and agreements reached during the ESA consultation process for this proposal.

- Riparian/upland utilization standards will be met through season of use, riding, placing salt, and maintaining upland water sources.
- Allotments identified with unsatisfactory range conditions will be managed to promote upward trends. Specific direction will be identified in the subsequent Allotment Management Plans and the Annual Operating Instructions for each allotment.
- Permittees will be provided with a current list of noxious weeds and Threatened, Endangered, and Sensitive plant identification material. A map showing known noxious weed infestations and Threatened, Endangered, or Sensitive plant sites within each allotment will be reviewed at each annual operating meeting. Permittees will be asked to add known noxious weed locations not shown on the map.
- To reduce the risk of introducing noxious weeds, all heavy equipment used to maintain range improvements will be cleaned in a manner sufficient to prevent noxious weeds from being carried onto the analysis area. This requirement does not apply to passenger vehicles or other equipment used exclusively on roads. Cleaning will occur off of National Forest System lands. Cleaning will be inspected and approved by the Forest Officer in charge of administering the project, although permittees may complete the inspection.
- To reduce the risk of introducing noxious weeds, annual instructions include quarantining livestock that come from known weed infested areas before turning out on the National Forest and also inspection and treatment for allotment entry units if livestock have come from weed infested areas.
- To reduce the risk of introducing noxious weeds, any seed used in the maintenance of water developments or in restoration projects will be certified weed free.
- To reduce cattle impacts on riparian vegetation and stream channels, permittees will herd cattle during the grazing season at a frequency needed to reduce livestock concentration in riparian areas.
- To reduce cattle impacts on riparian vegetation and stream channels, permittees will select stock driveway locations that are on existing roads or avoid riparian areas.

- To reduce cattle impacts on riparian vegetation and stream channels, permittees will not place salt for livestock within ¼- mile of riparian areas.
- In the Catchfly, Holding, North Crow, South Crow, and Doe Gulch Pastures, protect Spalding's catchfly sites between approximately mid-May and late-August by not grazing in those pastures during that critical growth time period. Alternatively, avoid grazing management impacts to Spalding's catchfly sites in those pastures at that time by utilizing various fencing techniques to eliminate livestock around the Spalding's catchfly sites.
- In the North Crow, South Crow, Doe Gulch, Holding, Catchfly, and Dorrance Pastures, place salt so that livestock will not be encouraged to move toward the known populations of Spalding's catchfly. Keep salting locations greater than 1/4th mile from known occurrences unless site specific conditions dictate otherwise and the Forest Service concurs.
- Manage the South Crow and Doe Gulch Pastures in a manner that continues their recovery and transition past a mid-seral stage.
- To reduce the risk of mortality to Sensitive bat species, watering troughs will be installed with escapement ramps, and troughs will be checked each year.
- Strategize and set inventory priorities for areas where potential habitat for Spalding's catchfly has been identified and is at risk to impacts from livestock grazing as provided by this analysis. A range of 2,890 to 7,630 acres of risk areas would be inventoried. If sites are found, they would be protected utilizing the suite of actions being employed at the currently known sites in the Crow Creek and Swamp Creek Allotments.
- Herding activities that move livestock (not part of the Crow Creek allotment permit) through the Doe Gulch pastures in the fall, enroute from the Swamp Creek Allotment to deeded ground will be contained to the Doe Gulch roadway.
- Through project design, summer grazing of pastures containing Spalding's catchfly will be avoided under foreseeable circumstances, with the exception of the Dorrance pasture. In the Dorrance pasture, summer grazing will occur every other season and the Spalding's catchfly sites will be protected with herding or similar active management techniques, alternative fencing, during this use period.
- Permittees will be provided with a current list of noxious weeds and Threatened, Endangered, and Sensitive plant identification material. A map showing known noxious weed infestations and Threatened, Endangered, or Sensitive plant sites within each allotment will be reviewed at each annual operating meeting. Permittees will be asked to add known noxious weed locations not shown on the map.
- If a severe spring drought situation is declared for the range land in the northern part of Wallowa County as a result of recommendations from agencies within the Department of Agriculture, avoid spring grazing around the Spalding's catchfly sites

in the South Crow, Doe Gulch and Catchfly pastures. As an alternative to this pasture use, consider utilizing portions of the Dorrance, or Holding pastures (with permittee concurrence). Do not spring graze these pastures more than 3 seasons in a row.

- To Sensitive plant populations, salt placement to improve distribution during the grazing season would not occur within 1/4 mile of known Sensitive plant populations unless site-specific conditions dictate otherwise and the Forest Service concurs.
- To limit physical damage to known occurrences of Wallowa Mountain Ricegrass, Engelmann's daisy, and Hazel's prickly phlox, work with permittees on identification of these plants and their locations. Instruct permittees to photograph selected occurrences of Wallowa Mountain Ricegrass and Engelmann's daisy at the end of each grazing season and submit the photos to the Forest Service at the annual operating meeting.
- To reduce the potential for physical impacts from livestock management to Engelmann's daisy and Hazel's prickly phlox, instruct permittees not to establish any new stock drive-ways in steep canyon terrain without first surveying for this species, and routing the driveway to avoid any found occurrences.
- To reduce the risk to sensitive riparian areas, the following steps will be taken or projects identified. Where site-specific ground-disturbing projects are identified, a separate environmental analysis will be completed to address potential impacts associated with the ground-disturbing activities:

Use adaptive techniques such as herding, salting, adjusting season of use, developing upland water sources, and fencing to draw livestock away from sensitive areas.

Relocate water gaps to appropriate sites, harden gaps with rock and wood placement, and develop offsite water sources.

When livestock trailing causes premature channelization or headcutting of intermittent streams and ephemeral draws, place woody material, fence, or change the timing of grazing to address these problems as they occur.

Continue to re-locate troughs from in-channel locations.

Monitoring

The following items are needed to keep impacts at acceptable levels while moving range conditions toward desired conditions. These items would be applied to the project as it is implemented on the ground. These monitoring items address Forest Plan direction, Section 7 conclusions by the Level 1 ESA Consultation Team as documented in Biological Assessments and letters of concurrence, commitments within the Lower Grande Ronde Subbasin Biological Assessment (USDA 2001), terms and conditions within the Biological

Opinion for Effects on Steelhead from Implementing the Forest Plan (DOC 1999), Interagency Implementation Team's implementation and effectiveness monitoring (IIT), and additional elements determined necessary by the Interdisciplinary Team for the JCRAA. Refer to the FEIS for a definition of monitoring terminology (Pages 71-72).

- Complete trigger monitoring as needed during the grazing season to ensure end of season standards can be met.
- Complete end of season utilization monitoring annually at selected key areas. Priority key areas may include where resource concerns emerge or where previous years' utilization standards were exceeded.
- Carry out compliance monitoring as needed to ensure livestock are in appropriate pastures.
- Collect streambank disturbance data where needed.
- Complete Interagency Implementation Team implementation monitoring on key areas within the JCRAA.
- Participate in the Interagency Implementation Team Effectiveness monitoring when watersheds within the planning area are selected for review.
- Complete Condition and Trend monitoring using the appropriate methodology needed to identify trends for particular attributes (Parker 3-step, ecoplot, photo trend etc.).
- Follow the National Riparian Service Team's recommendations (refer to Appendix C) for annual monitoring of shrub utilization and streambank stability in the meadow segment of Swamp Creek in the Upper Swamp and Bennett Pastures of Swamp Creek Allotment and the Bennett Pasture of Davis Creek Allotment.
- Establish and monitor several key areas in elk winter range areas to ensure that 50 to 60 percent of the available forage is retained after fall livestock grazing on key species such as bluebunch wheatgrass and Idaho fescue.
- Monitor key areas in the Sumac Pasture of the Cougar Allotment for compliance with "unsatisfactory" range condition utilization standards until the pasture indicates mid to late seral stage plant communities. At this time, utilization standards for "satisfactory" range condition would be applied and compliance monitoring will continue for the revised standard.
- Shrub utilization monitoring on identified riparian areas will be documented using the riparian ocular utilization estimate form.
- Monitor and evaluate patterns of use of the Swamp Creek Allotment for three years to determine if stocking exceeds the allotment's capacity.

- Coordinate the development and implementation of population trend monitoring for the Spalding's catchfly found along Crow Creek. Trend monitoring implementation will be dependent upon budgets, available methodologies and recommendations within the Spalding's Catchfly Recovery Plan. Seek partnerships and academic assistance with monitoring plan establishment, re-reading and reporting. Utilize site visits and census techniques (where applicable) to look at site persistence until other monitoring techniques can be employed.
- To monitor forage utilization near Spalding's catchfly, ensure that adequate numbers of "key areas" are established in terrain that represents grassland conditions in the vicinity of the known Spalding's catchfly sites. Make these a priority for reading.
- Establish and conduct vegetation trend monitoring (using an appropriate methodology) in representative pastures where populations of Spalding's catchfly occur, to ensure that range condition is stable or on an upward trend.
- During grazing seasons, monitor conditions around representative Spalding's catchfly sites in the Crow Creek and Swamp Creek allotment for livestock impacts each year for 5 years. If no impacts are observed after 5 years, document and review again every 3rd year, or when there is a change in a permittee or a change in livestock class. Seasonally document monitoring results with photos and or short reports (memos). If signs of detrimental impacts, specifically new cattle trails, bedding/dusting areas, or more than incidental hoof impacts are identified within the sites, implement one or more of the following actions:
 - i. Change the grazing season, numbers or duration, to protect the occurrences from impacts.
 - ii. Fence or cage all or significant portions of the Spalding's catchfly sites.
 - iii. Herd, salt, or use other active management techniques to draw livestock away from the Spalding's catchfly sites.
 - iv. Move gates or alter cross pasture fences to better facilitate cattle movement away from Spalding's catchfly.
 - v. Avoid grazing during the critical growth period (approximately mid-May through late-August).
- In the Dorrance pasture, monitor as stated above and avoid summer grazing more than 3 years in a row. In the Catchfly pasture, monitor as stated above and avoid spring grazing more than 3 years in a row.
- Engelmann's daisy - While conducting utilization monitoring, observe the representative Engelmann's daisy patches in the Holding and Tamarack Pastures of the Hunting Camp Allotment. If needed, move key areas to better represent range conditions and Engelmann's daisy populations. If more than incidental livestock use

(trailing or herbivory) of Engelmann's daisy is observed, actively manage cattle to minimize the impacts.

- Wallowa Mountain Ricegrass - Revisit representative Wallowa Mountain Ricegrass occurrences in pastures being grazed in the spring at least once every 5 years.

Appeal Rights

Appeals under 36 CFR 215 must be fully consistent with 36 CFR 215.14, "Appeal Content." The notice of appeal must be filed hard copy with Steven A. Ellis, P.O. Box 907, Baker City, Oregon, faxed to 541-523-1315, sent electronically to appeals-pacificnorthwest-wallowa-whitman@fs.fed.us, or hand-delivered to the above address between 7:45AM and 4:30PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the Notice of Availability for this decision appears in the *Federal Register*. The publication date of the Notice of Availability is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format, or portable document format only. E-mails submitted to e-mail addresses other than the one listed above or in other formats than those listed or containing viruses will be rejected. Only individuals or organizations who submitted substantive comments during the comment period may appeal. This project may be implemented 50 days after this legal notice if no appeal is received. If an appeal is received, the project may not be implemented for 15 days after the appeal decision.

Contact Person

For additional information regarding this decision, please contact

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BARBARA C. WALKER
Wallowa Valley District Ranger
Wallowa-Whitman National Forest

Date