



Forest
Service

Southwestern
Region



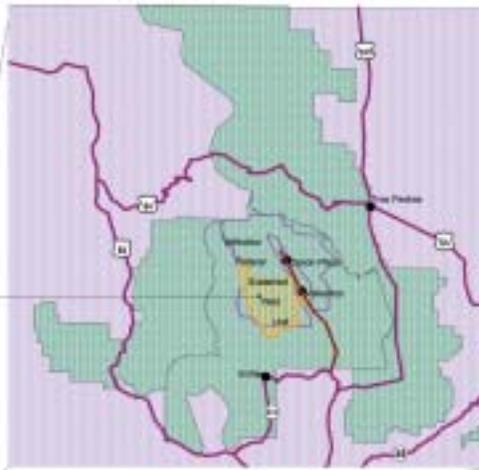
Record of Decision for the Agua/Caballos Proposed Projects

Carson National Forest
Rio Arriba County, New Mexico



Site Location Map

**Agua Caballos
Analysis Area**

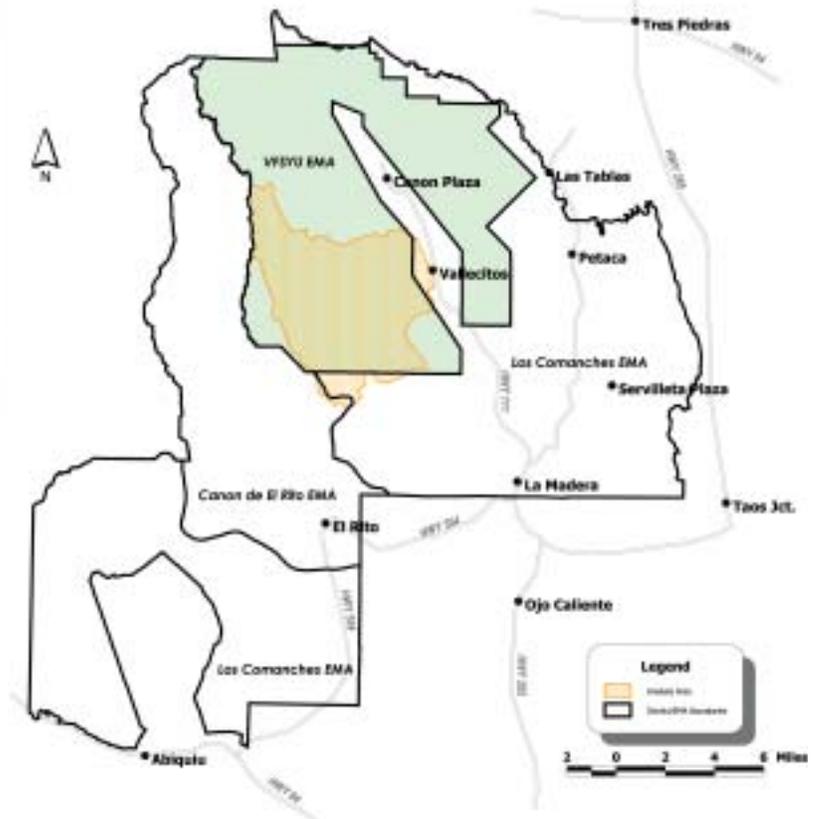


Colorado



Carson National Forest - El Rito RD

LOCATION OF ANALYSIS AREA



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Record of Decision Agua/Caballos Proposed Projects

Carson National Forest

**Southwestern Region
USDA Forest Service**



Background

The Agua/Caballos analysis was initiated in 1992. [32] The first draft environmental impact statement (DEIS) was published and available for comment in 1995. [184] In 1996, the decision to amend all forest plans for the Mexican spotted owl and northern goshawk went into effect in the Southwestern Region. [193C] Since the alternatives developed for the 1995 DEIS were not consistent with the 1996 Forest Plan amendment, a second DEIS with new alternatives was issued in 1999—replacing the 1995 document. [249]

After reviewing the comments on the second DEIS, a new alternative, Alternative G, was developed to better meet the purpose and need and keep new road building to a minimum. In order to inform people of the new alternative and give them an opportunity to comment on it, a supplement to the DEIS was prepared and distributed in August 2000. [295]

In June 2002, a Final Environmental Impact Statement for the Agua/Caballos Proposed Projects was published, along with a Record of Decision. [322] Subsequently, one appeal was filed with the Regional Forester. [333] On October 1, 2002, the Appeal Deciding Officer reversed my decision with the following instructions:

1. Complete the analysis of effects on management indicator species (MIS), considering population and habitat information collected at the forest plan level or at an appropriate geographical scale for a particular species.
2. Upon completion of this analysis, circulate a supplemental environmental impact statement for public comment and issue a new decision under 36 CFR 215. [335]

The first of the two appeal instructions was completed in early May 2003 with an updated Forest-wide Management Indicator Species Assessment for the Carson National Forest. This assessment is found under “Planning” on the Carson’s Web site at <http://www.fs.fed.us/r3/carson/>. It is also filed in the Project Record [314] and supersedes the previous assessment under the same record number. The updated Forest-wide MIS Assessment resulted in some changes to the MIS section of the Agua/Caballos FEIS Chapter 3, *Wildlife*. Consequently, a supplement to the final environmental impact statement (SFEIS) was circulated for public review and comment in July 2003, fulfilling the first point of the second appeal instruction. [344]

The SFEIS provided the public a chance to review new information on the Carson National Forest’s MIS and how the species relate to the Agua/Caballos Proposed Projects analysis. It was sent to all those who received a copy of the Record of Decision and FEIS for the Agua/Caballos Proposed Projects. The Forest Service received 7 comment letters (letters 56-62). Responses to the comments are considered a part of the 2002 FEIS and are included in the Final Supplement to the FEIS, a separate document issued with this decision. This Record of Decision completes the instructions from the Appeal Deciding Officer.

The environmental analysis process for the Agua/Caballos Proposed Projects has not been a continuous effort, as changes in regional direction, personnel and forest priorities have lead to several interruptions in the process. Although various groups or members of the public periodically expressed frustration over the length of time it was taking to go through the process, public involvement was continuous. I am grateful for the patience of all who participated in the process. The public’s perseverance has contributed to a well thought out and deliberative decision.

Decision

It is my decision to implement Alternative G, as described in the “Final Environmental Impact Statement for the Agua/Caballos Proposed Projects” (June 2002). [323]¹ Alternative G best moves toward the desired condition for the Vallecitos Federal Sustained Yield Unit (VFSYU) and meets the purpose and need stated for the proposal (FEIS, Chapter 1). My decision is based on: 1) a comparison of projected environmental effects of the proposed action and alternatives (FEIS, Chapter 3); 2) the significant issues and how well each alternative resolved them (FEIS, Chapter 2); and 3) the content of comments (over 400) provided throughout this analysis (Appendix B in the FEIS and Supplement to the FEIS). My decision is consistent with the Carson Forest Plan as amended and with all applicable laws.

My decision will implement forest management activities on 16 percent of the Agua/Caballos analysis area through (also see Maps 1-3, at the end of this document):

- Thinning to control dwarf mistletoe on 1,310 acres.
- Treating 33 percent (1,210 acres) of high priority stands for insects and/or disease.
- Commercially thinning 28 percent (2,379 acres) of densely stocked stands.
- Precommercially thinning 1,693 acres.
- Regenerating 79 acres of aspen.
- Removing trees in 8 acres of meadow.
- Prescribed burning 79 acres of meadow.
- Prescribed burning 1,986 acres of treated stands.
- Offering approximately 6.4 million board feet (MMBF) of sawtimber—6.1 MMBF within the VFSYU to local operators and 0.3 MMBF outside the VFSYU.
- Offering approximately 6,039 cords of pine firewood—4,824 cords within the VFSYU to local operators and 1,215 cords outside the VFSYU.
- Providing approximately 790 cords of aspen firewood—all within the VFSYU.
- Providing aspen latillas on 102 acres.
- Allocating 20 percent of the Agua/Caballos analysis area to old growth.
- Constructing 3 miles of new road.
- Reconstructing 16.7 miles of existing road.
- Creating 20 miles of temporary road, to be closed immediately following implementation.
- Closing 43 miles of existing road following project implementation.
- Maintaining 64.4 miles (1.7 miles/square mile) of open road.
- Deferring closure of 5.6 miles of existing road from the Borracho Timber Sale until completion of activities where these roads are needed.
- Developing four new water sources for wildlife and livestock.
- Prohibiting timber management activities from May 1 to July 25 in primary elk calving areas identified on Maps 2 and 3 of this decision.
- Monitoring the implementation of mitigation measures and their effectiveness – particularly those related to soil stability.
- Comparing the effects of various treatments that apply diameter limits with those that do not, to validate objectives of improving vegetative structural stage class distribution and stand conditions.
- Generating opportunities for interested publics to participate in monitoring effects.

¹ Source documents from the project record are incorporated by reference in this decision by showing the document number in brackets [#]. An updated index to the project record is included with this decision.

Mitigation and Monitoring

All practicable means will be employed to avoid and/or minimize environmental harm. Detailed descriptions of required mitigation measures can be found in Chapter 2, Table 3 of the 2002 FEIS. The district ranger will be responsible for seeing the project is implemented on the ground as designed – including the execution of mitigation measures and monitoring.

This decision adopts the Monitoring Plan found in Appendix G of the 2002 FEIS, which specifies the monitoring activities required during and after implementation. The purpose of monitoring and evaluation is to inform the responsible official, the staff, and interested public of progress toward the goals and objectives during the accomplishment of projects. Monitoring this project is important to many people interested and involved in management of the Vallecitos Federal Sustained Yield Unit. Interested parties will have the opportunity to be involved in monitoring.

As a part of this decision, microhabitat monitoring plots will be established in all restricted Mexican spotted owl habitat stands where any tree cutting or burning is planned. The monitoring will follow the “Region 3 1998 Protocol for Implementation and Effectiveness Monitoring of Mexican Spotted Owl Habitat.” Permanent plots will be established before any treatments are conducted. Plots will be measured again, once all treatments are completed to determine if there is any effect on the potential habitat (positive or negative) as a result of the treatments.

Not only is this decision on the Agua/Caballos analysis area a commitment to improving overall habitat conditions for the northern goshawk, but also to protecting important areas such as goshawk nest sites. Since the northern goshawk is known to inhabit the Agua/Caballos analysis area, priority habitats where these birds might possibly use as nest sites will be reinventoried prior to implementing any treatment. [244]

Resource specialists and the district ranger will visit the analysis area as long as management activities are taking place. All monitoring activities (including mitigation measures) listed in the Agua/Caballos Monitoring Plan will be documented and placed in a monitoring file established specifically for the Agua/Caballos analysis area. If monitoring results indicate that laws, regulations, standards or objectives are not being met, or mitigation measures are not effective, the activity will be modified to remedy or ameliorate the problem.

Annually, the monitoring data will be consolidated and available for review by interested parties. The Forest Service will evaluate the monitoring results. In addition, the Forest Service will periodically assess and update the Agua/Caballos Monitoring Plan. The monitoring plan, like the EIS, is based on the best available scientific information at this time, some of which is referenced in the EIS. It is important that as new relevant research results become available, that they be integrated into this adaptive monitoring strategy.

Consistent monitoring and evaluation will also provide information on the impacts of our activities on management indicator species to ensure viable populations are maintained. I am committed to continuing these inventories (see discussion below on MIS), and they have been included in the program of work for fiscal year 2004. In addition, prior to the implementation of activities within squirrel habitats on the Agua/Caballos analysis area, stands will be reevaluated for both Abert’s and red squirrel activity. High activity areas will be deferred from treatments.

Rationale for My Decision

I still find Alternative G is the most appropriate management approach to take on the VFSYU at this time. In particular, it responds best to the issues and concerns of those who are interested or affected by the activities to be implemented.

This decision will provide a sustainable flow of forest products to meet the objectives for the VFSYU, while protecting potential habitat for threatened, endangered and sensitive species and improving habitat for the Forest Service sensitive northern goshawk. This decision will contribute to the economic stability of the Vallecitos area by providing a variety of wood products including, sawtimber, vigas, personal-use firewood, commercial firewood and latillas, as well as meet the intent of a 1996 court mandated Stipulated Settlement Agreement and Order [193A&B, 198A] and the 1944 Sustained Yield Forest Management Act. Along with a sufficient area set aside for development into old growth, all existing old growth will be allocated within the analysis area. This allocation works toward the desired condition identified in the 1996 "Region-wide Amendment for Forest Plans" [193C].

Management Indicator Species

Upon review of the updated Forest-wide Management Indicator Species Assessment [314] and the analysis of the effects of Alternative G in the Final Supplement to the FEIS, I have concluded that my decision would contribute to improving or maintaining management indicator species habitat and sustaining their populations on the Carson National Forest.

In their appeal of my original decision, the appellants contested that the Carson National Forest "did not take the time to gather population data for indicator species." [333] In 2003, a program was established to address monitoring of management indicator species, particularly those with little existing data on the forest. In addition to the ongoing forest monitoring of resident trout and macroinvertebrates and monitoring in cooperation with the New Mexico Department of Game and Fish for elk, bighorn, turkey and fish, the Carson National Forest has initiated population monitoring for birds and small mammals. [353, 354, 355] The surveys not only provide information on management indicator species – Brewer's sparrow, juniper titmouse, hairy woodpecker, Abert's squirrel and red squirrel – but also other small mammals and birds. These monitoring projects are based on a random sample design to scientifically survey for the species across their range forest-wide, therefore, sample points were not selected based on proposed project locations such as the Agua/Caballos analysis area.

Mexican Spotted Owl Proposed Critical Habitat

On November 18, 2003, the U.S. Fish and Wildlife Service published a proposal to designate critical habitat for the Mexican spotted owl (MSO) on National Forest System lands (68 FR 65020). [350] The western portion of the Agua/Caballos analysis area is within the proposed critical habitat. [352] Since Alternative G includes activities within proposed MSO critical habitat, the Carson National Forest initiated conferencing in December 2003. [352] Each of the constituent elements was evaluated in an Addendum to the Biological Assessment and Evaluation. [263] In a conference report (2/9/2004) responding to the addendum, the U.S. Fish and Wildlife Service states, "...we concur with the El Rito Ranger District determination that the action as proposed may affect, not likely to adversely affect proposed critical habitat for the owl." The agency adds that we may request the conference report as a letter of concurrence issued through informal consultation if critical habitat for the owl is designated in the project area. [359]

During the formal comment period for the 1999 draft environmental impact statement (DEIS) and the 2000 supplement to the DEIS, letters from Carson Forest Watch refer to the 2000 proposal for MSO critical habitat. [253, letter 26 & 300, letter 43] At the time Carson Forest Watch's comments were addressed, the Final Rule designating critical habitat had been published. [294A] Neither the Agua/Caballos analysis area, nor the Carson National Forest was included in the designation. The Final Supplement to the FEIS - Chapter 3, *Wildlife* addresses MSO critical habitat and is information I considered in making my decision.

Northern Goshawk

Outside of suitable habitat for the Mexican spotted owl, the Agua/Caballo EIS and this decision are principally based on managing for northern goshawk and its habitat – particularly through the application of goshawk standards and guidelines outlined in the 1996 “Region-wide Amendment of Forest Plans” and the “Management Recommendations for the Northern Goshawk in the Southwestern US” (Reynolds et al., 1992).² [193C & 17A] In light of a court challenge resulting in an opinion, the Forest Service is directed to address the responsible opposing viewpoint over habitat preferences of the goshawk in a supplement to the FEIS and issue a new decision. [351] In the interim, the 1996 amendment has not been enjoined or found to be wholly inadequate by the Court and continues to be used as Forest Plan direction for the goshawk, as well as the Mexican spotted owl.

During the formal comment period for the 1999 “Agua/Caballo Proposed Projects DEIS,” Carson Forest Watch and Forest Guardians submitted comments. Both letters mention an opposing viewpoint associated with goshawk habitat management. [253-letters 21 & 26] Responses to these comments were provided in the FEIS (pp. 349 & 351). These responses have been updated in Appendix B of the final supplement to the FEIS (included with this ROD). In addition, Forest Guardians’ reference to a publication by Shuster (1980)³ was addressed in Appendix I – *Publications or Papers Brought Forth by the Public* (FEIS, pp. 419-425). Appendix I of the FEIS has also been updated in the final supplement.

The effects of Alternative G on the northern goshawk and its habitat are thoroughly analyzed for the Agua/Caballo analysis area in the FEIS (Chapter 3, *Wildlife*, pp. 200-207) and the biological assessment and evaluation. [263] The Final Supplement to the Final Environmental Impact Statement, Chapter 3, *Wildlife* addresses the opposing viewpoint over the management of goshawk habitat and is information I considered in making my decision.

Comparing Alternatives

Alternative A was not selected because it does little to meet the purpose and need to benefit forest health and soil productivity. In addition, it does not provide any sawtimber or forest products needed to support local businesses and does not meet the intent of the court mandated Stipulated Settlement Agreement and Order, as well as the Sustained Yield Forest Management Act.

Although Alternative C best meets the purpose and need to benefit forest health and provide sawtimber (9.6 million board feet) to the local sawmill, this alternative was not selected because it does not respond to local public concern and recent changes in Forest Service management objectives. Alternative C would require 23 miles of new road construction. A number of public comments on the Agua/Caballo Proposed Projects were related to the amount of new road construction needed to implement management activities. In addition, Forest Service management objectives for road system development have recently changed. The Forest Service seeks to find an appropriate balance between the benefits of access to national forests and the costs of road-associated effects to ecosystem values.

Alternative D moves the analysis area toward desired vegetation structural stage (VSS) distribution, but does not create very many acres of small, temporary openings or regenerate many acres of aspen. In addition, Alternative D was not selected because it would only provide 2.1 million board feet of sawtimber to the local sawmill—doing little toward meeting the intent of the Sustained Yield Forest Management Act. Alternative E and the selected Alternative G are

² Reynolds, Richard T.; Graham, Russel T.; Reiser, M. Hildegard; and others. 1992. Management recommendations for the northern goshawk in the southwestern United States. General Technical Report RM-217. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station. 90 p.

³ Shuster, W.C. 1980. Northern goshawk nest site requirements in the Colorado Rockies. *Western Birds*. 11:89-96.

similar. Although Alternative E would not construct any new roads, it was not chosen because it does not address current resource issues caused by Forest Roads 44L and 123. Alternative F would treat enough acres to appreciably move the analysis area toward desired conditions and meet the purpose and need, however it would require 11 miles of new road construction. Reasons why this is not supportable are stated above under Alternative C.

When managing the resources of a national forest, there is never a single clear choice between alternatives. Each alternative has its positive and negative features. My purpose in making this decision is to recognize the need to improve forest conditions and provide local area operators with a sustainable volume of timber and forest products. While there are certain advantages afforded by the other alternatives, I feel Alternative G best meets the purpose and need for this action, while responding to significant issues from the public.

Public Involvement and Scoping

Consultation and public involvement on the Agua/Caballos Proposed Projects began in 1992, with articles in the local newspapers announcing project initiation and continued through the analysis until the release of this document. The 1999 DEIS (which replaced the 1995 DEIS) generated 21 comment letters from the public. [253] Forest Service responses to these comments are found in the FEIS, Appendix B. Many people wanted stands to be treated and wood products to be provided to meet the purpose and need of the proposal, but they also wanted to see activities balanced with as few miles of new road construction as possible. A new alternative (Alternative G) was developed to address the public's concerns and a supplement to the 1999 DEIS (SDEIS) was prepared.

In August 2000, the SDEIS was published and provided interested people a chance to review and comment on the effects of the new Alternative G, as well as new road figures for Alternatives C - F. [295] People were given another 45-day period to comment on these changes and 12 comment letters were received. [300] Forest Service responses to these comment letters are found in the FEIS, Appendix B.

As mentioned in the beginning of this document, I made a decision on June 3, 2002 for the Agua/Caballos Proposed Projects FEIS. [322] Subsequently, one appeal was filed with the Regional Forester and the decision was reversed with instructions. [333 & 335] A Supplemental Final Environmental Impact Statement (SFEIS) was available for public comment in July 2003. The SFEIS gave the public a chance to review new information on the Carson National Forest's management indicator species and how the species relate to the Agua/Caballos Proposed Projects analysis. It was sent to all those who received a copy of the Record of Decision and Final Environment Impact Statement for the Agua/Caballos Proposed Projects.

People were given another 45-day period to comment on the SFEIS. They were asked to focus comments on the SFEIS. Seven comment letters were received [347], with most of the comments from one letter, which were primarily focused on the "Forest-wide Management Indicator Species Assessment." [314] Forest Service responses to the comment letters are included with this decision.

Issue management for the Agua/Caballos Proposed Projects went through several progressions. During the scoping process for the 1995 DEIS, issues were first organized and significant issues were identified. [108, 110, 128, 136, 184] After the issuance of the 1995 DEIS and during the development of the 1999 DEIS, new significant issues were identified. [201, 202, 206, 207, 208, 212, 221, 249] All of these issues were carried forward into developing the supplement to the 1999 DEIS. [253, 280, 282, 295, 300] Scoping activities identified eight significant issues (see FEIS, Chapter 1 for more detailed descriptions). In response to the comments on the 1999 DEIS and the 2000 supplement to the DEIS, changes were made in the 2002 FEIS.

Alternatives Considered

The alternatives considered in detail included a no action alternative and five alternatives that respond to the needs for the action and the significant issues (see FEIS, Chapter 2 and Appendix C). Twelve other alternatives were considered and eliminated from detailed study.

Alternative A

Alternative A was the No Action alternative, and implied not taking any action in the analysis area. Alternative A was evaluated assuming “no changes in management” from current direction and was the point of reference for assessing action Alternatives C – G.

Alternative C⁴

This alternative was the preferred alternative identified in the 1999 DEIS. It addressed the need to improve forest health within the analysis area by treating as many stands as possible (within legal and environmentally sustainable limitations) to reach the desired vegetation composition and structure recommended in the 1996 “Region-wide Amendment of Forest Plans” and provide sawtimber and wood products to meet the intent of the Forest Plan and the Vallecitos Federal Sustained Yield Unit.

Alternative D

By not incorporating any new road construction and placing a size limit on trees to be cut, this alternative focused on the significant issues related to building new roads and harvesting trees over 16 inches in diameter at breast height. Alternative D addressed the environmental impacts of changing the structure/composition of forest vegetation and soil surface characteristics through treating the least number of acres. It dealt with the issue of old growth allocation by allocating the most acres (26 percent) within the analysis area to old growth.

Alternative E

Like Alternative D, Alternative E focused on the issue of building new roads in the analysis area, by not including any new road construction. This alternative also incorporated the same stands for treatment as Alternative D, along with a few others. The difference between the two alternatives was that Alternative E did not have a tree diameter size limit on trees to be cut. Alternatives D and E were used to compare the effects of cutting trees above and below 16 inches in diameter (see FEIS, Chapter 3, *Vegetation*). Alternative E also included the 26 percent old growth allocation.

Alternative F

This alternative included 75 percent fewer acres for prescribed burning than the other action alternatives and did not include any even-aged treatments. Alternative F addressed the significant issue related to the effects of prescribed burning and the use of only uneven-aged treatments.

Alternative G⁵

Alternative G was identified as the preferred alternative in the 2000 supplement to the DEIS and was based on a frequently made comment by the public in response to the 1999 DEIS—stands have to be treated and wood products should be provided to meet the purpose and need of the proposal, but proposed activities ought to be implemented with as few miles of new road

⁴ Alternative C has been modified from what is in the 1999 DEIS, but is the same as described in the 2000 Supplement to the DEIS.

⁵ Alternative G has not changed from what was described and analyzed in the 2000 supplement to the DEIS or the 2002 FEIS.

construction as possible. [253] Alternatives D and E were generated to address the significant issue of any new roads and their potential to impact soils, water quality, wildlife habitat, and recreational opportunities. These alternatives, however, did not do much in the way of treating densely stocked or diseased stands – key aspects to the purpose and need for action. Alternative G focused on both the need to treat stands and to minimize road construction. This alternative included 3 miles of new road construction to reroute several sections of existing road to improve watershed conditions. It incorporated a combination of stands previously analyzed in Alternatives C and E and allocated 20 percent of the analysis area to old growth as described in Alternatives C and F.

Alternatives Considered But Eliminated

Twelve alternatives were eliminated following detailed study; because they were found to be outside the range of reasonable and economically feasible alternatives and/or they did not address the purpose and need for action described in Chapter 1. Alternatives eliminated from further study were:

- Noncommercial Restoration Alternative
- Wood Products Focus
- Alternative B
- Sawtimber Volume Focus
- Timber Harvesting In Old Growth
- More Acres of Old Growth Allocation in Larger Blocks
- Maximum Road Closure
- Road Closures
- Forest Road 44
- Soil Productivity and Forest Vigor
- Prescribed Natural Fire Plan (Fire Use Plan)
- Development of Recreation Opportunities

Chapter 2 of the FEIS briefly summarizes these alternatives, along with the associated rationale for eliminating them from further study.

Findings Required by Other Laws

The forest-wide standards and guidelines from the Carson Forest Plan [3] that apply to this decision are primarily those regarding protection of: wildlife habitat [3, pp. Wildlife & Fish 1-14], water and soil resources [3, pp. Watershed 1-2], heritage resources [3, pp. Cultural Resources 1-6], vegetation diversity [3, pp. Sustainable Forest 1-8], visual quality [3, pp. Visual 1-2], air quality [3, p. Air 1] and the local economy and way of life [3, pp. Timber 1-16, Travel 1-4] and are hereby incorporated by reference.

This decision conforms with the area-specific Forest Plan direction that applies to Management Areas 3 (Mixed Conifer), 4 (Ponderosa Pine Under 40 Percent Slope), 7 (Unsuitable Timber), 8 (Piñon-Juniper) and 14 (Riparian). In addition, specific direction from the 1996 “Region-wide Amendment to Forest Plans” is integrated in the decision. [193C] This decision is consistent with the Carson Forest Plan as amended.

The National Forest Management Act (36 CFR 219.27(b)) requirements for regeneration certification and treatment justification have been met and are addressed in the FEIS (Chapter 3, *Vegetation*) and in the project record. [288]

The Forest Service completed a biological evaluation for the Agua/Caballos Proposed Projects and presented it to the U.S. Fish and Wildlife Service for review. [263] The biological evaluation evaluated the potential effects of Alternative G on Federally listed species—Mexican spotted owl, American peregrine falcon, black-footed ferret, bald eagle, southwestern willow flycatcher and whooping crane. In October 2000, the U.S. Fish and Wildlife Service concurred with the Forest Service’s determination that the proposed Agua/Caballos projects **may affect, but are not likely to adversely affect the Mexican spotted owl**. [304] In response to the U.S. Fish and Wildlife Service’s proposed rule to designate critical habitat for the MSO in November 2003, conferencing with the agency was initiated by the Forest Service and a conferencing report was completed by the Fish and Wildlife Service in February 2004 (also see discussion in Rationale). [352 & 359]

The environmental effects on Forest Service sensitive species with potential or existing habitat within the analysis area were also analyzed. [263, 314] These species were northern goshawk, New Mexican jumping mouse, Rio Grande cutthroat and boreal owl. The effects on population viability of these species as well as others were discussed in the wildlife effects report and presented in the FEIS and the Draft and Final SFEIS, Chapter 3, *Wildlife*.

The cultural resource clearance has been completed with concurrence from the State Historic Preservation Officer. [225]

Prior to burning, a burn permit will be obtained from New Mexico Environment Department Air Quality Bureau as required by the New Mexico Smoke Management Memorandum of Understanding.

Environmentally Preferable Alternative

The environmentally preferred alternative is the alternative(s) that best meets the goals of section 101 of the National Environmental Policy Act and required by 40 CFR 1505.2(b) to be identified in a record of decision. Ordinarily, this is the alternative that causes the least damage to the biological and physical environment and best protects, preserves and enhances historical, cultural and natural resources.

In the short-term (less than 5 years), the environmental differences between all the alternatives considered in detail would vary greatly. However, long-term consequences between the action alternatives would hardly be detectable. In the short run, Alternative D is the environmentally preferred alternative. This alternative does not construct any new roads and causes the least amount (8 percent) of disturbance to soils and wildlife habitat from harvesting activities than any of the other action alternatives. It allocates 26 percent of the analysis area to old growth, thus minimizing future timber harvest on a larger area than Alternatives A, C, F and G. Alternative D closes 43 miles of existing road, which would substantially improve soil productivity over the long term.

When considering the entire forested ecosystem, Alternative C would be defined as the environmentally preferred alternative. Alternative C has the lowest risk of epidemic insect and disease infections, has the lowest risk to catastrophic wildfire losses, provides the best balance of vegetation structural stage distribution, and would most likely provide better habitat for foraging wildlife species. Alternative C provides better habitat conditions for Mexican spotted owl and northern goshawk than any of the other alternatives. Alternative C, however, constructs 23 miles of new road. Although these roads would be closed (along with 43 miles of existing road) after completion of management activities, this much road construction (and road crossings) in an analysis area that already has 101 miles of existing road would reduce soil productivity and contribute to soil erosion and sedimentation into streams over a period of 10 years or more. Alternative G provides a balance between improving forest health and maintaining soil productivity and water quality within the analysis area. Alternative A (No Action) is not environmentally preferred because it maintains 101 miles of open road within the analysis area.

Appeal Rights

This decision is subject to administrative review (appeal) in accordance with 36 CFR 215 (June 2003). A written notice of appeal—clearly stating it is a notice of appeal being filed pursuant to 36 CFR 215.14—must be filed within 45 days from the date of publication of legal notice of this decision in The Taos News. The publication date in The Taos News, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations that submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. An appeal must be filed (regular mail, fax, e-mail, hand delivery, or express delivery) with the Appeal Deciding Officer. Written appeals must be submitted to:

Deputy Regional Forester, Southwestern Region
Appeal Deciding Officer
333 Broadway Blvd., SE
Albuquerque, NM 87102
FAX: (505) 842-3173
E-mail: appeals-southwestern@fs.fed.us

The office business hours for those submitting hand-delivered appeals are: 8 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic comments must be submitted in a format such as an e-mail message, plain text (.txt), rich text format (.rtf), Adobe (.pdf) and Word (.doc) to appeals-southwestern@fs.fed.us. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

Implementation Date

This decision will not be implemented sooner than 5 business days following the close of the appeal filing period established in the Notice of Decision in The Taos News. If an appeal is filed, implementation will not begin sooner than 15 calendar days following a final decision on the appeal. Implementation means actually doing the ground-disturbing actions described in this notice on the ground. Field project preparation work may proceed (marking, layout, contract preparation, etc.).

Information Contact Person

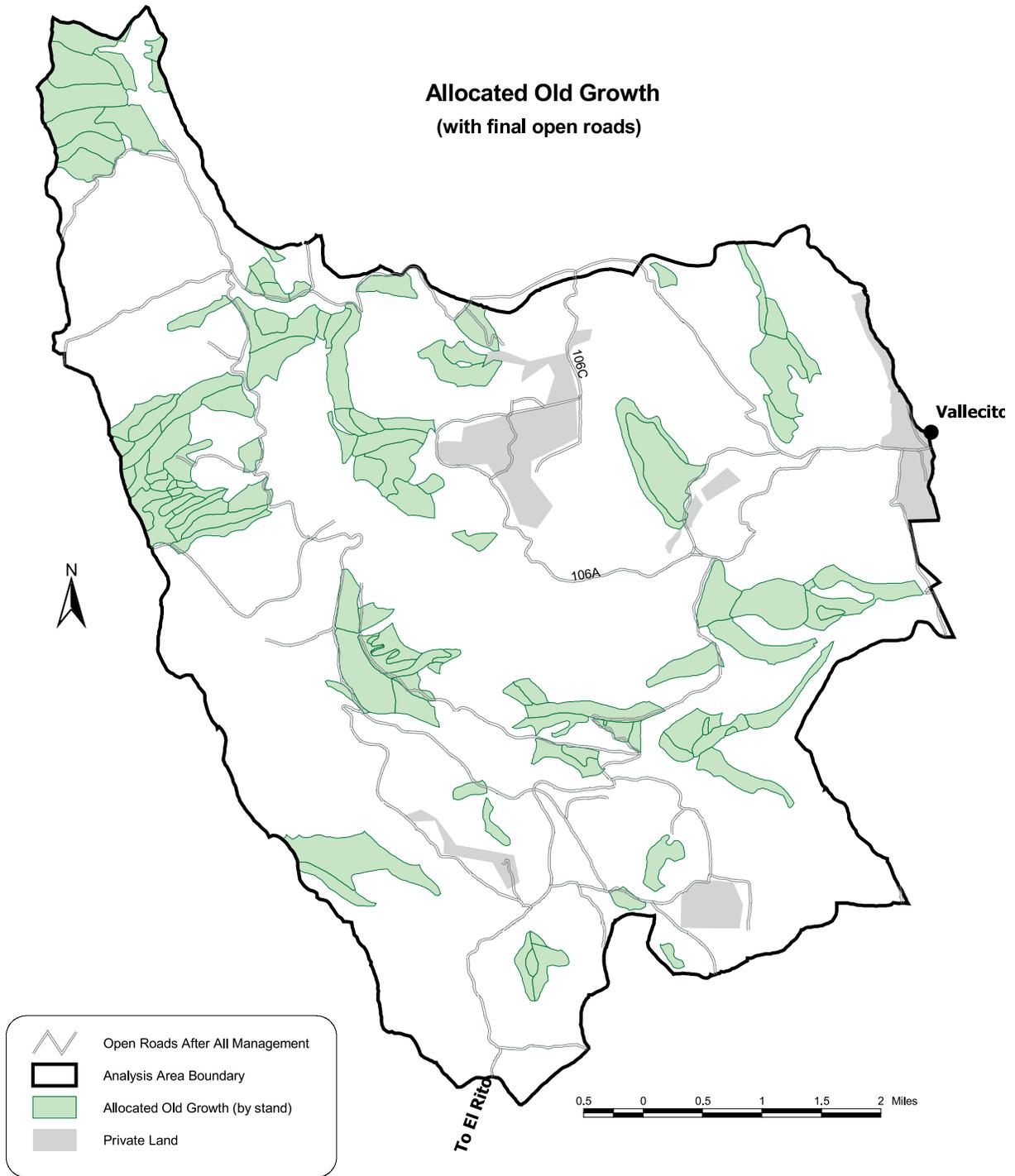
For additional information concerning this decision or the Forest Service appeal process, contact:

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MARTIN D. CHAVEZ, JR.
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Carson National Forest
USDA Forest Service

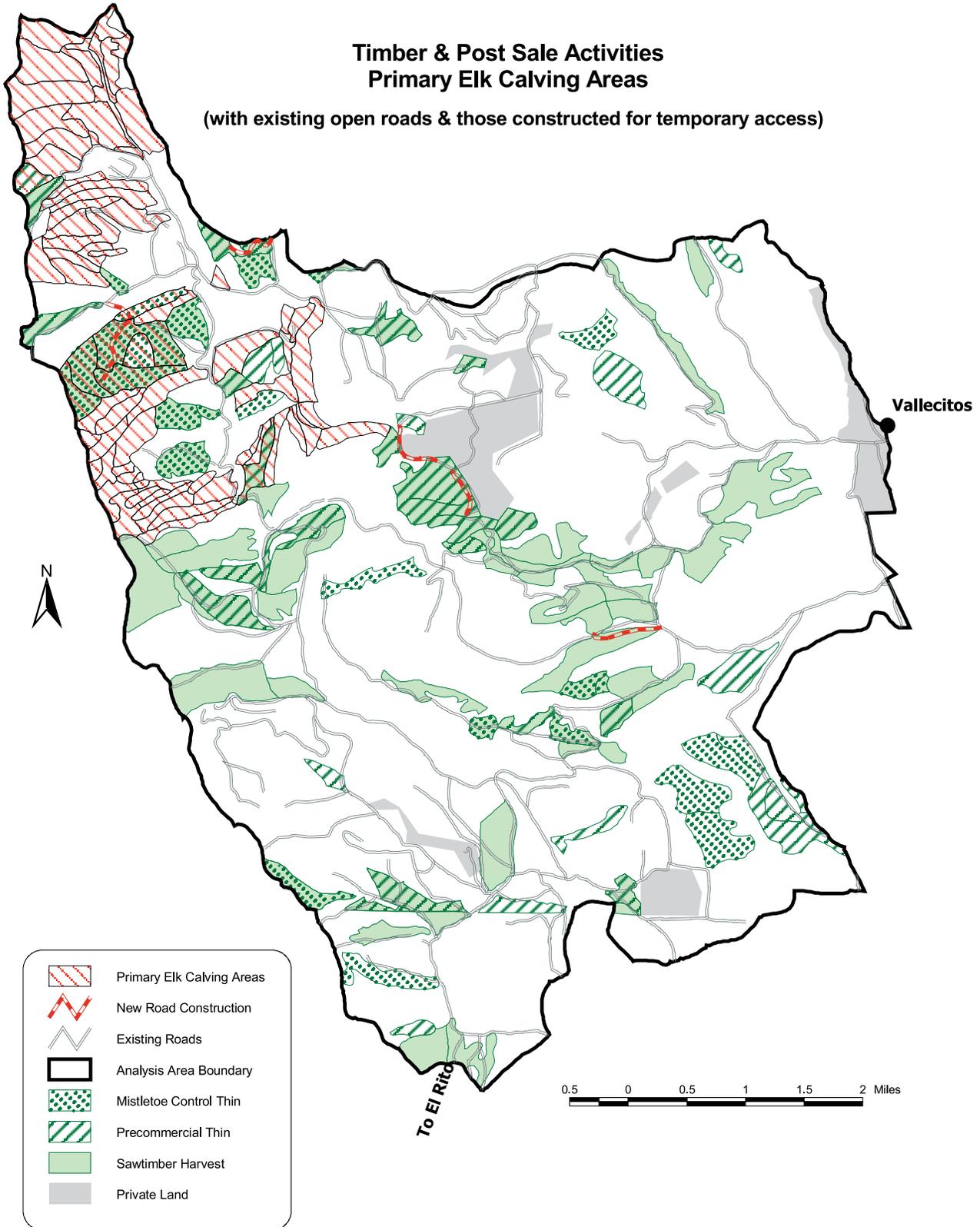
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Date



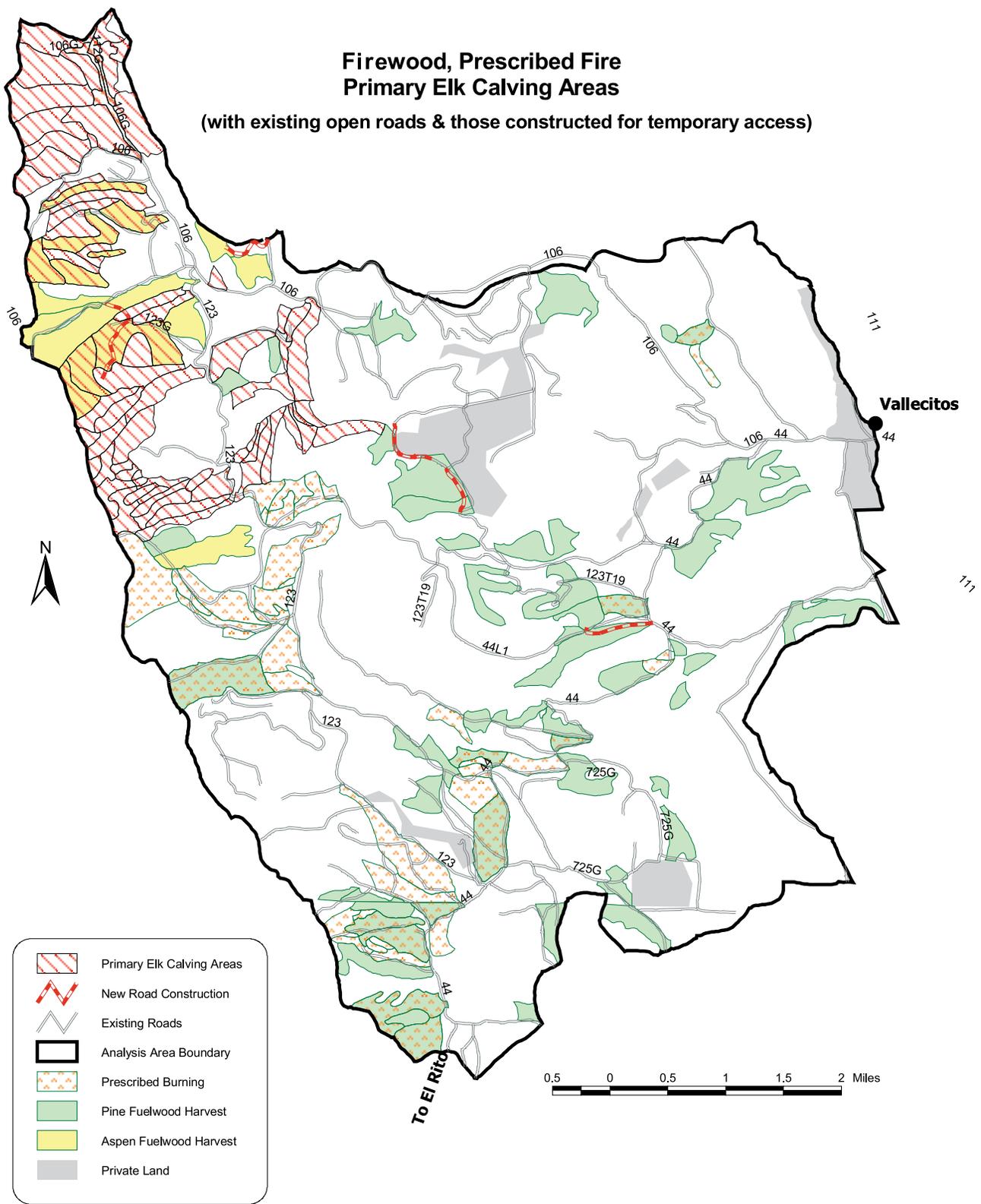
Map 1. Allocated old growth for the decision (with final open roads).

Timber & Post Sale Activities Primary Elk Calving Areas

(with existing open roads & those constructed for temporary access)



Map 2. Timber management activities for decision, with existing roads and those constructed for temporary access.



Map 3. Firewood and prescribed fire activities for decision, with existing roads and those constructed for temporary access.