

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

**Cagle Recreation Area Red-cockaded Woodpecker Habitat**  
**Non-significant Forest Plan Amendment #10**

USDA Forest Service  
National Forests and Grasslands in Texas  
Sam Houston National Forest, Sam Houston Ranger District  
Montgomery & Walker Counties

September 2010

**Decision Notice**

**Decision**

I have examined the initial Proposed Action and the one alternative to the Proposed Action, which have been considered in detail. The National Forests and Grasslands in Texas's (NFGT) completed an interdisciplinary analysis of the effects that the Proposed Action and the alternative would have on the environment.

I have selected Alternative 2 for implementation. My decision is based on the analysis and process described in the environmental assessment (EA).

Alternative 2 would amend the NFGT 1996 Revised Land and Resource Management Plan (the *Plan*) to allow RCW management on the 241 acres of land containing and surrounding the Cagle Recreation Area on the Sam Houston National Forest. The Forest Interdisciplinary Team (ID Team) identified the need to manage the RCW groups in the Cagle Recreation Area as MA-2, RCW Emphasis (the *Plan* p. 96-134) before the next *Plan* revision. While current MA-9a Standards and Guidelines have not jeopardized the RCW, best available science in the 2003 RCW Recovery Plan, amended into the *Plan* in 2006, points to habitat management needs in this recreation area. Amending the *Plan* to allow RCW management could enable the development and maintenance of good quality nesting and foraging habitat, as defined in the 2003 RCW Recovery Plan, increasing the fitness of the two RCW groups in Cagle Recreation Area, as well as improving foraging quality for four other groups in the compartment surrounding Cagle.

This non-significant *Plan* amendment would apply just to this area on the Sam Houston National Forest. Specifically, the following standards would be changed:

- MA-9a-43 Prescribed Fire Use
- MA-9a-132 Vegetation Removal Restrictions

The following table describes current *Plan* direction and proposed changes.

**Comparison of the *Plan* and the proposed non-significant *Plan* amendment (only applies to Cagle Rec. Area)**

The <i>Plan</i> (1996)	Proposed Non-significant <i>Plan</i> Amendment (2010)
<b>Fire</b>	
<p><b>MA-9a-43:</b> Prescribed fire may be used for vegetative manipulation to maintain or enhance visual quality and recreation experience.</p>	<p><b>MA-9a-43:</b> Utilize prescribed fire to control midstory, promote open upland forest communities, and to reduce fire hazard (MA-2-21, the <i>Plan</i>, p. 104).</p> <p>Establish a burning cycle of two to five years with the objective of midstory reduction (not total elimination). All burning prescriptions will be based on site specific conditions, including vegetation, site and weather conditions, and RCW management problems (MA-2-80-4.4, the <i>Plan</i>, p. 119).</p>
<b>Silviculture (and Wildlife) Practices</b>	
<p><b>MA-9a-132:</b> Vegetation removal shall be strictly limited to maintain or enhance the visual quality, recreational experience, reduce fire or safety hazard, or to maintain tall forest cover.</p>	<p><b>MA-9a-132:</b> Thinning of forest stands is a key activity in the timely production of good RCW habitat. Direction for thinning pine stands varies depending on the age of the stand to be thinned and its suitability as RCW foraging habitat.</p> <p>Thinning of stands considered unsuitable as foraging habitat (average DBH of &lt; 10") is encouraged and may take place at any time. Standard silvicultural guidelines apply.</p> <p>Provide for the following in stands that are &gt; 10" DBH:</p> <p><i>Maintain pine BA of 70-110 square feet, depending on site and stand condition.</i></p> <p><i>Maintain loblolly pine &lt; 80 square feet of basal area.</i></p> <p><i>Do not remove more than 30 square feet of BA in the dominant or codominants in any single thinning operation.</i></p> <p>In MILs 2-4:</p> <p><i>Use the following priority to select pine trees to retain:</i></p> <p>(1) relict trees  (2) other potential cavity trees  (3) trees &gt;10" DBH that are not potential cavity trees  (4) trees &lt;10" DBH</p> <p><i>In MIL 1: Same as in MILs 2-4 except trees to retain should be</i></p>

	<p><i>well formed, healthy, and vigorously growing.</i></p> <p>As stands approach the age to provide potential nesting habitat, generally 70-100 years depending on pine species, they should be managed as follows:</p> <p><i>Maintain a pine BA of 60-80 square feet and maintain a minimum spacing of 20-25 feet between dominant and codominant trees. Spacing is especially critical in the non-longleaf types.</i></p> <p><i>Maintain an open park- like structure through regular prescribed burning. See MA-2-80-4.4 (MA-2-80-4.7, Plan Amendment #7, p. 3-4).</i></p>
	<p>Midstory removal and control shall be completed in all clusters, replacement and recruitment stands.</p> <p>Prescribed burning on a two to five year rotation is the preferred method to control midstory vegetation.</p> <p>In clusters, replacement or recruitment stands where hardwood midstory is too large to be killed by prescribed burning (greater than two inches diameter), the following methods may be used to remove midstory:</p> <p><i>Mechanical methods such as a feller-buncher, hydro-ax, drum chopper, mulcher, shearing blade, etc.</i></p> <p><i>Manual methods such as chainsaws, brush hooks, etc.</i></p> <p><i>Herbicides applied by injection, hypo-hatchet, handsprayer, etc.</i></p> <p><i>Or a combination of these methods.</i></p> <p>Midstory removal control will occur over the entire stand (10 acre minimum) designated as a cluster, replacement or recruitment stand.</p> <p>All hardwood midstory trees within a 50 foot radius of active and inactive cavity trees will be removed. An average of three selected midstory hardwoods per acre can remain throughout the remainder of the stand. Examples of desirable species to leave are dogwood, redbud, or other showy flowering species. However, no midstory treatment shall occur in natural hardwood areas, e.g., stream bottoms, which are within cluster boundaries unless absolutely necessary to maintain the viability of the RCW group.</p> <p>Pine midstory shall be controlled before the trees (usually saplings and pole size trees) block access to cavity trees, potential cavity trees and line-of-sight between them. Pine regeneration should be retained where it does not interfere with cavity trees as previously described.</p>

	<p>No more than 10 within-canopy hardwoods per acre can be retained in these stands MA-2-80-3.2.3, the <i>Plan</i>, p. 110-111).</p>
	<p>The following foraging habitat requirements must be met for all active clusters and recruitment clusters.</p> <p>Foraging habitat for recruitment clusters must meet all requirements, except 2a and 2e below, if good quality foraging habitat is not available. These stands should contain no more than 70 square feet per acre of basal area in total.</p> <p>Foraging habitat is not required for inactive clusters unless identified as recruitment stands.</p> <p>1) <i>Area Provided by Site Productivity</i></p> <p>a) <i>In systems of medium to high site productivity (site index 60 or more, for the dominant pine species), provide each group of woodpeckers 120 ac of good quality habitat as defined below. A specific exception to this area requirement is made for longleaf and shortleaf habitat types under group selection silviculture.</i></p> <p>b) <i>In systems of low site productivity (site index below 60, for the dominant pine species), provide each group of woodpeckers 200 to 300 ac of good quality habitat as defined below (2003 RCW Recovery Plan, p. 188).</i></p> <p>2) <i>Definition of Good Quality Foraging Habitat. Good Quality Foraging Habitat has some large old pines, low densities of small and medium pines, sparse or no hardwood midstory, and a bunchgrass and forb groundcover. Good quality habitat has all of the following characteristics: (2003 RCW Recovery Plan, p. 188-189).</i></p> <p>a) <i>There are 18 or more stems per acres of pines that are <math>\geq 60</math> years in age and <math>\geq 14</math> in dbh. Minimum basal area for these pines is 20 square feet per acre. Recommended minimum rotation ages apply to all land managed as foraging habitat</i></p> <p>b) <i>Basal area of pines 10 – 14 in dbh is between 0 and 40 square feet per acre.</i></p> <p>c) <i>Basal area of pines &lt; 10 in dbh is below 10 square feet per acre and below 20 stems per acre.</i></p> <p>d) <i>Basal area of all pines <math>\geq 10</math> in dbh is at least 40 square feet per acre. The minimum basal area for pines in categories (a) and (b) above is 40 square feet per acre.</i></p> <p>e) <i>Groundcovers of native bunchgrass and/or other native, fire-tolerant, fire-dependent herbs total 40% or more of ground and midstory plants and are dense enough to carry growing season fire at least once</i></p>

	<p>every 5 years.</p> <p>f) <i>No hardwood midstory exists, or if a hardwood midstory is present it is sparse and less than 7 ft in height.</i></p> <p>g) <i>Canopy hardwoods are absent or less than 10% of the number of canopy trees in longleaf forests and less than 30% of the number of canopy trees in loblolly and shortleaf forests. Xeric and sub-xeric oak inclusions that are naturally existing and likely to have been present prior to fire suppression may be retained but are not counted in the total area dedicated to foraging habitat.</i></p> <p>h) <i>All of this habitat is within 0.5 mi of the center of the cluster, and preferably, 50% or more is within 0.25 mi of the cluster center.</i></p> <p>i) <i>Foraging habitat is not separated by more than 200 ft of non-foraging areas. Non-foraging areas include (1) any predominantly hardwood forest, (2) pine stands less than 30 years in age, (3) cleared land such as agricultural lands or recently clearcut areas, (4) paved roadways, (5) utility rights of way, and (6) bodies of water.</i></p> <p>Where foraging is limited, make thinning of young stands (&lt;10" DBH) within 1/2 mile of active clusters a priority. Thin such stands using standard silvicultural prescriptions (the Plan, p. 117).</p> <p>Provide 100% of foraging for RCW groups whose ½ mile foraging zone extends onto another ownership unless a coop agreement exists with the non-Forest Service landowner to ensure they will provide their proportional share of foraging habitat.</p> <p>Provide the Forest Service proportional share of foraging for RCW groups on adjacent non-Forest Service land when a group's ½-mile foraging zone extends onto national forest, even if no cooperative agreement exists (MA-2-80-4.1, <i>Plan Amendment #7</i>, p. 1-2).</p>
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## Reasons for the Decision

I have selected Alternative 2 over the other alternative for the following reasons:

1. Alternative 2 meets the purpose and need for the project, to balance the needs of the federally endangered RCW with those of a popular national forest campground. It allows the development and maintenance of good quality nesting and foraging habitat in Cagle Recreation Area (EA, page 1-1, 1-6).
2. Alternative 2 provides for the planning of future RCW management activities, eventually resulting in the development of open forest conditions on uplands. The increased openness could improve the views of Lake Conroe, as well as the forest, and benefit the recreation area in possible increased use. (EA, page 3-1, 3-4).
3. Alternative 2 would enable the agency to retain the two groups of RCWs in Cagle Recreation Area. It would also allow for improving the quality of that habitat, which would benefit the eight active and three inactive RCW clusters surrounding the recreation area (EA, page 3-5 and 3-8).
4. Alternative 2 would not change the *Plan's* direction for RCW management, desired condition, or effects on vegetation (EA, page 3-1).
5. I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. I considered the need to take action and the lack of issues identified during scoping in making my decision. I weighed the effects of amending the *Plan* on the scenic resources, vegetation, wildlife, and recreational use of the area, and the key issues associated with the project, against taking no action. I am not willing to accept the potential effects associated with the no action alternative.
6. I have considered the effect of this project on climate change, as well as the effect of climate change on this project. Any resulting greenhouse gas emission would not be measurable on a global scale.

## Alternatives Considered

The following alternatives were considered in detail. They are fully described, and contrasted on page 2-1 of the EA, and a description summary, in table form, is also given on page 2-2 of the EA.

**Alternative 1** – This is the No Action Alternative. The Proposed Action would not be implemented. This alternative does not meet the purpose and need for the project.

**Alternative 2** – This is the Proposed Action, under which the *Plan* would be amended to allow RCW management on the 241 acres of land containing and surrounding the Cagle Recreation Area on the Sam Houston National Forest.

For each alternative, all applicable Standards and Guidelines, Design Criteria, and Management Requirements in the *Plan* would be applied (EA, page 2-1).

These alternatives were evaluated as to their effects on the environment. Some of the important effects are summarized in a comparison table on page 2-2 of the EA, and detailed effects are given on pages 3-1 to 3-13.

### **NFMA Finding of Non-Significance for Amendment of the NFGT Land Management Plan**

Alternative 2 proposes a Forest Plan Amendment for allowing RCW management on the 241 acres of land containing and surrounding the Cagle Recreation Area on the Sam Houston National Forest. Pursuant to 36 CFR 219.14(e)(2), this *Plan* Amendment uses the provisions of planning regulations in effect before November 9, 2000. Section 5.32 of Forest Service Handbook (FSH) 1909.12 lists four factors to be used to determine whether this *Plan* Amendment is significant or non-significant: timing; location and size; goals, objectives, and outputs; and management prescriptions. The determination of significance or non-significance depends on the analysis of all of these factors, as well as the extent of the change in the context of the entire *Plan*. I have carefully evaluated the proposed actions within the context of the entire area covered within the 1996 Revised Land and Resource Management Plan, and determined as follows:

Timing - The timing factor examines at what point, over the course of the Forest Plan period, the *Plan* is amended. Both the age of the underlying document and the duration of the *Plan* Amendment are relevant considerations. The handbook indicates that the later in the time period, the less significant the change is likely to be. The changes to *Plan* standards MA-9a-43 and MA-9a-132 would be implemented immediately. The *Plan* was approved in 1996, 14 years ago. As mentioned on page 6, incorporating these changes provides development and maintenance of good quality nesting and foraging habitat in Cagle Recreation Area. Delaying the changes to the next planning period might jeopardize the RCW groups in Cagle Recreation Area.

Location and Size - The key to the location and size is the context of the relationship of the affected area to the overall planning area (FSH 1909.12, sec. 5.32(b)). Cagle Recreation Area contains about 241 acres. The *Plan* allocated approximately 250,000 acres to MA-2. This represents roughly 37 percent of the 672,800 acres within the NFGT. Incorporating these guidelines would not change the *Plan's* direction for RCW management, desired condition, or effects on vegetation.

Goals, Objectives, and Outputs – The goals, objectives, and outputs factor involves the determination of “whether the change alters the long-term relationship between the levels of goods and services in the overall planning area (FSH 1909.12, sec. 5.32(c)).” This criterion concerns analysis of the overall Forest Plan and the various multiple use resources that may be affected. There is no guarantee under National Forest Management Act (NFMA) that output projections will actually be produced. These changes would not alter the long-term relationships between the levels of goods and services projected by the *Plan*. No commodity outputs are expected to be affected with this decision.

Management Prescriptions – The management prescriptions factor involves the determination of 1) “whether the change in a management prescription is only for a specific situation or whether it would apply to future decisions throughout the planning area” and 2) “whether or not the change alters the desired future condition of the land and resources or the anticipated goods and services to be produced (FSH 1909.12, sec. 5.32(d)).” The changes to *Plan* standards MA-9a-43 and MA-9a-132 would not affect the management prescriptions for MA-2. The desired future conditions for MA-2 would not change.

### **Finding of No Significant Impact**

During evaluation of environmental effects, all foreseeable actions that may cause direct, indirect, or cumulative effects were analyzed with all alternatives (EA, page 3-1 to 3-13).

Based on the process and analysis shown in the environmental assessment, along with experience with similar forest management activities, I have determined that implementation of the selected alternative, with the associated design criteria, is not a major federal action, either individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed.

This determination was based on the following factors:

1. Both beneficial and adverse effects have been considered and this action will not have a significant effect on the quality of the environment (EA, pages 3-1 to 3-13).
2. The selected alternative will not affect public health or safety.
3. The prescribed actions will not affect any unique characteristics of the geographical area (historic or heritage resources, wetlands, floodplains, wild and scenic rivers, wilderness areas, etc.)
4. The effects of this project on the human environment are not likely to be highly controversial. Broad-level public disputes with forest policy are beyond the scope of this decision. Page 1-7 and chapter 4 of the EA discusses the public contacts made in the course of the environmental analysis, and documents the issues identified from these



contacts. The NFGT Interdisciplinary Team has made every effort to listen to public concerns and to incorporate them into the decision-making process.

5. The Selected Alternative does not involve highly uncertain, unique, or unknown environmental risks.
6. This decision does not set precedent for future action with significant effects or represent a decision in principle about a future consideration.
7. There will be no cumulative effects between this project and other ongoing or planned projects on either national forest or private land.
8. No sites listed or eligible for the National Register of Historic Places will be affected by the proposed activities.
9. The Selected Alternative will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act. The Forest Service consulted with the U.S. Fish and Wildlife Service and determined that the actions are not like to affect any endangered or threatened species (Biological Evaluation, Appendix B).
10. None of the prescribed actions threaten or lead to violations of federal, state, or local environmental laws, or requirements imposed for the protection of the environment. This will be ensured by carrying out the selected actions in a way that is consistent with the standards and guidelines, management requirements and mitigation measures established in the *Plan*.

### **Appeal Opportunities and Implementation Date**

This decision is subject to appeal pursuant to 36 CFR Part 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in the Lufkin Daily News. The appeal shall be sent to USDA, Forest Service, ATTN: Appeals Deciding Officer, 1720 Peachtree Rd, N.W., Suite 811N, Atlanta, Georgia 30309-9102, within 45 days of the date of this legal notice. Appeals may be faxed to (404) 347-5401. Hand-delivered appeals must be received within normal business hours of 7:30 a.m. to 4:00 p.m. Appeals may also be mailed electronically in a common digital format to [appeals-southern-regional-office@fs.fed.us](mailto:appeals-southern-regional-office@fs.fed.us).

Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact District Ranger Warren Oja, 394 FM 1375 West, New Waverly, TX 77358, phone 936-344-6205.

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 business days following the date of appeal disposition (36 CFR 215.9).

Responsible Official:

/s/ Linda Brett

9/29/10

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**Linda C. Brett**

Date

Forest Supervisor

National Forests and Grasslands in Texas

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