

## **Applicable Laws, Regulations, and Plans**

The planning and decision-making process for this project was conducted in accordance with applicable laws, regulations, policies, and plans. Listed below are Federal laws and executive orders pertaining to this project-specific planning and environmental analysis. This project is consistent with the following:

*American Indian Religious Freedom Act of 1978:* This project would not deny American Indians access to land within the project area for traditional and cultural purposes nor would it infringe upon the rights of Native Americans to worship through ceremonies or traditional rights within the project area. The 26 consulting tribes for the San Juan National Forest have been consulted on this project.

*Clean Air Act of 1955:* Cattle grazing is not anticipated to cause disproportionate adverse human health or environmental effects to air quality.

*Clean Water Act of 1948, as amended:* This project complies with Colorado State laws regarding natural resource protection, including but not limited to water quality.

*Executive Order 13007 (Indian sacred sites):* Access to and ceremonial use of sacred sites by Indian religious practitioners would be accommodated with this project, and activities associated with this project would avoid adversely affecting the physical integrity of such places.

*Multiple Use-Sustained Yield Act of 1960:* This project is consistent with applicable San Juan National Forest Plan standards and guidelines.

*National Historic Preservation Act of 1966, as amended:* A Heritage Resources compliance report is being finalized for the permit renewal and new reports will be developed as the evaluation for allotment improvement activities are conducted over the next few years.

*Native American Graves Protection and Repatriation Act of 1990, as amended (25 U.S.C. 3001 et seq.):* This project should not result in the disturbance of any Native American Graves. However, if any Native American burials or grave goods are discovered during any project activities related to this DEIS, all work at that location will cease and the Forest Archaeologist will be notified immediately. The find will be protected and treated with respect and dignity, and the affiliated tribes will be notified as soon as possible and consulted on the appropriate treatment and disposition of the find.

*National Historic Preservation Act of 1966, as amended:* A Heritage Resources compliance report is being finalized for the Glade management plan and permit renewals. Additional project reports will be done over the next few years as the need arises for additional allotment improvement activities. The Forest Service has initiated consultation with the Colorado State Historic Preservation Office (SHPO) and Native American Tribes for the current action and will continue to consult as needed over proposed allotment improvement projects as they are identified.

*National Environmental Policy Act (NEPA) of 1969, as amended:* The effects of the Proposed Action and alternatives have been analyzed and are disclosed in this DEIS.

*Endangered Species Act (ESA) of 1973, as amended:* The Endangered Species Act (ESA, PL 93-205), Forest Service Manual (FSM) 2670.11, 2670.21 and 2670.31 direction, require that National Forest System lands are not only managed for endangered, threatened and proposed (TEP) species, but also to recover TEP species. The ESA states that all Federal departments and agencies shall seek to conserve TEP species. FSM 2670 directs forests to manage National Forest System habitats to achieve recovery of TEP species and to avoid the need to implement special protection measures under the ESA.

The analysis and disclosure of effects to endangered, threatened, and proposed species is complete. Section 7(a)(2) of the Endangered Species Act requires that Federal agencies consult with the U.S. Fish and Wildlife Service (USFWS), as appropriate, to ensure that our actions do not jeopardize the continued existence of species listed as threatened or endangered under the ESA, or destroy or adversely modify designated critical habitat. There would be no effects to species listed under the Endangered Species Act because none of these species occurs in the project area.

*Forest and Rangeland Renewable Resources Planning Act of 1974, as amended:* This project is consistent with applicable San Juan National Forest Plan standards and guidelines.

*National Forest Management Act (NFMA) of 1976, as amended:* This project addresses all applicable Forest Plan forest-wide standards and guidelines and management area direction as they apply to the project area. This project is also in compliance with Forest Plan goals and objectives. All required interagency review and coordination has been accomplished.

*American Indian Religious Freedom Act of 1978:* This project would not deny American Indians access to land within the project area for traditional and cultural purposes nor would it infringe upon the rights of Native Americans to worship through ceremonies or traditional rights within the project area. The tribes have been consulted on this project.

*Executive Order 13007 (Indian sacred sites):* Access to and ceremonial use of sacred sites by Indian religious practitioners would be accommodated with this project, and activities associated with this project would avoid adversely affecting the physical integrity of such places.

*Executive Order 12898 (environmental justice):* Implementation of this project is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low-income populations (see “Environmental Justice” analysis in the Socio-Economic section of Chapter 3).

*Executive Order 13186 (migratory birds):* On January 10, 2001, President Clinton signed Executive Order 13186 for the “Responsibilities of Federal Agencies to Protect Migratory Birds” which directed Federal agencies to develop a memorandum of understanding with the U.S. Fish and Wildlife Service to promote conservation of migratory birds. Agencies shall identify potential impacts to migratory birds and their habitats, avoid or minimize adverse impacts, restore and enhance habitats, and evaluate the effects of actions on migratory birds.

This project is consistent with the *Migratory Bird Treaty Act of 1918*, as well as Agency guidelines for conformance with the Act.

*Forest Service Sensitive Species:* Forest Service Manual 2621.2 directs managers to display findings under the various management alternatives considered for individual projects. This assessment is based on the current geographic range of sensitive species on the San Juan National Forest and the area affected by the project. This assessment considers, as appropriate for the species and area, factors that may affect the current trend for the species' population.

Sensitive species are defined as "those plant and animal species identified by a Regional Forester for which population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or significant current or predicted downward trends in habitat capacity that would reduce a species' existing distribution (FSM 2670.5(19))."

It is the policy of the Forest Service regarding sensitive species to:

- Assist states in achieving their goals for conservation of endemic species;
- Review programs and activities through a biological evaluation to determine their potential effect on sensitive species;
- Avoid or minimize impacts to species whose viability has been identified as a concern;
- Analyze the significance of potential adverse effects on the population or its habitat within the area of concern and on the species as a whole (the line officer, with project approval authority, makes the decision to allow or disallow impacts, but the decision must not result in loss of species viability or create significant trends toward Federal listing); and
- Establish management objectives in cooperation with the State when projects on National Forest System lands may have a significant effect on sensitive species population numbers or distributions.
- Effects to Forest Service sensitive species were considered and a biological assessment and biological evaluation have been completed for sensitive plants and wildlife.

*Management Indicator Species (MIS):* The Forest Service is required to address MIS in compliance with various regulations and Agency policy (36 CFR 219, Forest Service Manual (FSM) 2621 and 1920), which are, themselves, tiered to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the NFMA.