

DECISION NOTICE / FINDING OF NO SIGNIFICANT IMPACT

Scenery Management System Non-Significant Amendment of the Dixie National Forest Land & Resource Management Plan

USDA Forest Service - Intermountain Region

Washington, Iron, Kane, Garfield and Wayne Counties - State of Utah

BACKGROUND

The Forest Service prepared an environmental assessment (EA) that summarizes the analysis for a proposed non-significant amendment to the Dixie National Forest Land & Resource Management Plan (hereafter referred to as the Forest Plan). This amendment would implement the Scenery Management System for the inventory, evaluation and management of Dixie National Forest scenic resources, consistent with current national Forest Service direction and the goals and objectives expressed in the Forest Plan.

The Scenery Management System Amendment EA was distributed for a 30-day notice and comment period on April 15, 2000. The Proposed Action identifies landscape themes and scenic integrity objectives for each Forest Plan management area and concern level travelways and use areas (EA, page 8-23; refer to maps in EA, Appendix C). It also provides a systematic method for determining the appropriate scenic integrity objective in Forest Plan general direction areas.

The proposal would amend the Forest Plan by replacing former Visual Management System standards and guidelines for scenic resource management. This amendment would remain in effect until Forest Plan revision, estimated to begin within the next two years.

DECISION

I have selected the Proposed Action to implement the Scenery Management System on the Dixie National Forest. The Scenery Management System will be implemented through the application of forest-wide and management area specific standards and guidelines consistent with the current Forest Plan. The specific language of the amendment is contained on pages 9-23 in the EA.

In selecting the Proposed Action, I considered the following factors:

Laws, Regulations & Policies

While there are no specific laws relating to the implementation of the Scenery Management System, I am directed through Forest Service policy (EA, Appendix A) to replace the former Visual Management System with the new Scenery Management System during project implementation and/or at the time of Forest Plan revision.

I am satisfied that implementation of the Proposed Action will not violate federal law or statutes. The Mandatory Disclosures section of the EA (pages 29-30) documents the Proposed Action will have no adverse impacts to those resource areas requiring specific

disclosure under federal law or statute. The Environmental Justice section of the EA (page 30) documents that the Proposed Action will not adversely, or disproportionately, affect minority and/or low-income individuals and families within and around the Dixie National Forest.

Relationship to Purpose and Need

The purpose of this proposal is to prevent fragmented implementation and improve efficiency when implementing the Scenery Management System. The proposal must do this within the goals, objectives and management direction contained within the current Forest Plan so that projected outputs, goods and services from the Dixie National Forest will not be significantly affected by this action.

I evaluated the Proposed Action and No Action Alternative with respect to fragmentation, efficiency, and consistency with the current Forest Plan, including effects to outputs, goods and services. I also compared their environmental effects.

Fragmentation, Efficiency and Consistency: I believe that the Proposed Action better addresses my concerns with fragmentation, efficiency and consistency than the No Action Alternative.

Under No Action, every vegetation treatment, recreation development, prescribed fire, or other management activity must propose the appropriate landscape theme and scenic integrity objective for the project area, disclose the effects, and then amend the Forest Plan as part of the project decision if an action alternative is selected.

The purpose of providing programmatic direction in the Forest Plan is to permit the development of specific resource management proposals within the context of broader direction that reflects the overall goals and objectives for the entire forest. This simplifies and streamlines project-level analysis, prevents a fragmented approach towards establishing landscape themes and scenic integrity objectives, and helps to ensure consistency of interpretation among the five ranger districts that make up the Dixie National Forest.

By amending the Forest Plan to assign landscape themes and scenic integrity objectives (Proposed Action), we will eliminate this analysis at the project-level stage, and provide important guidance for determining differences in existing and desired conditions prior to project proposals.

Environmental Effects: The environmental effects for the Proposed Action and No Action Alternative are similar. The Proposed Action will implement the Scenery Management System within the context of the current goals, objectives and direction found in the Forest Plan. It will not supercede or replace the management direction for any resource other than scenic resources, so I expect no change in the type, intensity or timing of site-specific projects proposed for the remaining life of the Forest Plan, nor would there be any expected change in the outputs, goods and services identified in the Forest Plan (Forest Plan, pages IV-16, 17, Exhibit 10, Project Record).

On this basis, I believe that the projected programmatic-level environmental effects from implementing the Scenery Management System through a Forest Plan amendment are consistent with the environmental effects documented for Alternative B-Composite in the Forest Plan, Chapter 4, Environmental Effects (Forest Plan EIS, Exhibit 11, Project Record), which is the basis for the 1986 Forest Plan. Though the analysis in the Forest Plan EIS does

not isolate the effects from the visual management system on other forest resources, the management direction for scenic resources was considered part of Alternative B; therefore, I conclude that the programmatic effects documented for Alternative B are inclusive of any effects from scenic resource management.

Five scenic byways and four scenic backways have been designated since the 1986 Forest Plan EIS. These travelways were considered arterial or collector roads or were included in the 2B Management Area. Therefore, they received visual resource emphasis in the Forest Plan, and were included in the effects analysis for Alternative B.

Scenic byways and backways are designated as Concern Level 1 travelways under the Proposed Action. The Proposed Action provides for high scenic integrity along these Concern Level 1 corridors, which is generally consistent with the original Visual Management System prescription. I believe that, for the remaining life of this amendment, it is unlikely that any resource management activity will be proposed within the corridors of designated scenic byways or backways that would affect project outputs, goods and services identified in the Forest Plan (Forest Plan, pages IV-16, 17, Exhibit 10, Project Record).

Responsiveness to Issues

Several concerns were raised during the scoping process. Some respondents expressed concern that our current Forest Plan doesn't go far enough in protecting the scenic resources within several specific management areas. Others felt that our proposal should address changing management area allocations, or resolve issues surrounding roadless and wilderness areas. There were also concerns that our proposal might result in further constraints on existing and future land management activities, such as livestock grazing, wood production, and utility corridors.

However, none of the respondents expressed the concern that our Proposed Action was inconsistent with the current Forest Plan. Because the purpose and need for action specifically addresses the need to stay within current Forest Plan direction, I determined that there was no reason to create an alternative to the Proposed Action, other than No Action.

In my review of the responses we received during the Notice and Comment period for the Environmental Assessment (EA, Appendix D), I noted that two concerns were repeated: One, that scenic resource management might constrain other resource management activities and, two, the concern over scenery management in inventoried roadless areas.

I want to reiterate that I do not expect a change in the type, timing, and intensity of resource management activities on the Forest from our implementation of the Scenery Management System at this time, as our proposal is consistent with current Forest Plan direction. We have professional landscape architects who will be advising us on the application of the Scenery Management System standards and guidelines, and I am confident in their ability to address scenic resource concerns in the design and implementation of a wide range of resource management activities.

I also understand the concern regarding the assignment of a Low Scenic Integrity Objective in certain inventoried roadless areas. Under our proposal, 27% of the inventoried roadless areas would carry a low scenic integrity objective (EA, page 34, Figure 6). This is because the Forest Plan does not have a separate prescription for roadless areas - thus, they are assigned the prescriptions for the management area in which they occur.

The Proposed Action would not “downgrade” these areas to low scenic integrity for a couple of reasons. The first is that the Forest Plan, under the former Visual Management System, assigned a Visual Quality Objective of “modification” to these areas, which permits noticeable deviation from the natural landscape. The fact that they have had little or no management activities that altered their natural appearance over the past 15 years does provide an indication of the lack of interest and/or need in proposing land-modifying activities in these areas. The second is that the Proposed Action does not permit nor prohibit specific management activities - it establishes a programmatic framework for designing and evaluating projects at the time they are considered. Any project proposed in these areas would be subject to a site-specific analysis under the National Environmental Policy Act, which would include opportunities for public comment.

In summary, I believe that the concerns raised would not be addressed by creation of a new alternative, or in selection of No Action rather than the Proposed Action - in fact, they cannot be addressed within the scope of this action. However, they are important to consider in the Forest Plan revision process, and we will ensure that they are documented for that purpose.

ALTERNATIVES CONSIDERED

As discussed in the previous section, none of our respondents to scoping or in the Notice and Comment period expressed the concern that the Proposed Action was inconsistent with the current Forest Plan. Because the purpose and need for action specifically addresses the need to stay within current Forest Plan direction, I determined that there was no reason to create an alternative to the Proposed Action, other than No Action. The following narrative summarizes the Proposed Action and No Action alternatives. Chapter 2 of the EA describes these in detail, as well as those that were considered but not carried in detailed analysis.

No Action

As previously disclosed in the purpose and need for action (EA, Chapter 1), the decision to implement the Scenery Management System on National Forest System lands has been made at the national level - individual forests do not have the choice to implement this system or not.

Therefore, under the No Action alternative, there would be no forest-wide amendment. However, the Scenery Management System would continue to be implemented on the Dixie National Forest on a project-by-project basis. This means that each project proposal would be required to include an analysis of scenic resources under the Scenery Management System, and would need to amend the Forest Plan accordingly for each project-specific area.

Proposed Action

The Proposed Action identifies landscape themes and scenic integrity objectives for each Forest Plan management area, and concern level 1 and 2 travelways and use areas (refer to maps in Appendix C). It also provides a systematic method for determining the appropriate scenic integrity objective in Forest Plan general direction areas.

In developing the Proposed Action, the interdisciplinary team reviewed the current Forest Plan direction for each management area, travelway and use area. Based on this

direction, and the definitions of landscape theme and scenic integrity objectives contained in USDA Handbook 701, Landscape Aesthetics: A Handbook for Scenery Management (October 1996), the interdisciplinary team recommended the appropriate landscape theme and scenic integrity objective for these areas, consistent with current Forest Plan direction. I approved this proposal on December 13, 1999.

PUBLIC INVOLVEMENT

On December 22, 1999, a letter describing the Proposed Action, and the purpose and need for action, was sent to 409 individuals, organizations and agencies. The letter included a request for comment on the proposal by February 1, 2000.

In addition, The Daily Spectrum and Garfield County News printed articles about the proposal and request for comments on January 7 and February 3, respectively.

As of February 17, 2000, fifteen letters were received in response to these requests for comment. The letter, mailing list, newspaper articles and responses are contained in the Project Record, Exhibit 6.

The fifteen letters were reviewed and analyzed for any conflicts, or issues, with the Proposed Action. The issues were identified, and then analyzed by the interdisciplinary team for possible alternatives to the Proposed Action.

Copies of the Environmental Assessment for the Scenery Management System Amendment were mailed to fifty-seven individuals, agencies and organizations on April 11, 2000. A legal notice of the availability of the EA was published in *The Daily Spectrum*, the Dixie National Forest newspaper of record, on April 15, 2000. The 30-day Notice and Comment period began on April 15, 2000 and concluded on May 15, 2000.

Public involvement was sought two other ways. *The Daily Spectrum* published a previously provided news release on the availability of the EA for public review and comment on May 10, 2000. And on May 12th, 13th and 15th, the project leader contacted by phone most of those individuals, agencies and organizations that had responded during scoping in January 2000. These phone calls provided an opportunity to discuss concerns with the project, and provide clarification where needed.

Nine letters were received in response to the Notice and Comment period. The EA, Appendix D contains the substantive excerpts from these letters. The Forest Service response follows each comment. The mailing list, original letters, summary of the record of the phone conversations, and all other public involvement related documents are included in the Project Record, Exhibit 6.

I have reviewed the public comments on the EA with the Interdisciplinary Team to determine if there is new information that requires other alternatives or additional analysis prior to my making a decision. The public comment did not raise new information, and many of the concerns were similar to those raised during scoping. While some people were dissatisfied with the scope of our analysis, I did not find any new issues that would change our approach to address scenic resource management on the Dixie National Forest.

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action provides for programmatic direction regarding scenic resource management on the nearly 2 million acres comprising the Dixie National Forest. In consideration of the analysis documented in the Environmental Assessment and in light of the reasons set forth below, I find that selection of the Proposed Action will not significantly impact the human environment.

- (1) The proposed management direction would be limited in geographic application (40 CFR 1508.27(a)).** The proposed management direction applies to projects affecting nearly 2 million acres that comprise the Dixie National Forest. The amount of land affected by the proposed direction until Forest Plan revision is a small subset of the land, since not all lands would have projects generated in that time period. My conclusion is that implementation of the Scenery Management System would occur on a small percentage of land within the Dixie National Forest, and would be consistent with the current Forest Plan. Therefore, there would be no significant effects from implementation of this action.
- (2) The proposed management direction would be limited to certain projects and activities.** The Scenery Management System has been applied to projects on the Dixie National Forest since its national adoption in 1996 (EA, page 1). The Proposed Action provides programmatic direction for future projects, so that each project does not need to amend the Forest Plan as part of a project-level decision. I believe the effects to resources would not be significant, since we have been implementing on a project-by-project basis without significant effects, and the new standards and guidelines are consistent with the current Forest Plan. Disclosure of the site-specific effects and public participation will occur prior to the project decision for any specific resource activity.
- (3) The proposed management direction will not significantly affect public health or safety (40 CFR 1508.27(b)2).** As documented in the Environmental Effects section of the EA, pages 28-29, the proposed management direction does not, on its own, authorize any ground-disturbing activities or direct changes to the environmental status quo. Instead, it provides programmatic direction and mitigation measures to be applied to site-specific projects and activities. Additional mitigation measures may be added to particular projects as a result of site-specific conditions during project-level analysis. New project decisions would be preceded by site-specific NEPA analysis. The Proposed Action does not have significant effects on human health and safety beyond those already documented in the existing Forest Plan Environmental Impact Statement and the site-specific analyses of on-going projects and activities, or as might be identified in such future analyses of proposed projects and activities.
- (4) The proposed management direction will not significantly affect any unique characteristics of the geographic area (40 CFR 1508.27(b)(3)), does not adversely affect anything listed or eligible for listing in the National Register of Historic Places, nor does it cause loss or destruction of significant scientific, cultural, or historic resources (40 CFR 1508.27(b)(8)).** As documented in the EA, pages 29-30, Mandatory Disclosures, there

is no expected impact to these resources from implementation of the Scenery Management System.

- (5) **The management direction does not cause effects on the quality of the human environment that are likely to be highly controversial (40 CFR 1508.27(b)(4)).** The analysis of this project (including public comment), as documented in the EA, did not surface any effects that were highly controversial. I conclude that the Proposed Action will not cause effects on the human environment that are highly controversial.
- (6) **The proposed management direction does not establish any highly uncertain, unique, or unknown risks (40 CFR 1508.28(b)(5)).** The Scenery Management System has been adopted by the Forest Service as the best available science for the management of scenic resources. I believe that programmatic application of this system within the current direction of the Forest Plan on the Dixie National Forest does not establish any highly uncertain, unique, or unknown risks. Such risks that might occur with individual project implementation will be analyzed and documented in the site-specific NEPA analysis for that project.
- (7) **The proposed management direction does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6), nor is it related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)).** As documented in the EA, pages 28-29, the effects of implementing the Proposed Action are within those disclosed in the Forest Plan EIS. I believe that this programmatic action will not result in cumulatively significant impacts. Such risks that might occur with individual project implementation will be analyzed and documented in the site-specific NEPA analysis for that project.
- (8) **The proposed management direction would not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)).** A biological assessment evaluating impacts to threatened and endangered species found in Utah has been prepared for this project. It is located in Exhibit 12 of the Project Record. The US Fish and Wildlife Service has concurred with our determination of “no effect” for threatened and endangered species and critical habitat (Project Record, Exhibit 12).
- (10) **The proposed management direction does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).** As documented in the EA, pages 29-30, Mandatory Disclosures, there is no expected impact to resources protected by law or statute from implementation of the Scenery Management System. Therefore, laws and requirements enacted for the protection of the environment would not be violated by implementation of this proposal.

Finding

On the basis of the information and analysis contained in the Environmental Assessment and all other information available as summarized above, it is my determination that adoption of the Proposed Action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement is not needed.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

NFMA FINDING OF NON-SIGNIFICANCE

Under the National Forest Management Act (NFMA), (16 USC 1604(f)(4), Forest Plans may "be amended in any manner whatsoever after final adoption and after public notice, and, if such amendment would result in a significant change in such plan, in accordance with subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section." The NFMA regulations at 36 CFR §219.10(f) state: "Based on an analysis of the objectives, guidelines, and other contents of the Forest Plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan."

The Forest Service Land and Resource Management Planning Handbook (Forest Service Handbook 1909.12) provides a framework for consideration, section 5.32, lists four factors to be used when determining whether a proposed change to a Forest Plan is significant or not significant: (1) timing; (2) location and size; (3) goals, objectives and outputs; and (4) management prescriptions. I have evaluated the Proposed Action and concluded that it does not constitute a significant amendment of the Dixie National Forest Land and Resource Management Plan for the reasons described below:

- (1) 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 documents and the duration of the amendment are relevant considerations. The handbook indicates that the later in the time period, the less significant the change is likely to be. The Dixie National Forest Plan is nearing the end of the first planning period. The proposed management direction will be in place until it is determined whether or not changes in this direction are appropriate in the context of broader potential changes in overall forest goals and objectives during Forest Plan revision (EA, page 2; Decision Notice, page 1)
- (2) Location and Size.** The key to the location and size is context, or "the relationship of the affected area to the overall planning area," the smaller the area affected, the less likely the change is to be a significant change in the Forest Plan." As previously discussed the proposed management direction applies to projects affecting nearly 2 million acres that comprise the Dixie National Forest. The amount of land affected by the proposed direction until Forest Plan revision is a small subset of the land, since not all lands would have projects generated in that time period. In addition, the Scenery Management System is consistent with current Forest Plan direction, which should result in no expected change in projected outputs and services (EA, pages 28-29; Decision Notice, page 6, #2).

- (3) **Goals, Objectives, and Outputs.** The goals, objectives, and outputs factor involves the determination of "whether the change alters the long-term relationship between the level of goods and services in the overall planning area" (Forest Service Handbook 1909.12, section 5.32(c)). This criterion concerns analysis of the overall Forest Plan and the various multiple-use resources that may be affected. As repeatedly discussed in the Environmental Assessment, the Proposed Action would implement standards and guidelines consistent with the current Forest Plan. Thus, the proposed management direction does not significantly alter the long-term relationships between the levels of goods and services projected by the Forest Plans (EA, pages 28-30).
- (4) **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" (Forest Service Handbook 1909.12, section 5.32(d)). Because the Proposed Action is consistent with the management goals, objectives and direction provided in the current Forest Plan, implementation of this decision would not alter the management prescriptions, or the desired future condition of the land and resources or the anticipated outputs of goods and services (EA, page 28-29).

Finding. On the basis of the information and analysis contained in the Environmental Assessment and all other information available as summarized above, it is my determination that adoption of the Proposed Action does not result in a significant amendment to the Dixie National Forest Land and Resource Management Plan.

No negative direct, indirect or cumulative effects to heritage resources, soil and water will occur because my decision is programmatic and does not supercede any of the direction currently in the Forest Plan that protects cultural sites, soils, and water resources. (EA, pages 28-31).

Environmental Justice was discussed in the EA (page 30). It was determined that the Proposed Action would not adversely, or disproportionately, impact minority and/or low-income individuals and families within and around the Dixie National Forest.

IMPLEMENTATION DATE

The decision is effective 7 days after publication of the legal notice (36 CFR §217.10(a)). The anticipated date of publication is July 7, 2000.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 217. A written Appeal must be submitted within 45 days following publication of the notice of this decision in The Daily Spectrum. Send appeals to:

USDA Forest Service, Intermountain Region
Attn: Appeals Deciding Officer
324 25th Street
Ogden, UT 84401

It is the responsibility of those who appeal a decision to provide sufficient written evidence and rationale to show why my decision should be changed or reversed. Appeals must meet the content requirements of 36 CFR 217.9, which state:

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

CONTACT PERSON

For further information about this project, contact Susan Hayman, Project Leader, Dixie National Forest, 82 North 100 East, Cedar City, Utah 84720, phone: 208.867.7260 (Boise, Idaho).

APPROVAL BY RESPONSIBLE OFFICIAL

Mary Wagner
MARY WAGNER
Forest Supervisor
Dixie National Forest

JUNE 28, 2000
Date