

CHAPTER 5 • CONSULTATION WITH OTHERS

A. RESPONSE TO NOTICE OF INTENT

A Notice of Intent to prepare this environmental impact statement was published in the Federal Register on June 24, 1992. The Notice requested comments concerning the environmental impact statement preparation. A total of 10 comments were received in response to the Notice of Intent. The commenters were:

Arizona Game and Fish Department
Budd-Falen Law Offices
Five County Assoc. of Governments
Forest Guardians
Foundation for Biodiversity
Kaibab Forest Products
North American Falconers Association
Tierra Madre Consultants
U.S. Bureau of Mines
U.S. Fish and Wildlife Service

The comments on the Notice of Intent can be summarized as follows:

1. Expressed concerns about the impacts to rural communities, forest ecosystems, and northern goshawk/Mexican spotted owl species viability.
2. Suggested that the amendment should take an ecosystem approach, deal with conflicts with other standards and guidelines, reflect state of the art management and contain standards and guidelines that are expressed as a range of conditions.
3. Suggested that the Regional Guide also needs changing, that a series of scoping meetings be held throughout the Region and that the scope of the amendment be expanded to include other emerging issues (e.g., willow flycatcher and riparian management).

Many of the respondents to the Scoping Report expressed the same concerns as those responding to the Notice of Intent. Responses to the above comments are included below in Part B.

B. SCOPING REPORT

On November 4, 1993, a Scoping Report was mailed to over 600 individuals, organizations, state/federal agencies, local governments and Indian Tribes. Thirty-nine responses were received. The Scoping Report requested the reviewers to provide specific

comment on proposed changes to the Southwestern Region Forest Plans, to identify impacts and issues associated with the proposed changes and suggest alternative standards and guidelines that addressed the Purpose and Need for this proposed action. A 45 day comment period was provided for with comments due on December 30, 1993; however, all comments on the Scoping Report received up to April 1, 1994, were evaluated.

Individuals that commented on the Scoping Report are not listed below because of Privacy Act considerations. A total of 6 individuals supplied comments. The following organizations and agencies provided comments on the Scoping Report:

Arizona Game and Fish Department
City of Flagstaff
Arizona State Parks
New Mexico Department of Game and Fish
New Mexico Department of Energy, Minerals and Natural Resources
Applied Ecosystem Management, Inc.
Committee of Wilderness Supporters, Inc.
Tucson Audubon Society
Mesilla Valley Audubon Society
Garfield County, Utah
Apache County, Arizona
USDI Bandelier National Monument
Prairie Dawg Motorcycle Club
Precision Pine and Timber, Inc.
Sierra Club, Southern NM Group
Federal Land Exchange, Inc.
American Motorcyclist Assoc.
Coalition of Arizona/New Mexico Counties
Stone Forest Industries, Inc.
Nambé Pueblo
USFWS New Mexico Field Office
USFWS Arizona Field Office
Greater Gila Biodiversity Project
Goshawk Interagency Implementation Team
Arizona Wildlife Federation
North American Falconers Association
Catron County, New Mexico
Wilderness Society
USDI Chiricahua National Monument
SEC, Inc.
Forest Conservation Council
Forest Guardians

The comments received from the individuals, organizations and government agencies have been summarized below. A brief Forest Service response to the comments

has also been provided below as indented, bold-faced text. The responses are reflective of the time in the process scoping comments received.

1. Several comments received requested clarification of the words "management activities" with respect to restrictions during nesting and rearing time periods.

The wording in the standard has been edited to clarify the intent of the restriction on the timing and location of management activities. Management activities are defined as any activity that adversely affects habitat or reproductive success of nesting birds. Activities that do not affect habitat and that occur outside the breeding/rearing seasons are not restricted as defined above.

2. A few commenters expressed concern that the proposed standards and guidelines for the Mexican spotted owl and northern goshawk are grossly inadequate to protect the birds.

The guidelines have been developed over several years using the best information and scientific review available. This amendment will incorporate the current information in each Forest Plan. The standards and guidelines in Forest Plans can easily be updated through future amendments. For example, an amendment may very well be needed to make changes required to conform to the Mexican spotted owl Recovery Team Report due in 1996.

3. Several people expressed concern that this amendment needs to be broader in scope to deal with other needed plan changes (e.g. increased recreation use, high allowable sale quantity figures, ecosystem management, etc.).

The expressed purpose of this amendment is to incorporate management direction in current Forest Plans for the Mexican spotted owl and northern goshawk. This amendment is intended to replace all previous interim direction issued. Many of our Forest Plans are nearing the point where National Forest Management Act revision is mandated. Forest Plan revisions will be initiated in this region in 1996 and completed by 2002. New Forest Plans will not be developed but current plans will be revised to reflect any needed changes. New national planning regulations are currently being developed that will guide the revision process. Forest plans themselves do not make any irretrievable or irreversible commitment of resources; therefore, allowable sale quantities can not of themselves

"devastate" the goshawk or owl as several commenters stated. The allowable sale quantities currently defined in existing plans are not "production targets" but rather a production ceiling. Since plans have been completed in this region, the actual harvest levels have been far less than the Region's ASQ ceiling. In FY 1994, no timber harvest targets are assigned to Region 3 National Forests.

4. Several commenters suggested wording changes in the grazing standards because the present wording was unimplementable.

The wording for the grazing standards was changed as suggested.

5. One commenter requested that separate analysis and documentation be completed for each individual bird.

Agency obligations under the National Environmental Policy Act regulations require the Forest Service to evaluate cumulative effects and analyze similar actions. The application of the standards and guidelines for each of the birds have overlapping and cumulative effects that make the combined analysis required. The taxpayers are also getting a more efficient expenditure of budget money by combining the actions for the two birds into one document.

6. Several commenters provided key input on potential issues. The issues identified include: socio-economic impacts to rural communities, impacts to other species of wildlife resulting from MSO/goshawk management, old growth management relationship to MSO/goshawk management, conflicts between MSO and goshawk guidelines, impacts to industry groups, impacts to recreation users, etc.

Input on issues, alternatives, wording changes, etc. was used in the development of the draft environmental impact statement. Several good ideas on wording changes to standards and guidelines were incorporated and are represented in the "revised proposed action".

7. Several commenters expressed concern that the proposed wording for the old growth standards and guidelines needed to be clarified and the percent of area figures put back in the guidelines.

The wording for the old growth standards and guidelines has been changed to reflect suggestions by commenters. The new wording is reflected in the revised proposed action forest

plan language. The Regional Forester wanted the old growth standards and guidelines to be uniform across the region and be more consistent with needed structural stage VSS-6 requirements represented in MSO/goshawk standards and guidelines.

8. Several commenters supported the removal of slopes over 40 percent from timber harvest objectives and removing the emphasis of evenaged silviculture from the plans. However, these same commenters generally did not favor a radical change to a strong emphasis for unevenaged silviculture.

The intent of the standards and guidelines for steep slope forest management and silvicultural methods has been clarified. The revised proposed action language now puts much more focus on an site specific ecosystem analysis using the Integrated Resource Management (IRM) process to determine vegetation treatment rationale and methods. Forested areas over 40 percent will not be harvested to solely to meet timber production objectives, but could be harvested if the desired condition of the ecosystem, as determined in the IRM process, to meet other objectives warranted doing so.

9. Several commenters supported and applauded the efforts to incorporate standards and guidelines for management of Mexican spotted owl territories and northern goshawk home range areas, but also expressed concern that management of the forest between territories and home ranges also needed to be addressed.

Dispersal habitat management standards and guidelines have been added for the Mexican spotted owl in the revised proposed action. Consideration of additional management guidelines for areas outside goshawk home ranges has been depicted in one of the alternatives.

10. Many commenters expressed a desire for a definition of a "standard" and a "guideline" as depicted in the Scoping Report.

Specific definitions for these terms appear in the Glossary for the draft environmental impact statement. Simply, a standard is a must do form of management direction and a guideline is management direction in which the decision maker has some discretionary choice. The range of discretionary choice is usually sorted out during the Integrated Resource Management process. In other words, guidelines are generally

customized to fit the site specific ecosystem needs.

11. Commenters suggested that guidelines be added to show what management direction takes priority over other management direction. For example, what set of guidelines will prevail if both Mexican spotted owls and goshawks are found in the same area.

Language has been added to the revised proposed action to clarify priorities when conflicts exist for standard and guideline application between species. The priority system is really dictated by laws like the Endangered Species Act. For example, a listed threatened or endangered species would have priority over a Regional Forester sensitive species which in turn would have priority over other nonlisted or sensitive species.

12. The U.S. Fish and Wildlife Service expressed concern about consultation with them over the proposed amendments.

The Forest Service is planning to initiate formal Section 7 Consultation with the U.S. Fish and Wildlife Service on the draft environmental impact statement (DEIS) as soon as it is filed with the Environmental Protection Agency. The consultation will be requested on the identified "preferred alternative" in the DEIS. If the final selected alternative is different than the "preferred alternative" identified in the DEIS, the Forest Service recognizes it may have to reconsult.

13. Several commenters expressed concern about the timing of preparation and the content of the Biological Assessment and Evaluation (BA&E).

Forest Service policy and manual directs that a BA&E be prepared only for the selected management action. The BA&E is prepared prior to formalizing the final decision in a decision memo, decision notice or record of decision. However, a complete evaluation and disclosure of impacts to affected wildlife species is required in the environmental document (EA or EIS). Additionally, project records also often contain detailed specialist reports that provide additional information. A BA&E has a very narrow expressed purpose to document the "findings" of impact to threatened, endangered and sensitive species that result from the selected action and should not contain a comprehensive discussion of impacts for all other alternatives.

14. Catron County requested cooperating agency status and preparation of separate EIS's for Catron County for each of the birds.

As stated in #5 above, the Forest Service is required to evaluate cumulative effects which can only be effectively displayed in a single document. This region-wide amendment covers nearly all the counties in Arizona and New Mexico. The same level of input is needed from all affected counties. It is not necessary or practical for all affected counties to be cooperating agencies.

15. The Goshawk Interagency Implementation Team provided a different set of standards and guidelines for management of the northern goshawk and asked that they be included in the environmental impact statement as a separate alternative.

The Goshawk Interagency Implementation Team's suggestions have been incorporated in the environmental impact statement as Alternative D.

C. SCOPING: ISSUES AND ALTERNATIVES

On April 20, 1994, an additional scoping package was mailed that included a discussion of the planning issues, alternatives and a comparison of standard and guideline language for each alternative. Comments were due by May 15, 1994, but were accepted up to final draft environmental impact statement preparation at the end of June, 1994. This document was not mailed to the entire mailing list of 600 names. It was sent to all Indian Tribes, all county governments, all congressional staffs, key state and federal agencies (including USFWS), and the organizations and individual respondents to the original Scoping Report (see Part B above). Individuals that commented on the Scoping Report are not listed below because of Privacy Act considerations. A total of 2 individuals supplied comments. The following government agencies and organizations provided written comments:

Applied Ecosystems Mgmt, Inc.
Greater Gila Biodiversity
Arizona Game and Fish Department
Apache County, Arizona
Eastern AZ Counties Organization
Goshawk Interagency Implementation Tm.
Cochise County
Coalition of Counties

Arizona Wildlife Federation
Gila County, Arizona
Catron County, New Mexico

The commenters suggested additional editorial changes to standards and guidelines, particularly in the grazing utilization wording in the northern goshawk guidelines. The grazing guidelines for northern goshawk territories were modified in Alternatives A and C. Many of the commenters expressed a preference for a particular alternative, particularly Alternative F that initiates a trial ecosystem approach. Other commenters suggested additional terms for inclusion in the Glossary. Suggestions were incorporated in the draft environmental impact statement.

D. DRAFT EIS MAILING LIST

A 90 day comment period was provided on the draft environmental impact statement. Over 300 individuals were mailed the DEIS, but are not listed below because of Privacy Act considerations. The draft environmental impact statement was mailed out to the following list of organizations, government agencies, local governments and Indian Tribes:

ACOMA PUEBLO
AK-CHIN TRIBAL COUNCIL
ALAMOGORDO CITY MANAGER
ALL INDIAN PUEBLO COUNCIL
AMERICAN FISHERIES SOCIETY - ALBUQUERQUE
AMERICAN FISHERIES SOCIETY - PHOENIX
AMERICAN INDIAN ENVIRONMENTAL
AMERICAN MOTORCYCLE ASSN. - ODESSA
AMERICAN MOTORCYCLE ASSN. - WESTERVILLE
APACHE COUNTY - BOARD OF SUPERVISORS
APACHE COUNTY - CATTLEMENS ASSOC.
APACHE COUNTY - DEVELOPMENT & COMMUNITY SERVICE
APACHE POINT OBSERVATORY
APPLIED ECOSYSTEM MGMT, INC.
ARIZONA ASSOC. OF 4WD CLUBS
ARIZONA ASSOC. OF COUNTIES
ARIZONA BOWHUNTERS ASSOCIATION
ARIZONA CATTLE GROWERS
ARIZONA CATTLEGROWER'S ASSN.
ARIZONA CNTR FOR LAW-PUBLIC
ARIZONA DEPT OF ENVIRONMENTAL QUALITY
ARIZONA DEPT OF MINES AND MINERAL RESOURCES
ARIZONA GAME & FISH DEPARTMENT - FLAGSTAFF
ARIZONA GAME & FISH DEPARTMENT - MESA
ARIZONA GAME & FISH DEPARTMENT - PINETOP
ARIZONA GAME AND FISH DEPARTMENT - PHOENIX
ARIZONA GAME AND FISH DEPARTMENT - KINGMAN
ARIZONA MINING ASSOCIATION
ARIZONA PROSPECTORS & SMALL MINE OPERATORS ASSN.
ARIZONA STATE LAND DEPARTMENT COMMISSIONER
ARIZONA STATE LAND DEPARTMENT FORESTRY DIVISION
ARIZONA STATE LAND DEPARTMENT NATURAL RESOURCES DIVISION
ARIZONA TRAPPING ASSOCIATION
ARIZONA TRAVEL PARKS ASSOC.
ARIZONA WATER RESOURCES COMMITTEE

ARIZONA WILDERNESS COALITION
ARIZONA WOOL PRODUCERS
ARIZONA/NEW MEXICO COALITION OF COUNTIES
ARIZONANS FOR WILDLIFE
ASARCO, INC.
AUDUBON SOCIETY
AUDUBON SOCIETY - APPLETON-WHITTELL RES. RANCH
AUDUBON SOCIETY - CENTRAL NEW MEXICO
AUDUBON SOCIETY - MARICOPA
AUDUBON SOCIETY - MESILLA VALLEY CHAPTER
AUDUBON SOCIETY - NORTHERN ARIZONA
AUDUBON SOCIETY - NORTHERN SECTION
AUDUBON SOCIETY - RANDALL DAVEY ANDERSON CENTER
AUDUBON SOCIETY - SANGRE DE CRISTO SECTION
AUDUBON SOCIETY - SOUTHEASTERN NM
AZ DEPT OF ENVIRON QUALITY
AZ RIPARIAN COUNCIL
BATES LUMBER COMPANY
BERNALILLO COUNTY COMMISSIONERS
BIODIVERSITY LEGAL FUND
BUDD-FALEN LAW OFFICES
BUREAU OF LAND MANAGEMENT
CAMP VERDE TOWN COUNCIL
CAMP VERDE YAVAPAI-APACHE
CAPITAN, MAYOR
CARLSBAD CONCERNED CITIZENS
CARLSBAD, MAYOR
CATRON COUNTY
CATRON COUNTY LANDUSE ALLIANCE
CATRON CTY. MANAGER
CHAVES COUNTY COMMISSIONERS
CHINO VALLEY TOWN COUNCIL
CIBOLA COUNTY COMMISSION
CITIZENS FOR PROT. OF PRESCOTT ARIZONA
CITIZENS OF MT. GRAHAM
CITIZENS' REVIEW COMMITTEE
CLARKDALE TOWN COUNCIL
CLIFTON CITY GOVERNMENT
COALITION FOR THE PRESERVATION OF MT. GRAHAM
COALITION OF AZ/NM COUNTIES FOR STABLE ECONOMIC
GROWTH
COCHISE CONSERVATION COUNCIL
COCHISE COUNTY BOARD OF SUPERVISORS
COCHISE-GRAHAM CATTLE GROWERS
COCHITI PUEBLO
COCONINO CO CATTLE GROWERS
COCONINO CO SUPERVISOR COCOPAH TRIBAL COUNCIL
COLFAX COUNTY
COLORADO RIVER INDIAN TRIBES
COMMISSION ON THE AZ ENVIRON.
COMMITTEE OF WILDERNESS SUPPORTERS
CONKLIN LUMBER CO
CONLEY SAWMILL
CORONADO FOREST GRAZING USERS
CUBA VILLAGE
D & D AND SONS LUMBER
DEFENDERS OF WILDLIFE
DONA ANA COUNTY SPORTSMAN ASSC
DUKE CITY LUMBER CO.
EAGER CITY GOVERNMENT
EARTH FIRST, ARIZONA
EARTH FIRST, NEW MEXICO
EASTERN COUNTIES ORGANIZATION
EDDY COUNTY
EL RITO DE LAMA ACEQUIA
ENVIRONMENTAL DEFENSE FUND

ENVIRONMENTAL LAW SOCIETY
FIVE COUNTY ASSC OF GOVERNMENT
FIVE SANDOVAL INDIAN PUEBLO INC.
FLAGSTAFF CITY MAYOR
FLEX
FOREST CONSERVATION COUNCIL
FOREST GUARDIANS
FOREST TRUST
FORESTRY ASSOCIATION, INC.
FORT MOJAVE TRIBAL COUNCIL
FOUNDATION FOR BIODIVERSITY
FOWLER LUMBER COMPANY
FREDONIA CITY COUNCIL
FREDRICK WENDENBURG
FRIENDS OF BLACK RANGE
FRIENDS OF THE GILA RIVER
FRIENDS OF THE OWLS
FT APACHE TIMBER CO
GALLEGOS L&M COMPANY
GARFIELD CO COMMISSION
GILA CONSERVATION COALITION
GILA COUNTY
GILA FISH & GUN CLUB
GILA RIVER
GLOBE CITY GOVERNMENT
GRAHAM COUNTY
GRAND CANYON TRUST
GRANT CITY CATTLEGROWERS
GRANT COUNTY MGR
GREATER GILA BIODIVERSITY
GREATER GILA BIODIVERSITY
GREENLEE CITY
GREENLEE COUNTY CATTLE GROWERS
HANSEN LUMBER COMPANY, INC.
HAVASUPAI TRIBAL COUNCIL
HAWKWATCH INTERNATIONAL
HIDALGO COUNTY
HONORABLE BILL RICHARDSON
HONORABLE BOB STUMP
HONORABLE DENNIS DECONCINI
HONORABLE ED PASTOR - PHOENIX
HONORABLE ED PASTOR - TUCSON
HONORABLE JAMES HANSEN
HONORABLE JEFF BINGAMAN - SANTA FE
HONORABLE JEFF BINGAMAN - ROSWELL
HONORABLE JEFF BINGAMAN - LAS CRUCES
HONORABLE JEFF BINGAMAN - ALBUQUERQUE
HONORABLE JIM KOLBE - SIERRA VISTA
HONORABLE JIM KOLBE - TUCSON
HONORABLE JOE SKEEN - ROSWELL
HONORABLE JOE SKEEN - LAS CRUCES
HONORABLE JOHN MCCAIN - TUCSON
HONORABLE JOHN MCCAIN - PHOENIX
HONORABLE JON KYLE
HONORABLE KARAN ENGLISH - FLAGSTAFF
HONORABLE KARAN ENGLISH - MESA
HONORABLE PETE V. DOMENICI - SANTA FE
HONORABLE PETE V. DOMENICI - ALBUQUERQUE
HONORABLE PETE V. DOMENICI - ROSWELL
HONORABLE PETE V. DOMENICI - LAS CRUCES
HONORABLE SAM COPPERSMITH
HONORABLE STEVEN H. SCHIFF
HOPI TRIBAL COUNCIL
HUACHUCA HIKING CLUB
HUALAPAI TRIBAL COUNCIL
ISLETA PUEBLO
IZAACK WALTON LEAGUE - ALBUQUERQUE

IZAAK WALTON LEAGUE - PRESCOTT
JAMES G. CLARK, SUPERVISOR
JEMEZ PUEBLO
JICARILLA APACHE TRIBE
JOE GANEY, NORTHERN AZ UNIVER
KAIBAB FOREST PRODUCTS
KAIBAB-PAIUTE TRIBAL COUNCIL
KANAB CITY COUNCIL
KANE CO COMMISSION
KUYKENDALL LUMBER CO.
LAGUNA PUEBLO
LANGMUIR LABORATORY NEW MEXICO
LAS TRAMPAS COMMUNITY LAND
LAS VEGAS CITY
LEAGUE OF WOMEN VOTERS
LINCOLN COUNTY
LOS ALAMOS COUNTY COMMISSIONER
LOS ALAMOS NATIONAL LABS
LOWELL OBSERVATORY
LUNA COUNTY
MADERA FOREST PRODUCTS COOP
MARICOPA COUNTY
MCKINLEY COUNTY
MESA FOUR WHEELERS
MESCALERO APACHE TRIBE
MESCALERO FOREST PRODUCTS
MESILLA VALLEY FLYFISHERS
MINERALS EXPLORATION COALITION
MOHAVE COUNTY
MOHAVE-APACHE TRIBAL COUNCIL
MOORE CASH LUMBER
MORA COUNTY
MT. GRAHAM
NAMBE PUEBLO
NATIONAL FOREST RECREATION
NATIONAL PARKS & CONSERVATION
NATIVE PLANT SOCIETY OF AZ
NATIVE PLANT SOCIETY OF NM - ALAMOGORDO
NATIVE PLANT SOCIETY OF NM - SANTA FE
NATURE CONSERVANCY - PHOENIX
NATURE CONSERVANCY - PATAGONIA
NATURE CONSERVANCY OF AZ - TUCSON
NATURE CONSERVANCY OF NM - SANTA FE
NAVAJO COUNTY
NAVAJO COUNTY CATTLE GROWERS
NAVAJO FOREST PRODUCTS INDUSTR
NAVAJO NATURAL HERITAGE
NAVAJO TRIBE
NEW MEXICO BUREAU OF MINES & MINERAL RESOURCES
NEW MEXICO CATTLEGROWERS ASSN
NEW MEXICO CITIZENS FOR CLEAN AIR AND WATER - WHITE
ROCK
NEW MEXICO CITIZENS FOR CLEAN AIR AND WATER - ALBUQUER-
QUE
NEW MEXICO DEPT OF AGRICULTURE
NEW MEXICO DEPT OF GAME & FISH
NEW MEXICO DEPT OF NAT. RESOUR
NEW MEXICO DIV. STATE FORESTRY
NEW MEXICO ENERGY, MINERALS, FORESTRY & RESOURCE
CONSERV.
NEW MEXICO ENVIRONMENT DEPT.
NEW MEXICO MINING AND MINERALS
NEW MEXICO MINING ASSOCIATION
NEW MEXICO NAT RESOURCE DEPT
NEW MEXICO NAT. RESOURCE DIV.
NEW MEXICO OIL AND GAS ASSOC.
NEW MEXICO PUBLIC LAND COUNCIL - ALBUQUERQUE

NEW MEXICO PUBLIC LAND COUNCIL - ROSWELL
NEW MEXICO STATE FORESTRY
NEW MEXICO STATE LAND OFFICE
NEW MEXICO STATE UNIVERSITY
NEW MEXICO WILDERNESS STUDY
NEW MEXICO WOOL GROWERS ASSOC.
NORTH AMERICAN FALCONERS ASSOC
NORTHERN ARIZONA COUNCIL OF GOVERNMENTS
NORTHERN AZ LOGGERS ASSOC.
NORTHERN AZ UNIVERSITY
NORTHERN NM LEGAL SERVICES - GALLUP
NORTHERN NM LEGAL SERVICES INC - SANTA FE
OLGUIN'S INC.
OTERO COUNTY COMMISSIONERS
PACIFIC STUDS AND LUMBER CO.
PALOMA PARK DEVELOPMENT CORP.
PASCUA YAQUI TRIBAL COUNCIL
PEOPLE FOR THE WEST - TUCSON
PEOPLE FOR THE WEST - ABIQUIU
PEOPLE FOR THE WEST - PECOS
PEOPLE FOR THE WEST - PINON
PICURIS PUEBLO
PIMA COUNTY BOARD OF SUPERV.
PIMA TRAILS ASSOCIATION
PIMA-MARICOPA TRIBES
PINAL COUNTY BOARD OF SUPERV.
PINE TOP-LAKESIDE
POCKET LUMBER COMPANY
POJOAQUE PUEBLO
PRAIRIE DAWG MOTORCYCLE CLUB
PRECISION PINE
PRESCOTT CITY COUNCIL
PRESCOTT NF FRIENDS
PRESCOTT VALLEY TOWN COUNCIL
PUBLIC LAND USERS ASSOCIATION
QUECHAN TRIBAL COUNCIL
RAMAH NAVAJO CHAPTER
RC&D AREA - TUCUMCARI
RC&D AREA - SANTA FE
RC&D COUNCIL, INC - LAS CRUCES
RC&D COUNCIL, INC - ALBUQUERQUE
RC&D COUNCIL, INC - CARRIZOZO
RC&D COUNCIL, INC - DEMING
RC&D COUNCIL, INC - PARKER
RC&D COUNCIL, INC - CHANDLER
RC&D COUNCIL, INC - WILCOX
RC&D COUNCIL, INC - FLAGSTAFF
RC&D COUNCIL, INC - HOLBROOK
RECREATION RESOURCE MANAGEMENT
REIDHEAD BROS LUMBER MILL
RESERVE AREA
RIO ARRIBA COUNTY COMMISSIONER
ROAD RUNNER 4-WHEELERS
ROCKY MTN ELK FOUNDATION - GLENDALE
ROCKY MTN ELK FOUNDATION - SILVER CITY
ROCKY MTN ELK FOUNDATION - FLAGSTAFF
RUIDOSO CITY MANAGER
SACRAMENTO GRAZING ASSOCIATION
SALT RIVER PROJECT
SAN CARLOS APACHE TRIBE
SAN FELIPE PUEBLO
SAN ILDEFONSO PUEBLO
SAN JUAN PUEBLO
SAN JUAN SO. PAIUTE TRIBE
SAN MIGUEL COUNTY COMMISSIONERS
SANDIA MOUNTAIN WILDLIFE CONS.
SANDIA PEAK SKI COMPANY

SANDIA PUEBLO
SANDOVAL COUNTY COMMISSIONERS
SANTA ANA PUEBLO
SANTA BARBARA GRAZING ASSN.
SANTA CLARA PUEBLO
SANTA CRUZ COUNTY
SANTA FE CITY PLANNING
SANTA FE COUNTY COMMISSIONERS
SANTA FE FORESTRY COUNCIL
SANTA FE NF FOREST WATCH
SANTO DOMINGO PUEBLO
SEC, INC.
SEDONA CITY MANAGER
SEVENTY-FOUR RANCH
SIERRA CLUB - LAS CRUCES
SIERRA CLUB - DENVER
SIERRA CLUB - SANTA FE
SIERRA CLUB - LAS CRUCES
SIERRA CLUB - FLAGSTAFF
SIERRA CLUB - TUCSON
SIERRA CLUB - EL PASO
SIERRA CLUB - ALAMOGORDO
SIERRA CLUB - PHOENIX
SIERRA CLUB - ALBUQUERQUE
SIERRA CLUB - SO. NM
SIERRA COUNTY COMMISSIONERS
SKI APACHE
SOUTHWESTERN FIELD BIOLOGISTS
SO. AZ. ENVIRONMENTAL COUNCIL
SO. AZ. HIKING CLUB
SOCORRO CTY COMMISSIONERS
SOUTHERN UTE TRIBE
SOUTHWEST 4-WHEEL DRIVE ASSOC
SOUTHWEST CENTER FOR DIVERSITY
SOUTHWEST MINERAL EXPL. ASSOC
SOUTHWEST RESEARCH AND INFORMATION CENTER
SPRINGERVILLE TOWN MAYOR
STATE TRUST & PUBLIC LANDS
STONE CONTAINER CORP.
STONE FOREST INDUSTRIES
SULLIVAN LAND & CATTLE CO.
TAOS COUNTY TAOS LAND TRUST
TAOS PUEBLO
TESUQUE PUEBLO
TIERRA MADRE CONSULTANTS, INC
TIGHT NORTHERN PUEBLOS
TOHONO O'ODHAM TRIBAL COUNCIL
TONATZIN LAND INSTITUTE
TONTON APACHE TRIBAL COUNCIL
TORRANCE COUNTY
TUCSON 4-WHEELERS
TUCSON ROUGHRIDERS
UNITED 4-WHEEL DRIVE ASSOC.
US AIR FORCE GEOPHYSICS LAB
US BUREAU OF INDIAN AFFAIRS - PHOENIX
US BUREAU OF INDIAN AFFAIRS - WHITERIVER
US BUREAU OF LAND MANAGEMENT - PHOENIX
US BUREAU OF LAND MANAGEMENT - SANTA FE
US BUREAU OF LAND MANAGEMENT - ROSWELL
US BUREAU OF LAND MANAGEMENT - PHOENIX
US BUREAU OF LAND MANAGEMENT - SAFFORD
US BUREAU OF LAND MANAGEMENT - HUACHUCA
US BUREAU OF LAND MANAGEMENT - LAS CRUCES
US BUREAU OF LAND MANAGEMENT - CARLSBAD
US BUREAU OF LAND MANAGEMENT - KINGMAN
US BUREAU OF LAND MANAGEMENT - TAOS
US BUREAU OF MINES

US FISH AND WILDLIFE SERVICE - TUCSON
US FISH AND WILDLIFE SERVICE - ALBUQUERQUE
US FISH AND WILDLIFE SERVICE REGIONAL OFFICE
US FOREST SERVICE - FORT COLLINS
US FOREST SERVICE - OGDEN
US FOREST SERVICE - JUNEAU
US FOREST SERVICE - MILWAUKEE
US FOREST SERVICE - ATLANTA
US FOREST SERVICE - PORTLAND
US FOREST SERVICE - SAN FRANCISCO
US FOREST SERVICE - OGDEN
US FOREST SERVICE - LAKEWOOD
US FOREST SERVICE - MISSOULA
US FOREST SERVICE - WASHINGTON
US NATIONAL PARK SERVICE - SAN FRANCISCO
US NATIONAL PARK SERVICE - SANTA FE
US NATIONAL PARK SERVICE - LOS ALAMOS
US NATIONAL PARK SERVICE - CARLSBAD
US NATIONAL PARK SERVICE - WILCOX
US NATIONAL PARK SERVICE - GRAND CANYON
US NATIONAL PARK SERVICE - CARLSBAD
US NATIONAL PARK SERVICE - TUCSON
US NATIONAL PARK SERVICE - ALAMOGORDO
US SOIL CONSERVATION SERVICE - ALBUQUERQUE
US SOIL CONSERVATION SERVICE - GRANTS
UTE MOUNTAIN TRIBE
VALENCIA COUNTY COMMISSIONERS
VALLECITOS FEDERAL SUSTAINED
WESTERN ASSOC OF LAND USERS
WESTERN STATES PUBLIC LANDS
WHITE MOUNTAIN APACHE TRIBE
WHITE MOUNTAIN CONSERVATION LEAGUE - SHOW LOW
WHITE MOUNTAIN CONSERVATION LEAGUE - LAKESIDE
WHITE MOUNTAIN CONSERVATION LEAGUE - ALPINE
WHITE MOUNTAIN CONSERVATION LEAGUE - NUTRIOSO
WHITE MOUNTAIN CONSERVATION LEAGUE - WHITE MT. LAKE
WHITE MOUNTAIN SYSTEM
WHITE SANDS FOREST PRODUCTS
WILD TURKEY FEDERATION - ALBUQUERQUE
WILD TURKEY FEDERATION - RUIDOSO
WILD TURKEY FEDERATION - LAS CRUCES
WILDERNESS SOCIETY - DENVER, CO
WILDERNESS SOCIETY - SANTA FE
WILDLIFE FEDERATION - PHOENIX
WILDLIFE FEDERATION - MESA
WILDLIFE FEDERATION - KANAB
WILDLIFE FEDERATION - ALBUQUERQUE
WILDLIFE FEDERATION - DEXTER
WILDLIFE LEGISLATIVE COUNCIL
WILDLIFE SOCIETY
WINSLOW CITY MANAGER
YAVAPAI COUNTY
YAVAPAI COUNTY CATTLE GROWERS
YAVAPAI-PRESCOTT TRIBAL
YSLETA PUEBLO
ZIA PUEBLO
ZUNI PUEBLO

E. COMMENTS AND FOREST SERVICE RESPONSES TO DEIS

The formal Forest Service comment period on the draft environmental impact statement ended on December 01, 1994. Many comments came in after the close of the formal comment period. All comments received after the comment period expired but prior

to May 1, 1995 have been considered in this final environmental impact statement.

A content analysis of comments received on the draft environmental impact statement for the Kaibab National Forest forest plan amendment was completed in January, 1995. Those comments were considered in the comment content analysis for the region-wide amendment draft environment impact statement.

The Forest Service received 418 comments on the region-wide amendment draft environmental impact statement. Comments were categorized into three main groups. Group one contains the largest number of comments received (300 letters). Comments showed a clear preference for Alternative E as depicted in the draft environmental impact statement. The second group of commenters (98 letters) was concerned about the discussion of transportation systems and forest access that was presented in Chapter 3, page 20. The final group of commenters (20 letters) depict a wide array of suggestions for improving the final environmental impact statement. All of the comments received are summarized below and are paired with a Forest Service response.

As per the Forest Service National Environmental Policy Act Handbook, copies of all comments received on the this region-wide amendment draft from Federal, state, and local agencies and elected officials are included in Appendix F of this final environmental impact statement. Copies of letters received from private individuals are not included in Appendix F because of Privacy Act considerations.

GROUP 1 - ALTERNATIVE E PREFERENCE

Comment: Alternative E is clearly the best alternative because it better protects against wildfires, provides more jobs and income, better improves forest health, better provides for ecosystem sustainability and provides better protection of local area customs and cultures. A good example of this type of comment is the Greenlee County comment letter in Appendix F.

Response: **From a natural resource and social viewpoint, each alternative has it's own characteristic negative and positive benefits. Alternatives are purposely drafted to analyze varying degrees of issue resolution. Alternative E was developed to factor in more of the social issues (employment, income, etc.) than other alternatives. This alternative also put less emphasis on natural resources dependent on late-successional forest cover. The comment period is by no means a voting process, but your comments have provided valuable insight that will be useful in evaluating public opinion relative**

to the proposed action. The Regional Forester will have to weigh both natural resource and social impact factors when making a final decision.

GROUP 2 - TRANSPORTATION SYSTEM/FOREST RECREATION ACCESS

Comment: We oppose elimination of almost 30% of the total roads in the forest (15,000 miles) and operational restrictions on motorcycle racing and off-road vehicle use. There is no published scientific studies that substantiate off-road vehicle use affects either the Mexican spotted owl or northern goshawk. A good example of this type of comment is the Arizona State Parks comment letter in Appendix F.

Response: **The commenters concerns about elimination of roads was a result of text presented in Chapter 3 (page 20) of the draft environmental impact statement (DEIS). The text describes the process (Resource Access/Travel Management - RATM) each national forest in the Southwestern Region is currently conducting to evaluate existing transportation systems. Commenters misunderstood this text to mean that the Forest Service was proposing to close roads based on this DEIS. The scope of this EIS process does not include decisions about specific roads. The RATM process is a site-specific analysis that each forest is conducting. The forest level analysis has and will continue to involve the public in a separate planning process to determine the management objectives for each individual road. The commenters are encouraged to contact each forest to get involved in the RATM process. The Chapter 3 text has been clarified to reflect it's true intent about the RATM process.**

The other concern expressed by commenters involved the environmental effects disclosure related to operational restrictions of recreational special events like motorcycle racing and off-road vehicle use (DEIS, page 20). The Fish and Wildlife Service (FWS) in biological opinions on Forest Service management activities has declared that protection of Mexican spotted owls when nesting is important if the species is to be recovered and ultimately delisted as a threatened species. Restrictions on recreation as well as other activities are necessary and the Forest Service has little choice when directed to do so by FWS. Input received from state game agencies and Forest Service scientists also recommend similar restrictions during nesting periods for the northern goshawk to prevent that species from being listed as a threatened species by the FWS. The disclosure of recreation effects presented in Chapter 3 (page 20) is an accurate portrayal and will not be modified in the final EIS.

GROUP 3 - OTHER COMMENTERS INPUT

1. Forest Health

Comment: The long term health and diversity of the entire forest ecosystem should be better balanced with the protection of the Mexican spotted owl and northern goshawk. Forest pathogens are only discussed in terms of "risk". The existing forest is too dense and overstocked to be healthy.

Response: **The Forest Service agrees that long term health and diversity of the forest ecosystem is important, but the Forest Service also feels compelled to respond appropriately to the legal mandates in the Endangered Species Act. Even the Chief of the Forest Service has emphasized that the agency must be legal in its undertakings. Resource tradeoffs resulting from the adoption of special protection measures are displayed in the FEIS for the Regional Forester to consider in making the final decision.**

2. Steep Slope Logging/Silvicultural Systems

Comment: Absolute prohibition of timber cutting on slopes of 40 degrees or more may have an unintended detrimental effect to the forest ecosystem. The use of silvicultural systems (clear cutting, even-aged, uneven-aged, etc.) should be allowed because they are only the means to an end not the end itself. We agree with the shift toward uneven-aged management and longer rotations.

Response: **The Forest Service agrees that all silvicultural tools need to be available to achieve desired conditions. We believe the final amendment language will allow the use of all the tools depending on the conditions that need to be managed for (i.e., resource objectives). The Mexican Spotted Owl Recovery Team believed it important for owl delisting that the steep slopes be eliminated from systematic harvest. Additionally, steep slope harvest was only authorized on four of the Southwestern Region forests and in reality there have been no significant timber sales from steep slopes in several years. The prohibition of steep slope logging better reflects recent management trends.**

3. Destructive Fire Probability

Comment: The tendency of the proposed amendments to provide for the preservation of late-successional vegetation through prescription of higher canopy closures will increase the risk of wildfire.

Response: **There very well could be an increased risk of wildfire because of the adoption of standards**

and guidelines that promote an older, more dense forest. The amendment also provides for a proactive prescribed fire program to help ameliorate some of these effects. The risk of wildfire is discussed in Chapter 3 of the FEIS.

4. Spotted Owl Recovery Plan

Comment: The proposed amendment is premature and should wait to incorporate recommendations forthcoming in the Mexican Spotted Owl Recovery Plan due to be finalized in fall of 1995.

Response: **Alternative G has been added to the FEIS to incorporate recommendations in the Mexican Spotted Owl Recovery Plan. Formal consultation with the Fish and Wildlife Service will be completed before any final amendment decision by the Regional Forester.**

5. Wildlife Environmental Effects

Comment: The discussion of environmental effects to the owl, goshawk, other wildlife and plants is inadequate.

Response: **The programmatic discussion of wildlife and plant effects has been improved in the FEIS.**

6. Goshawk Interagency Implementation Team (GITT)

Comment: The GITT recommendations are displayed in Alternative D, but should be incorporated in all alternatives. Alternative D doesn't entirely represent the GITT recommendations.

Response: **If the GITT recommendations were displayed in all alternatives, there wouldn't be much point in having alternatives at all. The GITT recommendations are one idea on how protection of the northern goshawk can be accomplished. The standards and guidelines that were represented in Alternative D were developed directly from scoping comments received from a representative from that team. The planning record contains documentation on how GITT comments were incorporated. However, Alternative D has been revised to exactly reflect goshawk comments received from the Arizona and New Mexico game agencies. Their suggested standards and guidelines have been incorporated in the FEIS without change.**

7. Use of VSS Classes

Comment: The use of VSS classes doesn't reflect the time it takes for trees to move between classes. The

DEIS text related to interpretations of the VSS table appear erroneous.

Response: The current information on desired conditions for Mexican spotted owl and northern goshawk has been expressed as a percentage of the forest in the six VSS class structural stages. Region-wide data expressed as VSS classes is available by forest type. Additionally, programmatic interpretations of wildlife effects are facilitated through the use of this level and type of information. The Forest Service feels that VSS information, while not "perfect", is adequate to support the programmatic decisions being made.

8. Alternative F

Comment: Why was the area for Alternative F selected. The DEIS should disclose what management approaches would be demonstrated. We applaud the ecosystem approach that is depicted in Alternative F.

Response: We received mixed comments about Alternative F. Some people liked the idea of an ecosystem management demonstration area on the Apache National Forest, some people didn't think the idea had any merit and others were totally confused how the Alternative was presented. The idea for Alternative F came from a group of professional foresters and wildlife biologists on the Apache National Forest that felt there was a good opportunity to try a different approach for managing the Mexican spotted owl (MSO). The MSO on the Apache National Forest inhabits a narrower niche of habitat than in other areas of the Region, which would have easily have facilitated the different approach described in the DEIS.

In the FEIS, Alternative C and F were retained but not tied together as they were in the DEIS. Review Chapter 2 of the FEIS for more information.

9. No Action Alternative

Comment: The No Action alternative should be changed to reflect the pre-owl and pre-goshawk management situation. The change would better serve as a baseline of comparison of the true socio-economic and resource effects of owl and goshawk standards and guidelines.

Response: We agree and Alternative A (no action) has been revised to reflect this idea. Review Chapter 2 for further information.

10. Social-economic Impacts

Comment: The discussion of social-economic impacts needs much improvement. For example, no discussion of impacts to county schools is included in the DEIS. The impact section in the DEIS is currently "charged" with dangerous rhetoric.

Response: We agree that the presentation of social-economic impacts can be improved and those sections of the DEIS have been reworked in the final EIS.

11. DEIS Site-specific Effects

Comment: The DEIS doesn't contain adequate detail on the site-specific effects of the amendment on wildlife, recreation, vegetation, etc. nor does it really disclose all the locally specific effects to local communities. The EIS scope should include a discussion of the effects to Indian reservations.

Response: The amendment of all Southwestern Regional plans is a programmatic decision not a site-specific decision. The Forest Service's two-level decision process (Level 1 = Forest Plans, Level 2 = Project Plans) has been affirmed numerous times in federal district court rulings. The NEPA requirement to disclose site-specific effects comes into play when there is an expected irreversible or irretrievable commitment of resources. This commitment of resources only occurs during site-specific implementation actions such as timber sales, recreation developments, road construction, etc. This amendment and forest plans by themselves do not make decisions or authorize any site-specific ground disturbing actions. The Forest Service has made improvements in the environmental effects discussions in the FEIS but considers the detail presented in the DEIS to be adequate for this programmatic decision.

12. MSO Management Direction

Comment: Proposed management direction is not consistent with research (e.g., Ganey, Blada, Skaggs).

Response: A team of scientists were convened to develop the Mexican Spotted Owl Recovery Plan. All relevant research was reviewed during Plan development. Alternative G was added to the final EIS and is consistent with known research and owl information.

13. DEIS Background Section

Comment: The Background Section of the DEIS doesn't truly reflect what the Forest Service role has been.

Response: **We believe the Background Section does reflect what the Forest Service role has been in protection of the Mexican spotted owl and northern goshawk. The Southwestern Region has spent millions of dollars over the last decade in accomplishing the protection goals. The Background Section has been edited in the FEIS to bring it up to date.**

14. Alternative Generation

Comment: Who are the Goshawk Interagency Implementation Team and Applied Ecosystem Management, Inc.? Why are their alternatives in the DEIS.

Response: **The Goshawk Interagency Implementation Team (GITT) is a team of wildlife biologists from the federal government and state game agencies that were chartered by the Regional Forester to develop recommendations to implement the report Management Recommendations for the Northern Goshawk in the Southwestern U.S. (RM-217). Applied Ecosystem Management, Inc. is a private consulting firm currently based in Flagstaff, Arizona. Their respective alternatives were in the DEIS because of their individual responses to initial scoping activities associated with this region-wide amendment of forest plans. The Forest Service felt that their suggestions merited inclusion in the DEIS as alternatives and felt the public would be better served if their ideas were presented in the planning process. In the FEIS, the GITT alternative was replaced by more recent information from the Arizona and New Mexico state game agencies. The Applied Ecosystem Management alternative was carried forward into the final EIS.**

15. Separate Amendment Efforts

Comment: It is confusing to the public to have two separate EIS processes (i.e., one for all the region, one for the Kaibab N.F.) underway. The efforts should be combined.

Response: **The Forest Service received many comments related to the separate processes. The Kaibab amendment process was initiated several years ago prior to the listing of the Mexican spotted owl. Since that process started, the other amendment process was started and effectively "caught up with the Kaibab effort". In response to the expressed public concern, the Regional Forester decided to combine the efforts and issued a Notice of Intent to**

do so in the Federal Register on March 23, 1995. The FEIS does include proposed amendments to the Kaibab Forest Plan along with proposals for amending all the other Forest Plans.

16. Fish and Wildlife Service Consultation

Comment: The Forest Service has not consulted with Fish and Wildlife Service on the amendments. The Forest Service is violating the Endangered Species Act by not consulting.

Response: **The allegations by commenters that the Forest Service has not consulted with the Fish and Wildlife Service on the proposed action to amend Forest Plans are totally without basis. Informal consultation has been ongoing since the amendment was first proposed. Formal consultation on the Forest Service proposed action was conducted and completed prior to signing the Record of Decision. Representatives from the Fish and Wildlife Service and the Mexican Spotted Owl Recovery Team were directly involved in crafting the standards and guidelines for the Mexican spotted owl and northern goshawk as represented in Alternative G.**

17. DEIS Range of Alternatives

Comment: The DEIS contains an inadequate range of alternatives.

Response: **The final set of alternatives has been improved in the FEIS. Some commenters asked that the Alternative A (no action) better reflect forest plan direction prior to issuance of Interim direction for the Mexican spotted owl and northern goshawk. The Forest Service agrees that redefining Alternative A will result in a better benchmark to relate the impacts of adopting standards and guidelines for the two birds.**

The Arizona and New Mexico state game agencies provided more up to date input on northern goshawk management. The Forest Service has modified Alternative D to reflect the state's comments.

The U.S. Fish and Wildlife Service and others expressed concerns that none of the DEIS alternatives reflected consideration of the Mexican Spotted Owl Recovery Plan. Alternative G was added to the range of alternatives to display the effects of the owl recovery plan standards and guidelines.

Several commenters also expressed concern and confusion about the coupling of Alternative C and F in the DEIS as the agency's preferred alternative.

These two alternatives have been made separate in the FEIS to reduce confusion.

For additional information on alternative development and descriptions, please review Chapter 2 of the final EIS.

18. Comment Period

Comment: The comment period on the draft environmental impact statement is curiously short.

Response: A DEIS was released for comment as documented in a Notice of Availability in the Federal Register on August 19, 1994. The Notice identified a formal comment period ending December 01, 1994 (a total of 104 days). Comments on the DEIS that were submitted late were considered if they were received prior to May 1, 1995 (a total of 151 extra days). The total opportunity to comment on the DEIS adds up to 255 days while the minimum legal requirement for DEIS comments is only 90 days. The Forest Service feels it has allowed more than ample time for public review. Further, the agency provided over 70 days during the scoping process to collect comment from the public.

The Regional Forest Intends to release the FEIS on or about September 1, 1995, and wait at least 30 days before releasing a final decision. This time period will also give the public another opportunity to review and comment on the FEIS.

Chapter 5 of the FEIS contains detailed information on all public and agency involvement activities.

19. DEIS Purpose

Comment: If none of the alternatives have an effect on these species how is the DEIS fulfilling the purpose and need.

Response: The Purpose and Need for the agency's proposed action was clearly articulated in detail in Chapter 1 of the DEIS. The purpose of the proposed action is to amend all Southwestern Region forest plans to incorporate standards and guidelines for management of the Mexican spotted owl and northern goshawk. The purpose of the DEIS was to disclose the environmental, social and economic effects of implementing the proposed action. As it turned out, the proposed action of adopting standards and guidelines has little effect on the two birds, but other effects like local community employment and income are projected to be significant.

20. County Land Use Plans

Comment: County land use plans were enacted so that counties could foster closer relationships with federal land managing agencies. NEPA requires that counties have a co-equal status in the planning process.

Response: Commenters are correct in the fact that counties have a strong role to play in planning with the Forest Service. To that end, the Regional Office and many individual forests have developed Memorandums of Understanding and other agreements to improve county and federal planning relationships. However, co-equal status does not mean co-decision authority as many county governments try to portray. The Forest Service alone has the full authority for making federal land decisions within their jurisdiction.

Many of the county land use plans prescribe management constraints and actions on federal lands. While the land use plans do indicate county preferences for management of federal lands, the federal government makes final decisions on federal land management policies and must adhere to federal law and regulations that often prohibit federal implementation of their county land use plans.

21. Old Growth Management

Comment: As much old growth as possible should be preserved, created and managed. Specific percents of allocated old growth along with block size requirements should be dropped. Any old growth allocation should be species specific, should be allocated to a minimum percent of the area and should be allocated in blocks of some minimum size.

Response: There was a wide range of comments concerning the management of old growth and how that relates to management for the Mexican spotted owl and northern goshawk. Alternative G standards and guidelines were drafted to respond to those comments. Appendix E of the FEIS contains a complete display of old growth and other standards and guidelines associated with each alternative.

22. Forage/Cover Ratios

Comment: The forage/cover ratio guidelines no longer make any sense when moving to uneven-aged management. With no harvest on steep slopes, there will be plenty of cover. If forage/cover ratios are dropped from forest plans, wildlife will suffer.

Response: Part of the problem with forage/cover ratio guidelines that are currently in forest plans is they often conflict with Mexican spotted owl and northern goshawk management requirements that have arisen during project implementation. The standards and guidelines in the amendment establish clearer priorities with respect to which standards and guidelines take precedence when conflicts arise.

Additionally, forage/cover relationships were originally established in the forest plans to assure adequate cover was available when silvicultural emphasis was towards even-aged practices. As a result of the amendment, the emphasis in forest plans is being shifted towards uneven-aged management, which makes concerns for having specific forage/cover ratios less critical. Forage and cover needs can and will be considered during site-specific project planning, but now will be controlled by hierarchical priorities established in the amendment.

23. Ecosystem Management

Comment: The action proposed will institutionalize "single-species" management at the expense of a broader ecosystem or landscape approach.

Response: We agree that adding special guidelines for the Mexican spotted owl and northern goshawk is not a broad ecosystem or landscape approach. However, the Forest Service believes that the protection of these two species by amending forest plans is the correct approach until forest plans are revised within an ecosystem context. Forest plan revisions in the Southwestern Region will commence in 1996 and be staged for completion at a rate of 2 to 3 forests per year. The expectation is that all forest plans will be revised by 2002. These plans will be reformatted to portray an ecosystem approach; however, requirements of the Endangered Species Act, recovery plans, etc. still may preclude moving completely away from some "single-species" standards and guidelines.

24. Proposal Expense

Comment: The proposal will be very costly to implement, especially all the monitoring requirements.

Response: The Forest Service recognizes that implementation of a forest plan amendment that emphasizes protection of the Mexican spotted owl and northern goshawk will be more expensive than historic costs. For example, the Mexican Spotted Owl Recovery Plan will require very intensive monitoring. The Forest Service has little choice,

however, but to adhere to current laws and regulation. Land management costs will continue to rise and recent projections for budgets show dramatic declines. The Forest Service can no longer "do more with less" and the ultimate result will be less direct on-the-ground project work and fewer customer services.

25. NFMA/NEPA Significance

Comment: What is the difference between NFMA and NEPA significance? Why is an environmental impact statement necessary?

Response: When congress crafted the language for the National Forest Management Act, they used the term "significance". Unfortunately, the term "significance" also is utilized in the National Environmental Policy Act. The NFMA significance relates to the amount of departure of a specific forest plan amendment action from current forest plan goals and standards. The NEPA significance relates to expected environmental effects from a proposed action.

Forest plan amendment actions that are considered to be a "significant departure" from current forest plan direction require an environmental impact statement. Proposed actions that "may have a significant effect on the environment" also require an environmental impact statement. The primary reason for completion of this region-wide amendment environmental impact statement was the expectations related to environmental impacts (i.e., NEPA definition) rather than the expectation of major change to existing forest plans (i.e., NFMA definition). In any event, completion of the environmental impact statement actually takes care of both situations and makes arguments about the significance of the amendment or the significance of the expected environmental effects legally moot. For further information on the NFMA significance question, review the rationale in the Record of Decision.

F. FEIS MAILING LIST

The final environment impact statement was mailed out to over 300 individuals and to the following list of organizations, government agencies, local governments and Indian Tribes. The individuals mailed the FEIS are not listed below because of Privacy Act considerations. Over 600 copies of the FEIS were mailed out. The Record of Decision is being delayed for a minimum of 30 days to allow the public, governments and Indian Tribes to review the FEIS and submit

comments to the Regional Forester for consideration in the final decision.

ACOMA PUEBLO
AK-CHIN TRIBAL COUNCIL
ALAMOGORDO CITY MANAGER
ALBUQ. PRODUCTION CREDIT
ALL INDIAN PUEBLO COUNCIL
AMERICAN FISHERIES SOCIETY - ALBUQUERQUE
AMERICAN FISHERIES SOCIETY - PHOENIX
AMERICAN INDIAN ENVIRONMENTAL
AMERICAN MOTORCYCLE ASSN. - ODESSA
AMERICAN MOTORCYCLE ASSN. - OHIO
APACHE COUNTY - BOARD OF SUPERVISORS
APACHE COUNTY - CATTLEMENS ASSOC.
APACHE COUNTY - DEVELOPMENT & COMMUNITY SERVICE
APACHE POINT OBSERVATORY
APPLIED ECOSYSTEM MGMT, INC.
ARIZONA ASSOC. OF 4WD CLUBS
ARIZONA ASSOC. OF CD'S
ARIZONA ASSOC. OF COUNTIES
ARIZONA CATTLE GROWERS
ARIZONA CATTLEGROWER'S ASSN.
ARIZONA CNTR FOR LAW-PUBLIC
ARIZONA DEPT OF ENVIRONMENTAL QUALITY
ARIZONA GAME & FISH DEPARTMENT - FLAGSTAFF
ARIZONA GAME & FISH DEPARTMENT - MESA
ARIZONA GAME & FISH DEPARTMENT - PINETOP
ARIZONA GAME AND FISH DEPARTMENT - PHOENIX
ARIZONA GAME AND FISH DEPARTMENT - KINGMAN
ARIZONA GAME AND FISH DEPARTMENT - TUCSON
ARIZONA MINING ASSOCIATION
ARIZONA RIPARIAN COUNCIL
ARIZONA SECRETARY OF STATE
ARIZONA STATE LAND DEPARTMENT COMMISSIONER
ARIZONA STATE LAND DEPARTMENT FORESTRY DIVISION
ARIZONA STATE LAND DEPARTMENT NATURAL RESOURCES
DIVISION
ARIZONA TRAVEL PARKS ASSOC.
ARIZONA WILDERNESS COALITION
ARIZONA WOOL PRODUCERS
ARIZONA/NEW MEXICO COALITION OF COUNTIES
ASARCO, INC.
ASSOC. OF FORESTERS
AUDUBON SOCIETY
AUDUBON SOCIETY - APPLETON-WHITTELL RES. RANCH
AUDUBON SOCIETY - CENTRAL NEW MEXICO
AUDUBON SOCIETY - MARICOPA
AUDUBON SOCIETY - MESILLA VALLEY CHAPTER
AUDUBON SOCIETY - NORTHERN SECTION
AUDUBON SOCIETY - TUCSON
AUDUBON SOCIETY - HUACHUCA
AUDUBON SOCIETY - LAS CRUCES
AUDUBON SOCIETY - SW NEW MEXICO
BATES LUMBER COMPANY
BERNALILLO COUNTY COMMISSIONERS
BIODIVERSITY LEGAL FUND
BLUE RIBBON COALITION
BUDD-FALEN LAW OFFICES
BUREAU OF LAND MANAGEMENT
CABLE MARKETING GROUP
CAMP VERDE TOWN COUNCIL
CAMP VERDE YAVAPAI-APACHE
CAPITAN, MAYOR
CARLSBAD, MAYOR
CATRON COUNTY
CATRON CTY. MANAGER

CAVERN 4 WHEELERS
CHAVES COUNTY COMMISSIONERS
CHINO VALLEY TOWN COUNCIL
CHICUAHUAN ALLIANCE
CHIPPEWAY LUMBER
CHIRICAHUA COUNCIL
CIBOLA COUNTY COMMISSION
CITIZENS FOR PROT. OF PRESCOTT ARIZONA
CITIZENS OF MT. GRAHAM
CITIZENS' REVIEW COMMITTEE
CLARKDALE TOWN COUNCIL
CLIFTON CITY GOVERNMENT
COALITION FOR THE PRESERVATION OF MT. GRAHAM
COALITION OF AZ/NM COUNTIES
COCHISE CONSERVATION COUNCIL
COCHISE COUNTY BOARD OF SUPERVISORS
COCHISE-GRAHAM CATTLE GROWERS
COCHITI PUEBLO
COCONINO CO CATTLE GROWERS
COCONINO CO SUPERVISOR
COCOPAH TRIBAL COUNCIL
COLFAX COUNTY
COLORADO RIVER INDIAN TRIBES
COMMISSION ON THE AZ ENVIRON.
CONKLIN LUMBER CO
CONLEY SAWMILL
CORONADO FOREST GRAZING USERS
CUBA VILLAGE
D & D AND SONS LUMBER
DEFENDERS OF WILDLIFE
DONA ANA COUNTY SPORTSMAN ASSC
DUKE CITY LUMBER CO.
EAGER CITY GOVERNMENT
EARTH FIRST, ARIZONA
EARTH FIRST, NEW MEXICO
EASTERN COUNTIES ORGANIZATION
EDDY COUNTY
EIGHT NORTHERN PUEBLOS
EJS, INC.
EL RITO DE LAMA ACEQUIA
ENSR
ENVIRONMENTAL DEFENSE FUND
ENVIRONMENTAL LAW SOCIETY
ERICKSON COMPANY
EVANS RANCHES
FIVE COUNTY ASSC OF GOVERNMENT
FIVE SANDOVAL INDIAN PUEBLO INC.
FLAGSTAFF CITY MAYOR
FLEX
FOREST CONSERVATION COUNCIL
FOREST GUARDIANS
FOREST TRUST
FORESTRY ASSOCIATION, INC.
FORT MOJAVE TRIBAL COUNCIL
FOUNDATION FOR BIODIVERSITY
FOWLER LUMBER COMPANY
FREDONIA CITY COUNCIL
FREDRICK WENDENBURG
FRIENDS OF BLACK RANGE
FRIENDS OF THE GILA RIVER
FRIENDS OF THE OWLS
FT APACHE TIMBER CO
GALLEGOS L&M COMPANY
GARFIELD CO COMMISSION
GEM CRAFTER'S
GILA CONSERVATION COALITION
GILA COUNTY

GILA FISH & GUN CLUB
GILA RIVER
GILA WATCH
GLOBE CITY GOVERNMENT
GRAHAM COUNTY
GRAHAM COUNTY-CHAMBER
GRAND CANYON TRUST
GRANT CITY CATTLEGROWERS
GRANT COUNTY MGR
GRANT COUNTY EXTENSION
GREATER GILA BIODIVERSITY
GREATER GILA BIODIVERSITY
GREENLEE CITY
GREENLEE COUNTY CATTLE GROWERS
GREER FIRE DISTRICT
HANSEN LUMBER COMPANY, INC.
HAVASUPAI TRIBAL COUNCIL
HAWKWATCH INTERNATIONAL
HIDALGO COUNTY
HOLIDAY LOGGING CO.
HONORABLE BILL RICHARDSON
HONORABLE BOB STUMP
HONORABLE ED PASTOR - PHOENIX
HONORABLE ED PASTOR - TUCSON
HONORABLE JAMES HANSEN
HONORABLE JEFF BINGAMAN - SANTA FE
HONORABLE JEFF BINGAMAN - ROSWELL
HONORABLE JEFF BINGAMAN - LAS CRUCES
HONORABLE JEFF BINGAMAN - ALBUQUERQUE
HONORABLE JIM KOLBE - SIERRA VISTA
HONORABLE JIM KOLBE - TUCSON
HONORABLE JOE SKEEN - ROSWELL
HONORABLE JOE SKEEN - LAS CRUCES
HONORABLE JOHN MCCAIN - TUCSON
HONORABLE JOHN MCCAIN - PHOENIX
HONORABLE JON KYLE
HONORABLE MATT SALMON
HONORABLE JOHN SHADEGG
HONORABLE MURRAY RYAN
HONORABLE J.D. HAYWORTH
HONORABLE PETE V. DOMENICI - SANTA FE
HONORABLE PETE V. DOMENICI - ALBUQUERQUE
HONORABLE PETE V. DOMENICI - ROSWELL
HONORABLE PETE V. DOMENICI - LAS CRUCES
HONORABLE JACK BROWN
HONORABLE STEVEN H. SCHIFF
HOPI TRIBAL COUNCIL
HUACHUCA HIKING CLUB
HUALAPAI TRIBAL COUNCIL
ISLETA PUEBLO
IZAAK WALTON LEAGUE - ALBUQUERQUE
IZAAK WALTON LEAGUE - PRESCOTT
JAMES G. CLARK, SUPERVISOR
JEMEZ PUEBLO
JICARILLA APACHE TRIBE
JOE GANEY, NORTHERN AZ UNIVER
JOHN FOWLER, NMSU
KAIBAB FOREST PRODUCTS
KAIBAB-PAIUTE TRIBAL COUNCIL
KANAB CITY COUNCIL
KANE CO COMMISSION
KUYKENDALL LUMBER CO.
LAGUNA PUEBLO
LANGMUIR LABORATORY NEW MEXICO
LA PAZ COUNTY
LAS VEGAS CITY
LINCOLN COUNTY

LOS ALAMOS COUNTY COMMISSIONER
LOWELL OBSERVATORY
LUNA COUNTY
MADERA FOREST PRODUCTS COOP
MARICOPA COUNTY
MCKINLEY COUNTY
MESA FOUR WHEELERS
MESC BIO SURVEY
MESCALERO APACHE TRIBE
MESCALERO FOREST PRODUCTS
MIKE'S PLACE
MOHAVE COUNTY
MOHAVE-APACHE TRIBAL COUNCIL
MOORE CASH LUMBER
MORA COUNTY
MT. TAYLOR MILLWORKS
NAMBE PUEBLO
NATIONAL FOREST RECREATION
NATIVE PLANT SOCIETY OF AZ
NATIVE PLANT SOCIETY OF NM - ALAMOGORDO
NATIVE PLANT SOCIETY OF NM - SANTA FE
NATURE CONSERVANCY - PHOENIX
NATURE CONSERVANCY OF NM - SANTA FE
NAVAJO COUNTY
NAVAJO COUNTY CATTLE GROWERS
NAVAJO FOREST PRODUCTS INDUSTR
NAVAJO NATURAL HERITAGE
NAVAJO TRIBE
NEW MEXICO CATTLEGROWERS ASSN
NEW MEXICO DEPT OF AGRICULTURE
NEW MEXICO DEPT OF GAME & FISH
NEW MEXICO DEPT OF NAT. RESOUR
NEW MEXICO DIV. STATE FORESTRY
NEW MEXICO ENERGY, MINERALS, FORESTRY & RESOURCE
CONSERV.
NEW MEXICO ENVIRONMENT DEPT.
NEW MEXICO ENVIRON. LAW
NEW MEXICO FARM BUREAU
NEW MEXICO PUBLIC LAND COUNCIL - ALBUQUERQUE
NEW MEXICO PUBLIC LAND COUNCIL - ROSWELL
NEW MEXICO STATE LAND OFFICE
NEW MEXICO STATE UNIVERSITY
NEW MEXICO TROUT
NEW MEXICO WILDERNESS STUDY
NEW MEXICO WOOL GROWERS ASSOC.
NORTH COUNTRY, INC.
NORTHERN ARIZONA COUNCIL OF GOVERNMENTS
NORTHERN AZ LOGGERS ASSOC.
NORTHERN AZ UNIVERSITY
OTERO COUNTY COMMISSIONERS
PACIFIC STUDS AND LUMBER CO.
PASCUA YAQUI TRIBAL COUNCIL
PEOPLE FOR THE WEST - TUCSON
PEOPLE FOR THE WEST - ABIQUIU
PEOPLE FOR THE WEST - PECOS
PEOPLE FOR THE WEST - PINON
PEOPLE FOR THE WEST - OREGON
PHELPS DODGE
PICURIS PUEBLO
PIMA COUNTY BOARD OF SUPERV.
PIMA-MARICOPA TRIBES
PINAL COUNTY BOARD OF SUPERV.
PINE TOP-LAKESIDE
POJOAQUE PUEBLO
PRAIRIE DAWG MOTORCYCLE CLUB
PRECISION PINE
PRESCOTT CITY COUNCIL

PRESCOTT NF FRIENDS
PRESCOTT VALLEY TOWN COUNCIL
PUBLIC LAND USERS ASSOCIATION
QUECHAN TRIBAL COUNCIL
RAMAH NAVAJO CHAPTER
RANGE IMPROV. TASK FORCE.
REIDHEAD BROS LUMBER MILL
RESERVE AREA CHAMBER
RIO ARriba COUNTY COMMISSIONER
ROAD RUNNER 4-WHEELERS
ROCKY MTN ELK FOUNDATION - SILVER CITY
ROCKY MTN ELK FOUNDATION - FLAGSTAFF
RUIDOSO CITY MANAGER
SACRAMENTO GRAZING ASSOCIATION
SAHUARO 4X4'S
SALT RIVER PROJECT
SANDOVAL EVIRON. ACTION
SAN CARLOS APACHE TRIBE
SAN FELIPE PUEBLO
SAN ILDEFONSO PUEBLO
SAN JUAN PUEBLO
SAN JUAN SO. PAIUTE TRIBE
SAN MIGUEL COUNTY COMMISSIONERS
SANDIA MOUNTAIN WILDLIFE CONS.
SANDIA PEAK SKI COMPANY
SANDIA PUEBLO
SANDOVAL COUNTY COMMISSIONERS
SANTA ANA PUEBLO
SANTA BARBARA GRAZING ASSN.
SANTA CLARA PUEBLO
SANTA CRUZ COUNTY
SANTA FE CITY PLANNING
SANTA FE COUNTY COMMISSIONERS
SANTA FE FORESTRY COUNCIL
SANTA FE NF FOREST WATCH
SANTO DOMINGO PUEBLO
SEDONA CITY MANAGER
SIERRA CLUB - DENVER
SIERRA CLUB - SANTA FE
SIERRA CLUB - LAS CRUCES
SIERRA CLUB - FLAGSTAFF
SIERRA CLUB - TUCSON
SIERRA CLUB - EL PASO
SIERRA CLUB - ALAMOGORDO
SIERRA CLUB - PHOENIX
SIERRA CLUB - ALBUQUERQUE
SIERRA COUNTY COMMISSIONERS
SKI APACHE
SKY ISLAND ALLIANCE
SOCORRO CTY COMMISSIONERS
SOUTHERN UTE TRIBE
SOUTHWEST CENTER FOR DIVERSITY
SPRINGERVILLE TOWN MAYOR
STONE CONTAINER CORP.
STONE FOREST INDUSTRIES
TAOS COUNTY
TAOS PUEBLO
TESUQUE PUEBLO
TIERRA MADRE CONSULTANTS, INC
TIGHT NORTHERN PUEBLOS
TIMBER INDUSTRIES, INC.
TOHONO O'ODHAM TRIBAL COUNCIL
TONTON APACHE TRIBAL COUNCIL
TORRANCE COUNTY
TRI STAR CO.
TUCSON 4-WHEELERS
TUCSON ROD AND GUN

TUCSON ROUGHRIDERS
UNITED 4-WHEEL DRIVE ASSOC.
US BUREAU OF INDIAN AFFAIRS - PHOENIX
US BUREAU OF INDIAN AFFAIRS - WHITERIVER
US BUREAU OF LAND MANAGEMENT - PHOENIX
US BUREAU OF LAND MANAGEMENT - SANTA FE
US BUREAU OF LAND MANAGEMENT - ROSWELL
US BUREAU OF LAND MANAGEMENT - PHOENIX
US BUREAU OF LAND MANAGEMENT - SAFFORD
US BUREAU OF LAND MANAGEMENT - HUACHUCA
US BUREAU OF LAND MANAGEMENT - LAS CRUCES
US BUREAU OF LAND MANAGEMENT - CARLSBAD
US BUREAU OF LAND MANAGEMENT - KINGMAN
US BUREAU OF LAND MANAGEMENT - TAOS
US BUREAU OF MINES
US FISH AND WILDLIFE SERVICE - TUCSON
US FISH AND WILDLIFE SERVICE - ALBUQUERQUE
US FISH AND WILDLIFE SERVICE REGIONAL OFFICE
US FOREST SERVICE - FORT COLLINS
US FOREST SERVICE - OGDEN
US FOREST SERVICE - JUNEAU
US FOREST SERVICE - MILWAUKEE
US FOREST SERVICE - ATLANTA
US FOREST SERVICE - PORTLAND
US FOREST SERVICE - SAN FRANCISCO
US FOREST SERVICE - OGDEN
US FOREST SERVICE - LAKEWOOD
US FOREST SERVICE - MISSOULA
US FOREST SERVICE - WASHINGTON
US NATIONAL PARK SERVICE - SAN FRANCISCO
US NATIONAL PARK SERVICE - SANTA FE
US SOIL CONSERVATION SERVICE - ALBUQUERQUE
UTE MOUNTAIN TRIBE
VALENCIA COUNTY COMMISSIONERS
VALLECITOS FEDERAL SUSTAINED
WESTERN ASSOC OF LAND USERS
WESTERN STATES PUBLIC LANDS
WHITE MOUNTAIN APACHE TRIBE
WHITE MOUNTAIN CONSER. LEAGUE - LAKESIDE
WHITE SANDS FOREST PRODUCTS
WILD TURKEY FEDERATION - ALBUQUERQUE
WILDERNESS SOCIETY - DENVER, CO
WILDLIFE FEDERATION - PHOENIX
WILDLIFE FEDERATION - MESA
WILDLIFE FEDERATION - ALBUQUERQUE
WILDLIFE LEGISLATIVE COUNCIL
WINSLOW CITY MANAGER
X DIAMOND RANCH
YAVAPAI COUNTY
YAVAPAI COUNTY CATTLE GROWERS
YAVAPAI-PRESCOTT TRIBAL
YSLETA PUEBLO
ZIA PUEBLO
ZUNI PUEBLO

G. ISSUES and RESPONSES RELATED TO FISH and WILDLIFE SERVICE DESIGNATION of CRITICAL HABITAT

The USDI Fish and Wildlife Service (USFWS) published its final rule designating critical habitat for Mexican spotted owl in the Federal Register on June 6, 1995. This EIS deals with implementation of the Recovery Plan for Mexican spotted owl causing questions on the compatibility between critical habitat and the

recovery plan. There is no incompatibility. Critical habitat areas are those where the greatest management emphasis for a listed species should be placed while recovery plans describe the management standards and guidelines to be applied. Also, critical habitat areas are broad delineations of areas of potential threats to the species where the species occurs or is likely to occur. The broad delineations include area that is not owl habitat and actual critical habitat is determined the presence of primary constituent habitat elements.

The USFWS included issues and responses in the June 6, 1995 Federal Register notice which dealt with questions of critical habitat delineation and compatibility with the recovery plan. Those selected issues and responses are reproduced below for the reader's information. The complete rule and all issues and responses can be found in the Federal Register, Tuesday, June 6, 1995 pages 29914-29951. References to Issue #s below are identical to those references found in the Federal Register notice.

ISSUE 2: Some commenters stated that pure ponderosa pine vegetative types are not suitable habitat for nesting and roosting, and should therefore not be included within critical habitat. Others believe that ponderosa pine is a habitat type used by the owl and should be included in critical habitat.

USFWS Response: Ponderosa pine is found in numerous vegetative associations. The Service does not consider ponderosa pine associations where other coniferous tree species such as Douglas fir and hardwoods such as Gambel oak are not found or exist as minor accidental occurrences to be habitat suitable for nesting and roosting. However, relatively pure ponderosa pine associations may be used for foraging where they are found in proximity to other vegetative associations that do support nesting and roosting activity. Where ponderosa pine exists as a codominant with other tree species, the habitat may support the combined nesting, roosting, and foraging needs of territorial owls. The inclusion of ponderosa pine habitat types within critical habitat was determined by its presence in known owl territories and proximity to other nest/roost habitat. It also may occur as inclusions and intervening stretches between other habitat types. However, extensive areas of pure ponderosa pine were generally not included in critical habitat. Where these areas do occur and have no potential for use by foraging owls, they may be considered lacking primary constituent elements and be managed as unsuitable habitat.

ISSUE 6: Total critical habitat acreage is greater than prior estimates of suitable owl habitat. Critical habitat contains much unsuitable habitat that should be excluded from the designation. Lands that are not occupied by the Mexican spotted owl and/or do not exhibit the physical and biological features essential to the owl should not be included in critical habitat. Potential habitat should not be included in critical habitat.

USFWS Response: Owl habitat includes a wide variety of vegetative and topographic features, and is fairly heterogeneous at both landscape and home-range scales. Habitat characterized by land-managing agencies as "suitable" is defined as areas able to support the combined nesting, roosting, and foraging needs of the subspecies. Suitable habitat occurs in a matrix of habitat suitable only for less restrictive behavior needs such as foraging and dispersal, and may itself have inclusions and intervening stretches of unsuitable habitat. Based on previous land-management agency estimates, there exists a wide range in the proportion of suitable habitat with owl home ranges. Frequently, the proportion of suitable to other habitat types may comprise half of a home range area. In canyon habitat characterized by minimal forest cover, the vegetative types classed as suitable may comprise half of a home range area. In canyon habitat characterized by minimal forest cover, the vegetative types classed as suitable may comprise a small fraction of total area within a home range. Therefore, suitable and unsuitable habitat may occur in a combined area two to several times as large as the 2 to 4 million acres of suitable habitat cited by various agencies and Service estimates. Areas lacking or without the potential to regain primary constituent elements may be considered and managed as unsuitable habitat.

The use of the term "potential" in the proposed rule refers to the capability of a site that has undergone past habitat modification to return to a condition in which it may become owl habitat again. It does not refer specifically to any successional processes or management objectives to create owl habitat where none existed before. It also does not refer to uncertainty in whether an area actually serves as habitat.

ISSUE 7: The Service used data provided by the USFS Southern Forest Experiment Station (SFES) to determine the vegetation type of each proposed critical habitat unit. These data show that about 95% of the land included in critical habitat are not forest types the Service considers to be critical.

USFWS Response: The data compiled for the identification of areas to be included in critical habitat came from many disparate sources and land managing agencies. None of the data used by the Service came directly from SFES, although some agencies may have derived some or all of their data from this source, and in turn have provided it to the Service. The "95%" figure cited from Table A3 of the Draft Economic Analysis does represent land cover summaries derived exclusively from SFES data. Further analysis of this data set showed that it used vegetative classifications that did not readily identify other vegetative associations and did not represent complete floristic compositions. Therefore, the ponderosa pine class in the SFES data set frequently includes other coniferous and hardwood tree species that under other classifications may be considered pine-oak or mixed conifer. Analysis of critical habitat using a more detailed data set provided a more accurate representation of vegetative associations within critical habitat. Table 5 below shows vegetative associations derived from U.S. Geological Survey land coverage (figures reflect revised acreages). As discussed previously, vegetative associations such as mixed conifer or pine-oak that support the combined nesting, roosting, and foraging needs ("suitable") of the owl comprise only a portion of the total habitat utilized, and may occur within unsuitable habitat or habitat used only for foraging. Furthermore, within owl habitat there are inclusions of less frequently or non-utilized areas. These factors combine to limit the relative proportion of critical habitat that comprises nest/roost habitat.

ISSUE 9: Regulations pertaining to the designation of critical habitat state that the entire geographic range that can be occupied by a species is not to be included in critical habitat. Unoccupied habitat may only be designated if determined to be essential to the conservation of the species.

USFWS Response: The Service has not designated the entire potential geographic range of the subspecies. However, critical habitat does include the entire subset of the known or expected owl population where there exist resource management actions with known or expected adverse habitat impacts. The Service believes that the current owl population is adequate to achieve delisting should the central subpopulations show stable or increasing demographic trends. Therefore, all known territories and supporting habitat are essential to the recovery and conservation of the subspecies.

Habitat may be unoccupied due to such disparate factors as demographic inviability and extirpation,

or natural intermittency and movement between different habitat areas or alternate home ranges. Critical habitat includes some areas with low owl densities and intermittent occupancy. However, no critical habitat units were designated that are incapable of supporting spotted owls.

ISSUE 13: Successional changes in forest habitat types have resulted in forest health problems. Management of owl habitat will increase tree densities, canopy layers, and fuel loads, and in turn, increase the risk and intensity of wildfire. Critical habitat will also preclude the implementation of fire prevention activities.

USFWS Response: The Service agrees that many vegetative communities have undergone successional and structural changes as a result of past and current management practices. These practices include, to varying degrees, the combined effects of long-term and widespread fire suppression, reduction in surface fuels, rates of tree overstory removal and regeneration treatments on cycles shorter than those found in natural disturbance regimes, inadequate control of tree densities responding to fire suppression and tree harvest, and in xeric forest types, decreases in the proportion of the landscape in stands composed of more fire resistant large-diameter trees. The Service also agrees that the vegetative structural and landscape changes may require proactive management to restore an appropriate distribution of age classes, control regeneration densities, and reintroduce some measure of natural disturbance processes such as fire events. This may include prescribed fire and thinning treatments, restoration of the frequency and spatial extent of such disturbances as regeneration treatments, and implementation of prescribed natural fire management plans where feasible. The Service considers use of such treatments to be compatible with the ecosystem management of habitat mosaics and the best way to reduce the threats of catastrophic wildfire. The Service will fully support land management agencies in addressing the management of fire to protect and enhance natural resources under their stewardship.

Critical habitat objectives do not include the conversion of forest vegetative types, nor the prevention of actions designed to alleviate the risk of wildfire. Management approaches considered for critical habitat primarily focus on the maintenance of mature forest attributes in mixed conifer and pine-oak habitat types over a portion of the landscape and in areas that support existing territories. It does not emphasize the creation of these features where they do not currently exist. It also does not preclude the proactive treatments mentioned above. Clearly, the

loss of owl habitat by catastrophic fire is counter to critical habitat management objectives.

It is important to stress several principles in the Service's policy on fire management. The first is that the Service always defers to the expertise and authority of the land-managing agency during response actions to fires. The second is that firefighter safety is of paramount importance and is never superseded by wildlife management objectives. The third is the Service has a responsibility to assist in the protection of life and property. The Service's primary role is dealing with the combined issues of both fire and critical habitat management is to assist in the development and implementation of management practices that incorporate the objectives discussed above without violating the aforementioned principles. These principles are set forth in an issue paper signed May 16, 1995, by the Regional Forester of the Southwest Region of the U.S. Forest Service and the Action Regional Director of the U.S. Fish and Wildlife Service.

ISSUE 17: The northern goshawk guidelines provide adequate protection for owl habitat. Critical habitat is not required where the goshawk guidelines are applied.

USFWS Response: In general, the guidelines outlined in "Management Recommendations for the Northern Goshawk in the Southwestern United States" (Reynolds et al. 1992) (guidelines) may support the development of some of the first habitat attributes suitable for owl foraging activities. However, several premises to the guidelines result in conditions that are inadequate for their use as a comprehensive owl forest habitat management plan. The guidelines use a rotational system based on "balanced" (evenly apportioned) age/size classes or vegetative structural stages (VSS) not tempered by such factors as site quality, growing conditions, and management intensity. Inclusion of these factors into the calculation of VSS can result in figures significantly different from the allocations specified in the guidelines. The management strategy of apportioning percentages of the forest base to various VSS may also only be workable where each stage accurately reflects the length of time required by each successional phase, particularly in the older age classes. Currently, however, the application by the national forests of the guideline's VSS allocation percentages typically does not incorporate or reflect in landscapes deficient in or without late successional forest stands. In addition, the short time (between 0 and 65 years depending on said factors) allotted for a stand to abide in old-growth condition may not permit development of senescent forest features such as snags and large diameter logs.

The management guidelines also use a period of time that inadequately represents forest age rotations. Currently, the VSS allocations are based on the selection of a maximum growth period derived from the average life expectancy of individual trees. However, the low to moderate survivorship curves exhibited by populations of many tree species may be expected to heavily weigh and reduce the average life expectancy to relatively short lengths of time. Where a small proportion of all regeneration reaches maximum longevity, the use of median life expectancy may be a more appropriate target for setting forest age rotations.

Other guideline specifics such as the number of large diameter trees retained following harvest may result in deficiencies in age-size classes available for snag recruitment and large diameter logs. In addition, the guidelines are only applied to occupied habitat (with the exception of the forest-wide application by the Kaibab National Forest). Occupancy, and therefore management objectives may change over time and prevent the implementation of the long-term objectives required for late successional forest stages and forested owl habitat needed for the survival and recovery of the owl.

ISSUE 30: Areas within critical habitat with little or no timber harvest threats to owl habitat should be deleted from the final designation.

USFWS Response: The use and rate of timber harvest under even-age harvest systems were identified by the Service as the primary threat to the habitat of the Mexican spotted owl. However, other habitat modifying activities have also been identified in the proposed rule as potentially affecting owl habitat, and may require consideration of habitat impacts and consultation. These include vegetative treatments to manage insects and disease, timber salvage, density control of forest and woodland stands, and fire prevention and control programs. However, areas where there is no threat to owl habitat components are functionally excluded from critical habitat since no consultation would be required.

ISSUE 34: The Forest Service is committed to implementing the Mexican Spotted Owl Recovery Plan; therefore, the Plan precludes the need for special management and critical habitat for the subspecies.

USFWS Response: The Service commends the Forest Service for initiating a process to incorporate recovery plan recommendations into their Forest Planning process and to move to mostly uneven age silvicultural regimes. However, the Recovery Plan is a draft document at this time, and the Service

is awaiting the results of extensive peer review and public comment, which could result in a final recovery plan that differs from the draft document. In addition, the Recovery Plan is not a "decision document" as defined by NEPA, and does not allocate resources on public lands. The implementation of the recovery plan is the responsibility of Federal and state management agencies in areas where the subspecies occurs. Implementation is accomplished by the incorporation, as regulatory mechanisms, of the appropriate portions of the Recovery Plan into agency decision documents such as forest plans, park management plans, and state game management plans. Such documents are then subject to the NEPA process for public review and selection of alternatives. At that point, if implementation is effective, it may supersede the need for special management, and critical habitat may be withdrawn. Until public comment is received and analyzed on both the Recovery Plan and the Forest Service NEPA process, consideration of changes in Forest Service management would be predecisional and premature.

ISSUE 37: The proposal to designate critical habitat does not coincide with the draft Mexican Spotted Owl Recovery Plan. For example, the recovery plan allows "unrestricted" management practices above 8,000 feet on the Kaibab Plateau, yet a considerable amount of critical habitat proposed in that area is above that elevation.

USFWS Response: Recovery planning and the designation of critical habitat are two different processes, each with its own timelines and purposes under the Act. Critical habitat designation is required, if both prudent and determinable, to be designated concurrently with the listing of a species. If not determinable at the time of listing, an additional year is allowed under law. Recovery plans, however, are not under statutory deadlines, although Service policy is to have final recovery plans in place within 30 months of listing a species as threatened or endangered. Thus, as a general rule, critical habitat precedes recovery plan development.

In the case of the Mexican spotted owl, the development of a critical habitat proposal was begun before the recovery planning process had begun, and was published in the Federal Register before the draft Recovery Plan was completed. The requirements of the Act and its implementing regulations, as enforced by a Federal Court, did not allow enough time for the Service to go back to the beginning of the critical habitat development process, develop a new proposed rule, and finalize critical habitat by the deadline ordered.

Critical habitat identifies areas containing the physical and biological features essential to the life history needs of a listed species, and that may need special management or protection. Designation of critical habitat does not specify what those special management considerations or protections are; those questions are addressed during the recovery planning process. In other words, critical habitat areas are those where the Service believes greatest management emphasis for a listed species should be placed, while recovery planning explains what that management should be.

In the specific instance involving the Kaibab Plateau, the area is "unrestricted" only if no nesting or roosting owls are located. The Recovery Team believes nesting and roosting is unlikely to occur; however, the plan may be modified should a significant resident owl population be discovered prior to the Service's adoption of a final recovery plan. At any rate, once a final recovery plan is adopted, the Service will consider whether to revise critical habitat through a separate rule making process.