

**DECISION NOTICE
& FINDING OF NO SIGNIFICANT IMPACT**

**Forest Plan Amendment 03/06
Management Indicator Species (MIS)**

**USDA Forest Service
WHITE RIVER NATIONAL FOREST
COLORADO
March 2006**

DECISION AND REASONS FOR THE DECISION

Background

Under National Forest Management Act (NFMA) 1982 Regulations (36 CFR 219.10(f)), the Forest Supervisor may amend the Land and Resource Management Plan (Forest Plan) based upon new information that may have a bearing on the objectives, guidelines and other contents of the Forest Plan. Furthermore, under the 1982 regulations an amendment to the Forest Plan addressing Management Indicator Species (MIS) selected may be prepared at any time. The Forest Supervisor has the same discretion to amend the Forest Plan under the NFMA 2005 Regulations. This amendment has been prepared under the 1982 Regulations (36 CFR 217). This amendment follows procedures laid out in direction found in Forest Service Manual at FSM 1920, and Forest Service Handbook 1909.12.

Under the NFMA 2005 Regulations, national forests no longer have to monitor populations and trends of MIS species, “unless the plan specifically requires population monitoring or population surveys for the species” 36 CFR 219.14(f). Accordingly, the White River National Forest (WRNF) will continue to have a management indicator species program with appropriate monitoring following established protocols.

Since the establishment of the original 16 MIS in the 2002 Forest Plan, there have been advancements in MIS knowledge and application, including a Region 2 clarification (Hayward et al. 2004) of the selection criteria found in the 1982 NFMA planning regulations (36 CFR 219.19(a)(1)). Based on this clarification, the WRNF conducted a MIS data review (EA, Appendix A) involving the 16 existing MIS. The goal of the review was to determine the usefulness of each species as a MIS and the practicality of monitoring population trend for each based on species biology, available methodologies, and effectiveness.

Decision

I have decided to select Alternative 2 for implementation. This alternative is selected because its implementation will result in improved efficiency and effectiveness in monitoring the appropriate MIS, and will improve our ability to detect population trends and effects to habitats represented by the MIS. My decision amends the Forest Plan by retaining 5, replacing 2, and removing 7 of the

original MIS. Two of the 16 original MIS (Brook Trout and Brown Trout) are now included in the revised MIS list below as a single MIS listing: “All Trout” – which also includes rainbow and Colorado River Cutthroat Trout. This decision will apply to all National Forest System lands administered by the WRNF.

This decision revises the MIS list in the Forest Plan to the following species:

American Elk
Cave Bats
American Pipit
Brewer’s Sparrow
Virginia’s Warbler
Aquatic Macroinvertebrates
All Trout (includes brook, brown, rainbow and Colorado River (CR) cutthroat trout)

Rationale for Decision

My selection of Alternative 2 is based on the analysis of effects in the environmental assessment (EA), evaluation of MIS as documented in Appendix A of the EA: *2005 MIS Review* procedures, and public comments. I believe that this new list of MIS best meets the intent of the 1982 regulation for the identification and use of MIS. I adopt and incorporate into my decision the rationale for selection of species documented in detail in Appendix A of the EA.

I selected Alternative 2 because the WRNF has the ability to adequately monitor the listed species and they are all meaningful indicators. This will result in lower monitoring costs and greater ability for the WRNF to meet NFMA regulations that all MIS be monitored. In addition, cost savings can be utilized to more rigorously monitor the remaining MIS and/or channeled to other projects to help meet the responsibility of maintaining viable populations of existing native and desired non-native vertebrate species.

I recognize that not all management indicator communities will be represented by an MIS under the amended list. Specifically spruce/fir, alpine willow, ponderosa pine, and pinyon-juniper communities would not be represented. However, NFMA implementing regulations do not require that MIS represent all habitat types. I believe management activities in these habitats are minimal and that current Forest Plan standards and guidelines, best management practices and project-specific mitigation measures associated with management activities in them adequately protect species utilizing these types of habitats. I recognize the value of these habitat types and feel they will be adequately managed through direct monitoring and evaluation of the habitat itself. Monitoring of the habitat itself is the best estimation of habitat change, and thus I feel NFMA responsibilities can be more effectively met through direct monitoring of this habitat type.

Other Alternatives Considered

In addition to the selected alternative, I considered the No Action alternative and this is documented in the EA. The No Action alternative would have retained all the existing 16 MIS currently listed. A comparison of the two alternatives can be found on page 10 of the EA.

PUBLIC INVOLVEMENT

A scoping letter was sent out on September 12, 2005 to approximately 240 individuals, agencies, and organizations on the WRNF's Schedule of Proposed Actions (SOPA) mailing list. The scoping letter discussed the purpose and need for the action and the potential for modifying the MIS list. The Forest Service received five written responses as a result of scoping. Scoping comments were used to help frame the issues for the EA.

A legal notice describing the proposed action and purpose and need was published in the Glenwood Springs Post Independent on September 14, 2005. The proposal has been listed in the WRNF's (SOPA) since October 2005.

On November 18, 2005, the EA was released for 30-day public comment. A legal notice providing an opportunity to comment was published in the Glenwood Springs Post Independent. Copies were sent to all parties expressing interest. The EA was posted on the Forest web site, and a news release was sent to all local area newspapers and media. One response was received and considered as I made this decision (see EA Appendix D: Response to Comments).

FINDING OF NO SIGNIFICANT IMPACT

After considering the documentation in the EA, I have determined that this decision will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

The effects described in the EA and project record discloses that the decision to amend the Forest Plan is limited to lands administered by the WRNF. Because this is a programmatic decision, effects on the local level cannot be determined until project specific analysis is initiated. Therefore, at the programmatic level there are no significant effects on local, regional or national resources.

What follows below is a recital of the factors to be considered in determining significance under 40 CFR 1508.27.

- Finding of no significant environmental effects is not biased by the beneficial effects of the action.
- There will be no significant effects on public health and safety.
- There will be no significant effects on unique characteristics of the area.
- The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the proposed action.

- The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk.
- The action is not likely to establish a precedent for future actions with significant effects.
- There are no cumulative impacts.
- The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources.
- The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
- The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA.

Based on my consideration of the above factors, I find that the amendment to the Forest Plan provided in the selected Alternative 2 is not a major action that will constitute a significant effect on the human environment. Therefore, it does not require the preparation of an environmental impact statement.

FINDING OF NON-SIGNIFICANT AMENDMENT

NFMA implementing regulations require me to determine whether a proposed Forest Plan amendment would result in a significant change in the Forest Plan. It is important to note that the definition of significance for amending a Forest Plan is not the same as the definition of significance defined by the National Environmental Policy Act (NEPA) for project level analysis. Factors to be considered in determining if a proposed amendment is significant include: 1) timing; 2) location and size; 3) goals, objectives and outputs; and 4) management descriptions. Other factors may be considered, depending on circumstances.

Timing – This amendment will become effective seven days from the publication of the legal notice for this decision and will apply until changed by a subsequent amendment or revision.

Location and Size – This amendment will apply to the entire WRNF. However, this amendment is administrative and programmatic in nature and has no physical, biological or social effects.

Goals, Objectives and Outputs – This amendment would not affect any of the goals, objectives or outputs stated in Forest Plan. This amendment does not prevent the WRNF from achieving any of the Forest Plans goals and objectives because it only changes which species will be monitored at a forest wide scale. In addition, the changed list does not prevent attaining any of the outputs defined in the Forest Plan as the outputs are not dependent on the content of the MIS list.

Management Prescriptions – This amendment will not make changes to nor have an effect on management area prescriptions. This amendment will not change the desired future conditions or alter management direction for the WRNF.

Finding and Conclusion – The above documents the evaluation of this amendment to the WRNF Forest Plan in context to the significance factors as described in FSH 1909.12 (5.32(3)). Based on

considerations of timing; location and size; goals, objectives and outputs; management prescriptions; and other provisions of NFMA, I find the selected amendment will not constitute a significant amendment to Forest Plan for the White River National Forest.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

Archaeological Resources Protection Act and National Historic Preservation Act – The programmatic nature of this decision causes no ground disturbance and, therefore, will not cause any harmful effects to archaeological, historic or cultural resources.

Clean Water Act - The Clean Water Act requires Federal Agencies to comply with all Federal, State, interstate and local requirements, administrative authority, and process and sanctions with respect to the control and abatement of water pollution. This amendment does not affect water quality because the programmatic nature of this decision causes no ground disturbance.

Endangered Species Act – This amendment complies with the Endangered Species Act. The Forest has completed a Biological Assessment for this amendment that documents that implementation of the proposed action will have no effect on any federally-listed threatened, endangered, or proposed species.

National Forest Management Act (NFMA) and National Environmental Policy Act (NEPA) – NFMA requires the development of long-range land and resource plans (Forest Plans). Per NFMA it is appropriate to amend the Forest Plan as need dictates. Per NEPA, a non-significant amendment can be analyzed in an environmental assessment. This decision to amend the Forest Plan was determined not to be a significant amendment requiring an EIS (see “Finding of Non-significant Amendment”, above). This decision is consistent with requirements of NFMA and NEPA.

IMPLEMENTATION

Implementation of this decision may occur 7 calendar days following the date of publication of the legal notice for this decision in the Glenwood Springs Post Independent.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 217. A written appeal, including attachments, must be submitted within 45 days following publication of the notice of this decision in the Glenwood Springs Post Independent, the newspaper of record. The publication date in the 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. Send Appeals to:

USDA Forest Service, Region 2
Attn: Appeals Deciding Officer
P.O. Box 25127
Lakewood, Colorado 80225-25127
FAX: 303-275-5134
Email: appeals-rocky-mountain-regional-office@fs.fed.us

It is the responsibility of those who appeal a decision to provide sufficient written evidence and rationale to show why my decision should be changed or reversed. Appeals must meet the content requirements of 36 CFR 217. 9, which state:

- State that the document is a Notice of Appeal filed pursuant to 36 CFR part 217;
- List the name, address, and telephone number of the appellant;
- Identify the decision about which the requester objects;
- Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the Responsible Official;
- Identify specifically that portion of the decision or decision document to which the requester objects;
- State the reasons for objecting, including issues of fact, law, regulation, or policy, and, if applicable, specifically how the decision violates law, regulation, or policy; and,
- Identify the specific change(s) in the decision that the appellant seeks.

RESPONSIBLE OFFICIAL AND CONTACT PERSON

Maribeth Gustafson, Forest Supervisor for the White River National Forest, is the responsible official for the Forest Plan Amendment 03/06 Environmental Assessment and Decision Notice.

For additional information concerning this decision, contact:

Wendy Haskins or Keith Giezentanner

White River National Forest, P.O. Box 948, Glenwood Springs, CO, 81602, 970-945-2521

/s/ Maribeth Gustafson
MARIBETH GUSTAFSON
Forest Supervisor
White River National Forest

3/6/06
Date

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