



United States  
Department of  
Agriculture

**Forest  
Service**

Pacific  
Southwest  
Region

R5-MB-062  
November 2004



# Decision Notice

## **Finding of No Significant Impact for Authorization of Livestock Grazing on the Kozy Kove Ranch**

Los Padres National Forest  
Monterey Ranger District



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## **I. INTRODUCTION**

The Monterey Ranger District of the Los Padres National Forest has prepared a Coastal Rangelands Analysis to document the assessment used to decide whether or not to authorize livestock grazing on all, part, or none of the Kozy Kove Ranch. The ranch is located within the Big Sur coastal rangelands on the Monterey Ranger District of the Los Padres National Forest.

The environmental analysis and assessment were developed under the implementing regulations of the National Environmental Policy Act, Council on Environmental Quality, Title 40, Code of Federal Regulations, Parts 1500-1508; and the National Forest Management Act, Title 36, Code of Federal Regulations, Part 219. Further direction is provided in the 1988 Los Padres National Forest Land and Resource Management Plan (Forest Plan).

## **II. DECISION NOTICE**

I have read the entire 'Environmental Assessment Coastal Rangelands Analysis' (EA) and supporting documentation and base my decision on the analysis disclosed therein. By proactively managing rangeland resources on National Forest System lands, the Forest Service is able to coordinate grazing with other uses and manage the Kozy Kove ranch in a manner that is compatible with ecosystem processes.

### **A. DECISION**

It is my decision to select Alternative 1, authorize continued livestock grazing on the Kozy Kove ranch. Implementation of this decision will include the following provisions:

1. A minor amendment to the Los Padres National Forest Land and Resource Management Plan (LRMP) to incorporate lands within the Kozy Kove ranch not designated wilderness under the Big Sur Wilderness and Conservation Act of 2002 into Management Area 42 with all applicable management direction as stated in the 1988 LRMP.
2. A minor amendment to the LRMP to designate lands capable to support livestock as suitable for livestock grazing.
3. The earliest on-date would be December 15 and the latest off-date May 15.
4. Authorized livestock may include cow/calf pairs; other mature cattle including bulls; yearling cattle.
5. Animal Unit Months will not exceed 160.
6. Implement the following resource protection measures:
  - a) Livestock grazing will meet the 1988 Los Padres National Forest Land and Resource Management Plan [LRMP] Goals and Objectives (pages 4-6 to 4-7), Management Practices (pages 6A-4 to 6A-5), Standards and Guidelines (pages 4-7 to 4-19), Management Area Direction (pages 4-20 to 4-174), Range Management Best Management Practices for water quality.
  - b) Follow riparian area Standards and Guidelines developed under the interagency 1995 interim Pacific Anadromous Strategy (PacFish) that apply to grazing.
  - c) Remove livestock from individual pastures and/or National Forest System lands when moderate utilization has been reached, as defined in the LRMP final EIS (1988). This will be interpreted as 1,000 lbs/acre of residual dry matter

(RDM) carried over to the new forage year.

d) All rangeland management activities will be in compliance with the 2003 grazing strategy for the Los Padres National Forest, as covered under the Region 5 MOU for Grazing and the (national) Programmatic Agreement between the California Historic Preservation Officer, Advisory Council on Historic Preservation, and the USDA Forest Service.

e) The Forest will instruct the permittees on which non-native invasive plants to be aware of and report annually of any new infestations on their allotments.

f) Salt and/or other supplements will be located greater than a ¼ mile from: all perennial water sources including ponds; vernal pools; TEPCS species and habitat; livestock and wildlife water developments; concentrated and developed recreation areas; and other sensitive areas including heritage resources, unless approved by the responsible Forest officer.

g) Follow all management requirements listed in Biological Opinions or Biological Assessments/Evaluations presented in the environmental assessment.

h) To protect the Smith's blue butterfly: Livestock shall be removed from individual pastures and/or National Forest System lands within ten days of when the following utilization standards have been reached within selected monitoring sites adjacent to suitable Smith's blue butterfly habitat.

- Utilization for range dominated by annual forage will not exceed 55-60%.
- Utilization for range dominated by perennial bunchgrass will not exceed 45 -50% on perennial bunchgrasses.

- i. Monitoring sites will be within 250 feet of suitable seacliff buckwheat stands (or close as possible given topographic restrictions). First preference for selected sites will be the allotment 'key livestock use areas' where monitoring for Forest standards and guidelines takes place; if no seacliff buckwheat stands exist within 250 feet of key livestock use areas, then the following order of preference will be used: Within 250 feet of primary range; within 250 feet of secondary range. Pastures without primary or secondary range within 250 of seacliff buckwheat stands will not be monitored for utilization as described above.
- ii. Where possible, if supplemental salt or minerals are provided the locations will be placed a minimum of ¼ mile from seacliff buckwheat stands to guide livestock away from these areas.
- iii. New water developments will be located a minimum of ¼ mile from seacliff buckwheat stands to guide livestock away from these areas.
- iv. Existing water developments located more than a ¼ mile from seacliff buckwheat stands will be maintained in a usable state.
- v. Permittees are required to maintain all improvements that are assigned by the permits that they hold. Maintenance shall be completed prior to cattle entering the allotment, or pasture if a multiple pasture system is in effect.

7. Allow for adaptive management through the following monitoring:

a. Implementation monitoring

- i. Check compliance with annual operating instructions. This will include spot-checking on/off and pasture move dates, evaluating allowable use, verifying permittee maintenance of range improvements, and observations of concentrated cattle use.

- ii. Within two weeks before or after the end of prescribed use period for allotments and/or individual pastures, determine utilization at designated key areas.
- b. Effective Monitoring
  - i. Re-read and analyze permanent condition and trend transects at approximately 5-year intervals.
  - ii. Evaluate nonnative invasive weed monitoring reports.
  - iii. Complete range management BMP implementation and effectiveness evaluations (USDA Forest Service, 2002) at 2 to 3-year intervals.
  - iv. Utilize water quality data provided by the Regional Water Quality Control Board, Monterey Bay Sanctuary Citizen Watershed Monitoring Network, or other available data.
- c. Validation Monitoring
 

To verify assumptions used to evaluate affects of livestock grazing on threatened, endangered and sensitive plant species, the following monitoring will occur within two seasons after implementation of this decision.

SPECIES	VALIDATION MONITORING OBJECTIVES
Hickman’s Onion San Simeon Baccharis Late-flowered Mariposa Lily Ojai Fritillary Davidson’s Bush Mallow	Conduct cursory surveys for potential habitat to validate that habitat is not accessible by livestock. If habitat is accessible, determine what the intensity of livestock use is. If habitat is accessible and use is occurring, conduct complete surveys of accessible habitats for presence of sensitive plants and evaluate impacts.
Jolon Clarkia Jones’ Layia	Conduct surveys of potential habitat to determine if these species are present on the allotment. If occupied habitat is discovered, conduct effectiveness monitoring to validate that stocking levels and grazing standards are effective in minimizing impacts from livestock grazing.

- d. Adaptive Management
 

If monitoring indicates that objectives are not being met within a five year timeframe following implementation of the proposed action; or if an evaluation indicates that progress is not being made towards those desired conditions that will result in meeting them within the implementation timeframe; or validation monitoring indicates previously unknown effects on sensitive species, an interdisciplinary team with relevant expertise will determine adjustments. Adjustments will choose from one of the following rangeland management practices or a combination:

  - Fencing and other structural improvements
  - Adjustments in season of use
  - Adjustments in allowable use levels
  - Adjustments in numbers of livestock
  - Period of rest

Changes will be reflected in the annual operating instructions and term grazing permit.

## **B. HOW ISSUES WERE CONSIDERED**

In making my decision, I considered the allotment-specific issues brought forward in Chapter 2 of the EA and compared the responsiveness of the alternatives to these issues.

1. Management Area Direction. Portions of this newly acquired ranch have not been incorporated into specific Management Areas with LRMP direction and management emphasis.

Under Alternative 1, all lands within this ranch will have management direction consistent with adjacent lands (Mgt. Areas 42 & 64).

Under Alternative 2, significant portions of Kozy Kove ranch will have no management direction available. Management will be limited in its ability to holistically manage the coastal rangelands from Salmon Creek south to San Carpoforo Creek with comprehensive strategies.

2. Biological Resources. Where cattle graze in or near Smith's blue butterfly (SBB) habitat, trampling can result in loss of host plant parts and mortality to pupae, larvae or eggs.

Alternative 1 provides protective measures (EA Chapter 3) for the less than one acre of primary range adjacent to SBB habitat. This alternative would not result in a significant change in the percentage of seacliff buckwheat stands on the MRD nor reduce the likelihood of both the survival and recovery of the Smith blue butterfly in the wild by reducing the reproduction, numbers or distribution.

Alternative 2 (No Grazing), removes a non-significant factor (grazing under Resource Protection Measures, EA Chapter 3) limiting the recovery of the SBB.

## **C. FACTORS CONSIDERED IN ARRIVING AT A DECISION**

Management considerations used throughout the analysis and displayed in the environmental assessment include the following:

1. To meet and maintain Desired Conditions.
2. To manage the coastal rangelands in a holistic manner in order to provide for native wildlife and plant species diversity and viability.
3. To develop proactive grazing prescriptions utilizing ecological sustaining principles.

## **D. HOW CONSIDERATIONS WERE WEIGHED AND BALANCED IN ARRIVING AT A DECISION**

In making my decision, I considered the factors above, purpose and need (Chapter 2, EA), environmental analyses conducted, allotment-specific issues (Chapter 2, EA) and public comments received throughout the analysis (project file). My decision weighed the effects of the project under present day conditions, considering Forest Plan consistency and public benefits.

Only one-tenth of an acre needs verification that we are meeting our *Desired conditions* for biological resources (EA Chapter 4). With our resource protection measures and the adaptive management process (EA, Chapter 3) in place, I am convinced Smith's blue butterfly habitat (seacliff buckwheat stands) will be managed for protection.



California buckwheat (*E. fasciculatum*), which is similar in life form and distribution to seacliff buckwheat, has a browse rating of fair to poor for cattle (EA Chapter 4). Protection therefore, lies in preventing livestock from physically or chemically impacting quality habitat. Along this line of thought, the Forest Service developed measures to avoid or minimize impacts to the Smith's blue butterfly and its host plants. Those measures (EA, Resource Protection Measures) were proposed to the U.S. Fish and Wildlife Service and adopted in their Biological Opinion (EA, referenced in Appendix A).

The relative amount and availability of palatable forage within the allotment has a direct influence on the degree of grazing within or adjacent to SBB habitat and potential utilization of buckwheat by livestock. By designating key areas for monitoring the utilization of palatable forage in primary and secondary range adjacent to seacliff buckwheat stands, range managers will be able to ensure that livestock are removed from the allotment well before forage becomes limiting and thus reduce the likelihood that cattle will browse within seacliff buckwheat stands.

Specialist reports contained in the project file (EA, Appendix A) were developed by resource professionals, utilizing their experience, knowledge and literature sources to conclude that grazing, as proposed in Alternative 1, will enhance *native species diversity*, maintain soil and water quality, and will not negatively impact special-status plant and animal species on the Kozy Kove ranch.

The *grazing prescription* was based on existing resource conditions (EA Range Specialist Report, referenced in Appendix A) historical use, available water, and estimated carrying capacity (Howell et al. 1999, EA Table 2). I am confident that monitoring for utilization under Forest Plan standards and Biological Opinion terms and conditions (EA, Resource Protection Measures) will sustain the ecological integrity of the allotment.

The chosen alternative is intended to *provide available forage to qualified livestock operators from lands suitable* on the Kozy Kove ranch. Prior to acquisition by the Forest Service, this historical ranch has sustained numerous livestock operations since the homestead era. Local operators have continued to request the use of forage produced on this ranch. The natural landscape and existing range improvements are conducive to the type of moderate well distributed grazing we prescribe on National Forest System lands, and allow for immediate livestock use with minimal investment (EA Table 9).

I have selected Alternative 1 because it best meets the purpose and need for the action while minimizing environmental effects with protections measures and adaptive management. Implementation of my decision will allow for continuation of a valid existing use under the Forest Plan, continue to maintain species diversity and viability over a broader scale, and be consistent with Forest Plan objectives.

### III. ALTERNATIVES CONSIDERED

**Alternative 1:** This alternative was accepted as the proposed action. To bring the Kozy Kove Ranch into compliance with the Los Padres National Forest Land and Resource Management Plan (1988), amend the Plan to incorporate lands within the ranch without management area direction into adjacent Management Area 42 with all applicable management direction. The earliest on-date would be December 15 and the latest off-date May 15. Authorized livestock may include cow/calf pairs; other mature cattle including bulls; yearling cattle. Animal Unit Months will not exceed 160. Allow for adaptive management.

**Alternative 2:** This is the no action alternative. Livestock grazing would not be authorized.

#### **IV. PUBLIC INVOLVEMENT**

The proposal was first listed in the January – March 1999 issue of the Schedule of Proposed Actions. On July 22, 1999, the Forest Service hosted a public meeting at Pacific Valley Station to share information about the NEPA analysis for the coastal grazing permits. Approximately 22 members of the public were in attendance. On August 4, 1999, a scoping letter was sent to 69 addresses, including individuals, agencies, groups, and Native American representatives.

On February 9, 2001, environmental assessments for this project were sent out for a 30-day comment period to those who responded to the scoping letter, appropriate government agencies, and local Native American representatives. In response to requests, the District Ranger extended the comment period until April 16, 2001. Obligations for consultation with local Salinan and Esselen tribes have been met through notification and request for comments, and responses to the comments (including site visits where appropriate). For Federal, State, and local agencies contacted see EA Chapter 5.

The environmental assessments have been updated and rewritten into one Coastal Rangelands Analysis. A new scoping letter describing the analysis area and proposed action was sent out to individuals, agencies, groups, and Native American representatives on March 15, 2004. On March 31, 2004, a legal notice was published in the Monterey County Herald providing the public a 30-day comment period as prescribed under regulations 36 CFR Part 215. Comments received are in the official project file. Contact John Bradford, Monterey District Ranger, King City, California.

#### **V. FINDINGS REQUIRED BY OTHER LAWS AND POLICIES**

##### **National Forest Management Act**

All management practices and activities in the selected alternative are consistent with Forest Service management direction, including Forest-wide Direction and Management Area emphasis (EA Appendix C) in the Los Padres National Forest Land and Resource Management Plan (1988), which were developed in accordance with and conform to requirements of the National Forest Management Act of 1976, 16 USC 1604 (i) and 36 CFR 219.10 (e).

##### **National Historic Preservation Act**

All rangeland management activities will be in compliance with the 2003 grazing strategy for the Los Padres National Forest, as covered under the Region 5 MOU for Grazing and the (national) Programmatic Agreement between the California Historic Preservation Officer, Advisory Council on Historic Preservation, and the USDA Forest Service. Thereby, complying with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800.

##### **Endangered Species Act**

General Forest Service direction for threatened and endangered species is found in the Forest Service Manual section 2672.42. This direction meets legal requirements set forth under Section 7 of the Endangered Species Act of 1973, as amended, and implementing regulations {19 U.S.C. 1536 (c), 50 CFR 402.12 (f), and 402.14 (c)}. Manual direction was followed in developing and analyzing the Coastal Rangelands Assessment, which includes the Kozy Kove Allotment.

## Clean Water Act

Compliance with the Clean Water Act is achieved through implementation and monitoring of Best Management Practices (BMP). BMPs are practices approved by the State and Environmental Protection Agency that are intended to result in compliance with State water quality standards. BMPs are a component of the Los Padres LRMP. The proposed action incorporates Range Management BMPs (EA Appendix B) and BMP effectiveness monitoring (EA Chapter 3).

The selected alternative meets the intent of the Clean Water Act. There are no State listed impaired streams within the coastal rangelands. Water quality will continue to be a result of the natural characteristics of the watershed.

## VI. FINDING OF NO SIGNIFICANT IMPACT

In assessing the impacts, I have determined that the action described herein is not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Both context and intensity, as discussed in 40 CFR 1508.27, have been considered in this finding of no significant impact. Therefore, this action is exempt from requirements to prepare an environmental impact statement. Specifically, this determination is based upon the following factors:

**1. Impacts 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.**

The impacts as disclosed in Chapter 4 and referenced in Appendix A of the environmental assessment and are not considered to be significant upon the human environment. Proactive management of the range resources will continue to provide available forage to the agricultural community while protecting the Oceanfront Watershed.

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

Public health and safety are minimally affected by the selected alternative.

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

There will be no significant irreversible resource commitments or irretrievable loss to historic or cultural resources, parklands, prime farmlands, wetlands or floodplains, wild and scenic rivers or ecologically critical areas.

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

Public participation (project file) and review of literature referenced (EA Appendix A) indicate that the effects of my decision on the human environment would not be highly controversial.

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

There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks (EA, Chapter 4 & Appendix A).

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

This alternative would not establish a precedent for future action, nor would it represent a decision in principle about a future consideration. Future projects would require additional site-specific analysis and decisions as required under the National Environmental Policy Act.

**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.**

The selected alternative is not related to other actions except what is disclosed in the environmental assessment and will not cumulatively result in significant impacts on the environment. The EA and the Watershed Analysis Report (EA referenced in Appendix A) both analyzed the effects of grazing on the coastal rangelands and found no cumulative effects. Specific management direction, constraints and protection measures will limit the physical and biological effects to the area.

**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.**

There is no potential for adverse effects upon sites that are listed in, or eligible to be listed in, the National Register of Historic Places. All rangeland management activities will be in compliance with the revised grazing strategy for the Los Padres National Forest, as covered under the Region 5 MOU for Grazing and the (national) Programmatic Agreement between the California Historic Preservation Officer, Advisory Council on Historic Preservation, and the USDA Forest Service.

**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.**

Smith's blue butterflies (SBBs) are not present in all suitable habitat. The distribution of host plants are far more extensive on the coast than is the distribution of the SBB. From Big Sur to San Carpoforo creek (including the coastal rangelands), it is estimated that the range of the SBB and its habitat extends over 55,000 acres (USFWS Status Report 2003, referenced in EA Appendix A). Within the Kozy Kove ranch there less than one acre of primary range and 2.9 acres of secondary range adjacent to suitable SBB habitat (EA Table 7). The majority of SBB habitat occurs on steep slopes outside primary and secondary range, over ¼ mile from developed water, the host plants are not a preferred forage species, and standards require that more palatable forage remain available to livestock (EA Resource Protection Measures).

Following all management requirements listed in Biological Opinions and Biological Assessments prepared for this project (EA, referenced in Appendix A) and incorporated into this Decision Notice, will eliminate or minimize impacts to the Smiths blue butterfly. Viable populations will continue to be well distributed across the Big Sur Coast. The amount of host plants lost and the amount of incidental take would be immeasurable relative to the entire species range. No critical habitat has been designated for the SBB; therefore none will be affected under the grazing alternative.

This action is not likely to adversely affect any other federally listed threatened or endangered species or their critical habitat. This action will not impact Forest Service listed sensitive species or other species identified for protection under the Forest Plan (EA Specialist Reports, referenced in Chapter 4).

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

The selected action will not violate any federal, state, or local law or requirements imposed for the protection of the environment. This alternative is consistent with the Los Padres National Forest Land and Resource Management Plan and with the National Forest Management Act. The EA is in compliance with the National Environmental Policy Act.

Implementation Date

Implementation of this decision shall not occur within 50 calendar days following publication of the legal notice in the Monterey County Herald, newspaper of Monterey, California.

To obtain a copy of the associated Environmental Assessment, contact Jeff Kwasny, U.S. Forest Service, Big Sur Station #1, Big Sur, CA 93920; phone 831-667-1126; or log onto the Los Padres National Forest web site @ [www.fs.fed.us/r5/lospadres/projects/analysis.html](http://www.fs.fed.us/r5/lospadres/projects/analysis.html).

Administrative Review or Appeal

This decision is subject to appeal pursuant to Secretary of Agriculture regulations for appeal of Forest Service decisions as specified in 36 CFR 215. Only persons, organizations or entities who submitted substantive comments during the comment period (36 CFR 215.13) may file an appeal. To initiate an appeal, a written notice of appeal must be filed with the Regional Forester's Office:

Appeal Deciding Officer  
USDA Forest Service  
1323 Club Drive  
Vallejo, CA 94592

Their official hours are 8am to 4pm, Monday-Friday. The fax number for the Regional Forester's office is: 707-562-9091. To send in appeals via e-mail, send to: [appeals-pacificsouthwest-regional-office@fs.fed.us](mailto:appeals-pacificsouthwest-regional-office@fs.fed.us). The Appeal Deciding Officer must receive appeals within 45 days following the publication date of this legal notice of decision in the Monterey County Herald (36 CFR 215.15). The publication date of this legal notice is the exclusive means for calculating the time to file an appeal.

At a minimum your notice of appeal must: include your name, address and, if possible, a telephone number; identify this decision being appealed (include the title of this document, its date and the name and title of the Forest Officer who signed it); regulation under which the appeal is being filed; identify the specific change(s) in the decision that you object to and why you object; identify the specific change(s) in the decision that you seek; state how the decision fails to consider substantive comments previously provided, and if applicable, how you believe the decision violates law, regulation, or policy. An appeal can be dismissed if it fails to meet the minimum requirements of 36 CFR 215.14.

*Kozy Kove Ranch*

For further information about this decision or the environmental assessment, contact John Bradford, Monterey District Ranger, U.S. Forest Service, 406 South Mildred Ave., King City, CA, (831) 385-5434; or Jeff Kwasny Big Sur Ecosystem Manager at Big Sur Station #1, Big Sur, CA, (831) 667-1126.

/s/ Gloria Brown  
GLORIA BROWN

12/06/2004  
Date

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