

Decision Notice
& Finding of No Significant Impact
**Forest Plan Amendment #31 – Clarification of Forest Plan
Direction Regarding Motor Vehicle Use**

**USDA Forest Service
Colville National Forest
Ferry, Pend Oreille, and Stevens Counties, Washington**

Decision and Reasons for the Decision

Background

The Colville National Forest proposes to amend the 1988 Colville National Forest Land and Resource Management Plan (hereafter called the Forest Plan) to clarify management direction to allow motor vehicle use only on designated roads, trails, and areas.¹ The project area includes the entire Colville National Forest, located in Ferry, Pend Oreille, and Stevens Counties, in the state of Washington. The purpose of this proposed action is to make the Colville National Forest Land and Resource Management Plan consistent with the USDA-Forest Service's 2005 Travel Management Rule. The 2005 Travel Management Rule allows motor vehicle use only on designated roads, trails, and areas. This action is needed: 1) for the Colville National Forest Land and Resource Management Plan to comply with and be consistent with Federal laws and regulations; 2) for the Colville National Forest to manage motor vehicle use in a manner consistent with the multiple-use goals for long-term land and resource management; and 3) to eliminate public confusion regarding any inconsistency between the Forest Plan and the 2005 Travel Management Rule.

The proposed action would allow motor vehicle use only on designated roads, trails, and areas, which may diminish the opportunity for motor vehicle use in Management Area 6 and 8 portions of the Colville National Forest, particularly with regards to off-road travel. Allowing motor vehicle use only on designated roads, trails, and areas is also expected to reduce motor vehicle impacts to non-motorized recreation, soil, water quality, stream bank stability, wetlands and floodplains, fish and wildlife, sensitive plants, heritage resources, range, and noxious weed management.

The environmental assessment (EA) documents the analysis of two alternatives (No Action and the Proposed Action) to meet this need.

Decision

Based upon my review of the environmental assessment, I have decided to implement Alternative 2, the Proposed Action, which would amend the Forest Plan to clarify direction with regards to motor vehicle use so as to make the Forest Plan consistent with the 2005 Travel Management Rule. Text of the proposed changes is included in the EA on pages 15-17.

When compared to the no action alternative, this alternative will clarify management direction to allow motor vehicle use only on designated roads,

¹ The following vehicles and uses are exempted from these designations: (1) Aircraft, (2) Watercraft, (3) Over-snow vehicles, (4) Limited administrative use by the Forest Service, (5) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes, (6) Authorized use of any combat or combat support vehicle for national defense purposes, (7) Law enforcement response to violations of law, including pursuit, and (8) Motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations. **These exemptions apply to any discussion in this document regarding motor vehicle use only on a system of designated roads, trails or areas.**

trails, and areas which will help to avoid public confusion that would occur if the Forest Plan contained direction different from the 2005 Travel Management Rule. This alternative would have the effect of reducing the places where motor vehicle users, especially off-highway vehicle users, can drive because their use would be restricted to designated roads, trails, and areas within Management Areas 6 and 8. However, this alternative would also result in a reduction in adverse impacts to many resources, including non-motorized recreation, soils, water quality, fish and wildlife, sensitive plants, heritage resources, noxious weeds, and range resources, particularly in certain areas where use of motor vehicles off of forest roads use is currently heavy.

This amendment is a Non-Significant Forest Plan Amendment under the National Forest Management Act. Changes to the Forest Plan that are not significant can result from:

1. *Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management;*
 - This Forest Plan amendment does not significantly alter the multiple use goals and objectives for long-term land and resource management. This Forest Plan amendment will continue to provide the broad spectrum of developed and dispersed recreational opportunities which will meet public demand, because all types of recreational activities, including motor vehicle-based recreation, will continue to be allowed in the Management Areas of the National Forest where such uses were previously allowed. Off-highway vehicle users will be restricted from off-road travel in Management Areas 6 and 8, but the overall level of recreational motor vehicle use is not expected to be significantly changed because motor vehicle use would continue to be allowed on a substantial network of designated roads, trails, and areas in Management Areas 1, 2, 3A, 3B, 3C, 5, 6, 7, 8, and 10. Other resource goals will be better achieved as they would be better protected from motor vehicle-related impacts, including cultural resources, wildlife, fisheries, Threatened, Endangered, and Sensitive Species, Range, Soil, Water, and Riparian resources.
 - There are no significant changes expected to result from this Forest Plan amendment with regards to Forest Plan Objectives shown in Table 4-1 of the Forest Plan (Forest Plan Resource Outputs, Environmental Effects, Activities, and Costs), nor to resource outputs and schedules provided in Resource Summaries on Forest Plan pages 4-7 through 4-33.
2. *Adjustments of management area boundaries or management prescriptions resulting from on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management;*
 - There would be no adjustments of Management Area boundaries under this Forest Plan amendment.
 - Changes in management prescriptions will not cause significant changes in multiple-use goals and objectives for long-term land and resource management. As described above, motor vehicle-based recreation will continue to be allowed in the Management Areas of the National Forest where such uses were previously allowed. Off-highway vehicle users will be restricted from off-road travel in Management Areas 6 and 8, but the overall level of recreational motor vehicle use is not expected to be significantly changed because motor vehicle use would continue to be allowed on a substantial network of designated roads, trails, and areas in Management Areas 1, 2, 3A, 3B, 3C, 5, 6, 7, 8, and 10.
3. *Minor changes in standards and guidelines;*
 - The changes in standards and guidelines are minor because the intent of the original standards and guidelines remains the same: to allow recreational motor vehicle use while minimizing resource damage and promoting public safety.

4. *Opportunities for additional management practices that will contribute to achievement of the management prescription.*
 - No additional management practices are included in this Forest Plan amendment.

The following examples are indicative of circumstances that may cause a significant change to a forest plan:

1. *Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected;*
 - This Forest Plan amendment does not significantly alter the multiple use goals and objectives for long-term land and resource management (see discussion above under Changes to the Forest Plan that are not significant, #1).
2. *Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period.*
 - The changes that would result from this Forest Plan amendment do not have an important effect on the entire land management plan. The Forest Plan amendment directly affects only one aspect of the plan, that of motor vehicle use off of designated roads, trails, and areas. Other resources are indirectly affected, but the effect is to better meet the goals, objectives, standards and guidelines currently in the Forest Plan.
 - The change that would result from this Forest Plan amendment does not affect a large portion of the planning area. The only areas where there would be any meaningful direct effect to motor vehicle users would be in Management Areas 6 and 8 (EA pages 10-12). These two Management Areas comprise approximately 18% of the Colville National Forest, and motor vehicle use off of forest roads within Management Areas 6 and 8 is estimated to affect not more than 7-12% of the two Management Areas (EA page 26). Therefore, the percentage of the entire forest affected is estimated to be in the range of 1-2%.
 - Indirect effects to the various resources (non-motorized recreation, soil, water quality, stream bank stability, wetlands and floodplains, fish and wildlife, sensitive plants, heritage resources, range, and noxious weed management) are all beneficial effects which support direction currently in the Forest Plan. As discussed in the paragraph above, the extent of these changes is small in terms of portion of the Forest Plan area affected.

This alternative meets requirements under:

NFMA (National Forest Management Act of October 22, 1976): Applicable provisions of the NFMA include: (a) resource plans and permits, contracts, and other instruments shall be consistent with the land management plan; (b) insure consideration of the economic and environmental aspects of management, to provide for outdoor recreation, range, timber, watershed, wildlife, and fish; and (c) provide for the diversity of plants and animal communities.

- (a) The purpose of this Forest Plan amendment is to modify the Forest Plan so that management of motor vehicle use under the 2005 Travel Management Rule will be consistent with the Forest Plan.
- (b) Economic and environmental aspects were considered. Economic consideration is discussed on EA page 63; Recreation on pages 22-33; Range on pages 59-61; timber on page 62; watershed and fish (aquatic resources) on pages 42-45; wildlife on pages 45-53.
- (c) Discussions that address providing for the diversity of plants and animals are in EA pages 45-53 and 53-55, and in the Biological Evaluation in the project file.

NHPA (National Historic Preservation Act of 1966): The NHPA requires in Section 106 that the Forest Service take into account the effects of its undertakings. Effects are disclosed in the EA on pages 55-57. Additionally,

this project was evaluated for compliance by the Forest Archaeologist, who issued a statement that NHPA Section 106 compliance requirements have been met (document in project file).

ESA (Endangered Species Act of 1973): The Section 7 of the ESA requires federal agencies to "ensure" that actions authorized, funded, or carried out by them are not likely to jeopardize the continued existence of Endangered, Threatened, or Proposed species, or result in the destruction or adverse modification of their critical habitats. In compliance with ESA, the Forest Service prepared a Biological Evaluation which concluded there would be beneficial effects to Gray Wolf, Grizzly Bear, North American Lynx, Woodland Caribou, and Bull Trout. U.S. Fish and Wildlife Service concurred with the Biological Evaluation on April 1, 2008.

Other Alternatives Considered

In addition to the selected alternative, I considered one other alternative. A comparison of these alternatives can be found in the EA on pages 14 and 18-21.

Alternative 1

No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. The Forest Service would not amend the Forest Plan to clarify direction with regards to motor vehicle use. Ambiguity in the current Forest Plan language would remain, and Management Areas 6 and 8 would contain no direction with regards to where motor vehicles could go. This may result in difficulty in implementing and enforcing the 2005 Travel Management Rule, and may result in a continuation of geographically unrestricted motor vehicle use in Management Areas 6 and 8 (current seasonal restrictions would remain).

Alternative 2

Proposed Action

The proposed action would amend the Forest Plan to clarify direction with regards to motor vehicle use so as to make the Forest Plan consistent with the 2005 Travel Management Rule. While Forest Plan language would be amended for all Management Areas, the most notable change would be in Management Areas 6 and 8: Direction would be added that would allow motor vehicle use only on designated roads, trails, and areas. Direction with regards to where motorized travel is allowed is currently absent in the Forest Plan for Management Areas 6 and 8.

Public Involvement

In early 2005, public meetings that included motorized and non-motorized recreation enthusiasts, local leaders, and residents were held in several locations to discern where Off-Highway Vehicle (OHV) recreation was both desirable and acceptable. As a result, over 650 miles of existing, open roads were designated for use by all types of motor vehicles on the Colville National Forest.

On October 10, 2006, and January 25, 2007 letters were sent to the Spokane Tribe, the Kalispel Tribe of Indians, and the Tribes of the Colville Indian Reservation, requesting consultation and participation in the process of designating roads, trails, and areas open to motor vehicle use. The Tribes did not respond to the Forest Service's invitations.

The process of designating roads, trails and areas available for motor vehicle use began with meetings in Newport, Spokane, Ione, and Republic beginning in January 2007. These meetings generated a great deal of local public interest in motor vehicle use on the Forest.

The proposal to amend the Forest Plan was first listed in the Schedule of

Proposed Actions on October 1, 2007².

The proposal was provided to the public and other agencies for comment during a scoping and 30-day comment period (36 CFR 215.5) from October 17, 2007 through November 16, 2007. In addition to the legal notice published in the *Colville Statesman-Examiner* newspaper, a letter was sent to the Forest's travel management mailing list (182 addresses). A total of five letters or messages were received in response to the 30-day comment period.

- One reply was from the U.S. Environmental Protection Agency, Region 10, requesting to be on the project mailing list.
- One reply was from an individual requesting an extension of the comment period. (Other than a statement that an extension would provide participants an opportunity to locate areas of the forest where motorized use would be affected, his letter contained no comments.)

The remaining three respondents provided comments expressing their concerns with the proposal. (See EA pages 5-9 for public comments and Forest Service responses.)

Using primarily internal Forest Service analysis (see *Issues* discussion, EA pages 4-12), the Responsible Official identified one issue regarding the effects of the proposed action. The main issue of concern was: *Motor vehicle users, especially recreational off-highway vehicle users, would not be able to travel in as many places as they can now because their use would be restricted to designated roads, trails, and areas within Management Areas 6 and 8 (see Figure 1, EA page 13). Currently the Forest Plan does not restrict their use to designated roads, trails, and areas in these Management Areas. This reduction in available motor vehicle use area would diminish the opportunity for motorized recreational use in a portion of the Colville National Forest.*

The Forest Service did not study an alternative in detail to address this issue because such an alternative would not be substantially different from the No Action alternative (see discussion on EA page 18).

Steve Ryder, Grassroots Program Director, Winter Wildlands Alliance, sent a comment letter to the Forest Supervisor on March 20, 2008. This comment letter was received after the comment period closed and too late to be considered in the Environmental Assessment. That comment letter will be discussed here.

Comment: WWA (Winter Wildlands Alliance) understands that the 2005 Rule includes a discretionary "exemption" for OSVs (Over-snow Vehicles).

Response: There is nothing discretionary in the 2005 Travel Management Rule with regards to over-snow vehicles. The Travel Management Rule, 36 CFR 212.51(a) states: *Motor vehicle use on National Forest System roads, on National Forest System trails, and in areas on National Forest System lands shall be designated by vehicle class and, if appropriate, by time of year by the responsible official on administrative units or Ranger Districts of the National Forest System, provided that the following vehicles and uses are exempted from these designations:*

- (1) Aircraft;
- (2) Watercraft;
- (3) Over-snow Vehicles;
- (4)

Comment: The 2005 Rule does not provide a blanket exemption for snowmobile use, but instead allows the Forest Supervisor discretion to regulate their use.

Response: This is correct; the exemption for over-snow vehicles is not a "blanket exemption." While the 2005 Travel Management Rule exempts over-snow vehicles from the policy of allowing motor vehicle use only on

²In the October 2007 Schedule of Proposed Actions the project was entitled "Forest Plan Amendment – Management of Wheeled Motor Vehicle Off-Road Travel." In the January 1, 2008 Schedule of Proposed Actions, the project title was changed to "Forest Plan Amendment – Clarification of Forest Plan Direction Regarding Motor Vehicle Use."

designated roads, trails, and areas, it also has provision to allow, prohibit, or restrict over-snow motor vehicle use (see 36 CFR 212.81). The proposed Forest Plan amendment retains current Forest Plan restrictions or prohibitions for over-snow vehicle use in Management Areas 1, 2, 3B, 3C, 4, 6, 8, 9, and 11.

Comment: ...this rule does provide the means for Forest Service managers to allow, restrict or prohibit over-snow vehicle use (36 CFR 212.81). ...the Executive Orders still compel the Colville National Forest to address winter recreational travel on its lands.

Response: This is correct, and the proposed Forest Plan amendment does address winter recreational travel, consistent with the 2005 Travel Management Rule. Under the proposed Forest Plan amendment (as in the current Forest Plan), motor vehicle use (including over-snow vehicles) would be prohibited in Management Areas 4, 9, and 11, and restrictions on motor vehicle use (including over-snow vehicles) would continue in Management Areas 1, 2, 3B, 3C, 6, and 8. Over-snow vehicle use would continue to be unrestricted in Management Areas 3A, 5, 7, and 10.

Comment: All motorized vehicles on the Forest should be subject to the "closed unless open" policy established by the 2005 Travel Management Rule.

Response: The 2005 Travel Management Rule clearly exempts over-snow vehicles from the policy of allowing motor vehicle use only on designated roads, trails, and areas. The Colville National Forest cannot have a policy different from national Forest Service direction.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions 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. I base my finding on the following:

1. My finding of no significant environmental effects is based on the effects disclosed in the EA (pages 18-64).
2. There will be no significant effects on public health and safety, because when compared to the No Action alternative, amending the Forest Plan would result from displacing motor vehicle use off of forest roads in Management Areas 6 and 8 to designated forest road, trails, and areas, dispersed across all management areas of the Forest where motor vehicle use is allowed. The resulting potential increase in motor vehicle collisions may be offset by a decrease in motor vehicle-related collisions and injury-accidents off of forest roads and trails where use is less regulated for safety, and where numerous hazards exist that are not present on a designated road or trail system (see EA pages 33-35).
3. There will be no significant effects on unique characteristics of the area, because either impacts would be beneficial (historic or cultural resources, wetlands, inventoried roadless/potential wilderness areas; see EA pages 55-57; 42-45, and 63-64, respectively), there would be no effect, (wild and scenic rivers, research natural areas, prime farmlands; see EA page 63), or do not exist (park lands - see EA page 63).
4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (see Table 1, Comment Analysis and Issue Disposition, EA pages 5-9).
5. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. The Colville National Forest has

considerable experience with the types of activities to be implemented as motor vehicle use has been managed on the Colville National forest since 1976 (see Background, EA pages 1-2).

6. The action is not likely to establish a precedent for future actions with significant effects (see EA page 2). This forest plan amendment would enable implementation of the 2005 Travel Management Rule across the entire Colville National Forest. Since the 2005 Travel Management Rule is national in scope, it is expected that many other National Forests will prepare similar Forest Plan amendments and implement the 2005 Travel management Rule.
7. The cumulative impacts are not significant (see EA pages 30-31, 33, 35, 37, 41, 45, 53, 54-55, 57, 59 and 61).
8. 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, nor will the action cause loss or destruction of significant scientific, cultural, or historical resources because motor vehicle use off of roads would be reduced, resulting in reduced occurrence of people finding heritage sites, and reduced chance of irreversible and irretrievable damage to heritage sites (see EA pages 55-57).
9. 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 Biological Evaluation found that all effects to Endangered or Threatened species would be beneficial (see EA pages 44-53). The US Fish and Wildlife Service concurred with these findings on April 1, 2008.
10. 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 (see EA pages 61, 64, and this Decision Notice, pages 4-5). The action is consistent with the Colville National Forest Land and Resource Management Plan.

Findings Required by Other Laws and Regulations

This decision to clarify the Colville National Forest Land and Resource Management Plan to allow motor vehicle use only on designated roads, trails, and areas is consistent with the intent of the Forest Plan's long term goals and objectives listed on Forest Plan pages 4-1 through 4-33. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for motor vehicle use.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer, Regional Forester, ATTN: 1570 Appeals, 333 SW First Ave., PO Box 3623, Portland, OR 97208, or sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the *Colville Statesman-Examiner* newspaper, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the *Colville Statesman-Examiner*, 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.

The office business hours for those submitting hand-delivered appeals are: 7:45 - 4:30 Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [email address]. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Individuals or organizations who submitted comments or other expression of interest during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact James L. Parker, Colville National Forest Environmental Coordinator, at Republic Ranger District, 650 East Delaware, Republic WA 99166, (509) 775-7462, jlparker02@fs.fed.us.

/s/ Rick Brazell

April 10, 2008

RICK BRAZELL
Forest Supervisor
Colville National Forest

Date

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