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**Forest
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Region

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Decision Notice

Finding of No Significant Impact for Not Authorizing Livestock Grazing on the Torre Canyon Allotment

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 Torre Canyon allotment. The allotment 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 retain the balance between existing grazing and non-grazed lands within the coastal rangelands.

A. DECISION

It is my decision to select Alternative 1; livestock grazing will not be reauthorized on the Torre Canyon Allotment. There will be a minor amendment to the Forest Plan to remove this allotment from the Los Padres National Forest grazing program. There are no current permits; therefore none will be phased out.

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.

Vacant Allotment. The Torre Canyon allotment has been vacant with no demand for forage since 1987.

Alternative 1 removes this vacant allotment from the Forest grazing program. Based on no inquiries by qualified applicants, adjoining non-fenced private property, and costly range improvement needs (EA Table 9), preparing this allotment for use is not practical.

Alternative 2 would retain this allotment as active. Resource Protection Measures presented in Chapter 3 of the EA would be applied; new range improvements (EA Alternative 2) would be constructed prior to authorized use.

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 manage the coastal rangelands in a holistic manner in order to provide for native wildlife and plant species diversity and viability.
2. Conflict with neighbors for both trespass livestock and potential impact on domestic water sources.

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.

There are 577 acres of grasslands within the allotment. Specialist reports contained in the project file (EA, referenced in Appendix A) predict no change from the *native species diversity*. The open grasslands would continue to be dominated by annual grasses shading out the small forbs. Diversity will continue to be lower than potential but within the acceptable realm of our desired condition. Weather would be the primary influence on vegetation productivity.

The chosen alternative will remove 834 Animal Unit Months (EA, Table 2) of *available forage* from the coastal rangelands. Considering there has been no demand since 1987, including adjoining private landowners, it is apparent that this allotment does not provide a viable livestock operation.

Public involvement has indicated a common concern among neighboring landowners about the ability of an operator to keep *livestock from trespassing* onto their properties. In addition, the Forest would be obligated to protect permitted water diversions located within the Torre Canyon allotment used for *domestic water sources*.

I have selected Alternative 1 because there has been no demand for forage on the Torre Canyon allotment since 1987, the resources and costly new improvements needed to keep livestock within the allotment, out of domestic water sources (EA Table 9), and to prevent conflicts between neighboring landowners and trespass livestock. There are no current permittees, nor any in waiting. Closure would retain the existing balance between grazing lands and non-grazing lands within the coastal rangelands. Implementation of my decision will not affect other ongoing activities permitted under the Forest Plan.

III. ALTERNATIVES CONSIDERED

Alternative 1: This alternative was accepted as the proposed action. This is the no livestock-grazing alternative. Under this alternative, the Forest Service would not authorize livestock grazing.

Alternative 2: This is the no action alternative. Grazing would be authorized based on historic use, available water and carrying capacity. Authorized use on the Torre Canyon allotment would provide for 25 cow/calf pairs; or other mature cattle including bulls or yearlings. Animal Unit Months will not exceed 125. Season of Use will be 2/15 – 7/15 annually. Changes to grazing management would be administrative only. Proactive management of the range resource, to adapt to changing resource or environmental conditions would not occur.

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 re-written 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 Alder Creek Allotment.

Clean Water Act

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.

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.

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.

This action is not likely to adversely affect any 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.

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

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. 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.

Torre Canyon Allotment

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.

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

Forest Supervisor
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