

Decision Notice
and
Finding of No Significant Impact

Travel Management Rule (70 FR 68264; November 9, 2005)
Non-significant Plan Amendment #9

National Forests and Grasslands in Texas

United States Department of Agriculture
Forest Service

January 2008

Decision Notice

Decision

My decision is to implement the proposed action alternative to amend the NFGT 1996 Revised Land and Resource Management Plan (the *Plan*) to incorporate the Travel Management Rule regulations (36 CFR Parts 212, 251, 261, and 295) by prohibiting the unrestricted cross-country use of motor vehicles and restricting such use to designated roads, trails, and areas. This non-significant amendment to the *Plan* represents a forest-wide programmatic decision and not a site-specific project decision.

I have examined the proposed action, which has been considered in detail, and the no action alternative to the proposed action. Using the best available science, the National Forests and Grasslands in Texas (NFGT) resource management specialists completed an interdisciplinary analysis of the effects that the proposed action would have on the environment. My decision is based on the analysis and process described in the environmental assessment (EA) and a review of the record that shows a review of best scientific information available, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

The *Plan* amendment would change the current *Plan* direction which allows the unrestricted cross-country use of motor vehicles in certain areas on the Angelina, Davy Crockett, and Sabine National Forests. The *Plan* amendment would prohibit the cross-country use of motor vehicles in those areas by restricting the use of motor vehicles to designated roads, trails, and areas across all of the National Forests and Grasslands in Texas (36 CFR 261.13). The *Plan* amendment would restrict the use of motor vehicles to designated roads, trails, and areas on the Angelina, Davy Crockett, and Sabine National Forests; but would not substantially change the *Plan* direction pertaining to the use of motor vehicles on the Angelina National Forest Longleaf Ridge Special Area, the Sam Houston National Forest, and the Caddo and LBJ National Grasslands. Under the current *Plan* direction, motor vehicle use is restricted to roads and trails on the Angelina National Forest Longleaf Ridge Special Area and the Sam Houston National Forest and is restricted to roads only on the Caddo and LBJ National Grasslands.

The *Plan* amendment would change the current *Plan* direction to conform to the *Rule* regulations; but would not identify the individual roads, trails, and areas that would be open for motor vehicle use. In accordance with the Travel Management Rule regulations, each District Ranger on the National Forests and Grasslands in Texas would designate which roads, trails, and areas would be open to motor vehicle use in a separate decision process. (36 CFR 212.51) The designated roads, trails, and areas would be identified on a motor vehicle use map.

The following vehicles and uses are exempted from these designations:

- Aircraft;
- Watercraft;
- Over-snow vehicles;
- Limited administrative use by the Forest Service;
- Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- Authorized use of any combat or combat support vehicle for national defense purposes;
- Law enforcement response to violations of law, including pursuit; and
- Motor vehicle use that is specifically authorized under a written authorization issued under federal law or regulations.

The *Plan* amendment would change the following *Plan* standards and guidelines:

- Forest-wide
 - FW-162 ORV Trails and Management
- Management Area 1 – Upland Forest Ecosystems
 - MA-1-52 Recreation Management
- Management Area 2 – Red-cockaded Woodpecker Emphasis
 - MA-2-42 Recreation Management
- Management Area 6 – Longleaf Ridge Special Area
 - MA-6-42 Recreation Management
- Management Area 9a – Developed Recreation Sites
 - MA-9a-112 Recreation Management
- Management Area 9b – Minimally Developed Recreation Sites
 - MA-9b-113 Recreation Management
 - MA-9b-114 Recreation Management

The *Plan* amendment would also change other *Plan* direction as shown in Table 1. Table 1 compares the current *Plan* direction with the proposed changes necessary to implement the Travel Management Rule regulations (changes are underlined).

Table 1. Comparison of the *Plan* and the Proposed *Plan* Amendment.

The Plan (1996)	Proposed Plan Amendment (2007)
Commonly Used Acronyms and Abbreviations (Inside Front Cover of the <i>Plan</i>)	Commonly Used Acronyms and Abbreviations (Inside Front Cover of the <i>Plan</i>)
	Add: <u>OHV</u> <u>Off-highway Vehicle</u>
Forest-wide Standards and Guidelines ORV Trails and Management (page 74)	Forest-wide Standards and Guidelines OHV Trails and Management
<p>FW-162: Off-road vehicle (ORV) use and trails will be inventoried, evaluated, managed, and monitored to minimize damage and ensure sustainability and integrity of all resources.</p> <p><i>a. Utilize guidelines provided in Plan Appendix E for ORV inventory, management, and monitoring.</i></p> <p><i>b. OPEN - The Sabine, northern Angelina and Davy Crockett National Forests will be open to ORV use.</i></p> <p><i>c. RESTRICTED - The Sam Houston National Forest, MA-6 (Longleaf Ridge) and MA-4 (crossings only) will manage ORV use on an identified trail system.</i></p> <p><i>d. CLOSED - All other Management Areas.</i></p>	<p>FW-162: <u>Off-highway vehicle (OHV) use will be evaluated, managed, and monitored to minimize damage and ensure sustainability and integrity of all resources. OHV use will be permitted only on designated roads, trails, and areas in accordance with the Travel Management Rule regulations (36 CFR Parts 212, 251, 261, and 295) as follows:</u></p> <p><i>a. Utilize guidelines provided in Plan Appendix E for <u>OHV</u> inventory, management, and monitoring.</i></p> <p><i>b. <u>There will be no areas open to cross-country use of motor vehicles unless designated on a motor vehicle use map pursuant to 36 CFR 212.56.</u></i></p> <p><i>c. <u>Areas may be designated for motor vehicle use on only the following National Forest Management Areas (MA): the Angelina, Davy Crockett, Sabine, and Sam Houston National Forests MA-1 and MA-2.</u></i></p> <p><i>d. <u>Trails may be designated for motor vehicle use on only the following National Forest Management Areas (MA): the Davy Crockett, Sabine, and Sam Houston National Forests MA-1, MA-2, MA-4 (crossings only), MA-9a, and MA-9b Management Areas, and the Angelina National Forest MA-1, MA-2, MA-4 (crossings only), MA-6, MA-9a, and MA-9b.</u></i></p> <p><i>e. <u>Roads may be designated for motor vehicle use on any National Forest and National Grassland Management Area except MA-7 Wilderness.</u></i></p>
MA-1 Upland Forests Ecosystems Management Emphasis (page 88)	MA-1 Upland Forests Ecosystems Management Emphasis
Portions of this management area contain lands physically suited for motorized recreation use, including ORV's, and many other forms of dispersed recreation use. Motorized trail riding opportunities will be provided both off roads and on roads and trails. Management direction will ensure considerations for wildlife, water quality, soil productivity, and biological	Portions of this management area contain land physically suited for <u>many forms of dispersed recreation use including off-highway vehicle (OHV) use on designated roads, trails, and areas. Motor vehicle use opportunities will be provided only on designated roads, trails, and areas.</u> Management direction will ensure considerations for wildlife,

The Plan (1996)	Proposed Plan Amendment (2007)
diversity while providing commercial production of forage and timber, exploration for and extraction of minerals.	<u>recreation use</u> , water quality, soil productivity, and biological diversity while providing commercial production of forage and timber, and exploration for and extraction of minerals.
<u>MA-1 Upland Forests Ecosystems Recreation Management (pages 92-93)</u>	<u>MA-1 Upland Forests Ecosystems Recreation Management</u>
<p>MA-1-52: Manage for a wide spectrum of dispersed recreation use opportunities.</p> <p><i>a. Provide hiking, horseback, mountain bike, and motorized trail opportunities.</i></p> <p><i>b. Provide trailhead parking areas for trail users.</i></p> <p><i>c. Provide ORV opportunities both on and off permanently marked trails.</i></p>	<p>MA-1-52: Manage for a wide spectrum of dispersed recreation use opportunities.</p> <p><i>a. Provide hiking, horseback, mountain bike, and motorized trail opportunities.</i></p> <p><i>b. Provide trailhead parking areas for trail users.</i></p> <p><i>c. Provide <u>OHV opportunities only on designated roads, trails, and areas.</u></i></p>
<u>MA-2 Red-cockaded Woodpecker Emphasis Secondary Management Emphasis (page 101)</u>	<u>MA-2 Red-cockaded Woodpecker Emphasis Secondary Management Emphasis</u>
<p>Portions of this management area contain lands physically suited for motorized recreation use, including off-road vehicles (ORV), and many other forms of dispersed recreation use.</p> <p><i>Motorized trail riding opportunities will be restricted to designated trails within the Sam Houston National Forest.</i></p> <p>Recreational fishing opportunities will be provided in all suitable ponds and streams. Interpretive facilities such as informational trailhead and parking areas will be provided; all will include maps, brochures and/or signs to help the recreationist locate public lands, identify unique plant and animal communities, and key recreation attractions. Semi-primitive motorized or roaded-natural recreation opportunities will be available. Management direction will ensure considerations for wildlife, water quality, soil productivity, and biological diversity while providing commercial production of forage and timber, and exploration for and extraction of minerals.</p> <p>This area is managed to provide quality wildlife habitat, particularly for threatened and endangered species, and quality recreation opportunities while affording environmentally sensitive commodity production.</p> <p>Specific activities are centered around consumptive and nonconsumptive use of land and water areas including timber harvest and production, limited grazing, mineral exploration and production, hiking,</p>	<p>Portions of this management area contain lands physically suited for <u>many forms of dispersed recreation use</u> including <u>off-highway vehicle (OHV) use on designated roads, trails, and areas.</u></p> <p><i><u>Motor vehicle use opportunities will be provided only on designated roads, trails, and areas within the Angelina, Davy Crockett, Sabine, and Sam Houston National Forests.</u></i></p> <p>Recreational fishing opportunities will be provided in all suitable ponds and streams. Interpretive facilities such as informational trailhead and parking areas will be provided; all will include maps, brochures, and/or signs to help the recreationist locate public lands, identify unique plant and animal communities, and key recreation attractions. Semi-primitive motorized or roaded-natural recreation opportunities will be available. Management direction will ensure considerations for wildlife, <u>recreation use</u>, water quality, soil productivity, and biological diversity while providing commercial production of forage and timber, and exploration for and extraction of minerals.</p> <p>This area is managed to provide quality wildlife habitat, particularly for threatened and endangered species, and quality recreation opportunities while affording environmentally sensitive commodity production.</p> <p>Specific activities are centered around consumptive and nonconsumptive use of land and water areas including timber harvest and production, limited</p>

The Plan (1996)	Proposed Plan Amendment (2007)
fishing, hunting, horseback riding, ORV use, canoeing, nature study, camping, boating, and mountain biking.	grazing, mineral exploration and production, hiking, fishing, hunting, horseback riding, <u>motor vehicle</u> use, canoeing, nature study, camping, boating, and mountain biking.
<u>MA-2 Red-cockaded Woodpecker Emphasis Recreation Management (page 105)</u>	<u>MA-2 Red-cockaded Woodpecker Emphasis Recreation Management</u>
<p>MA-2-42: Manage for a wide spectrum of dispersed recreation use opportunities.</p> <p><i>a. Provide hiking, horseback, mountain bike, and motorized trail opportunities.</i></p> <p><i>b. Provide trailhead parking areas for trail users.</i></p> <p><i>c. Provide ORV use in areas that do not disturb RCW clusters. ORV use will be available on established trails only in the Sam Houston and southern Angelina National Forests; and in open areas on the Sabine, northern Angelina and Davy Crockett National Forests.</i></p>	<p>MA-2-42: Manage for a wide spectrum of dispersed recreation use opportunities.</p> <p><i>a. Provide hiking, horseback, mountain bike, and motorized trail opportunities.</i></p> <p><i>b. Provide trailhead parking areas for trail users.</i></p> <p><i>c. Provide <u>OHV</u> use in areas that do not disturb RCW clusters. <u>OHV</u> use will be <u>permitted only on designated roads, trails, and areas.</u></i></p>
<u>MA-6 Longleaf Ridge Special Area Recreation (pages 173-174)</u>	<u>MA-6 Longleaf Ridge Special Area Recreation</u>
<p>This management area contains lands physically suited for motorized recreation use, including off-road vehicles (ORV), and many other forms of dispersed recreation use.</p> <p><i>Motorized trail riding opportunities will be provided only on existing road and trail systems.</i></p> <p>Recreational fishing opportunities will be provided in all suitable ponds and streams. Interpretive facilities such as informational trailhead and parking areas will be provided; all would include maps, brochures and/or signs to help the recreationist locate public lands, identify unique plant and animal communities, and key recreation attractions. Semi-primitive motorized or roaded-natural recreation opportunities will be available. Management direction will ensure considerations for wildlife, water quality, soil productivity, and biological diversity while providing commercial production of forage and timber, and exploration for and extraction of minerals.</p> <p>This area is managed to provide quality wildlife habitat, particularly for threatened and endangered species, and quality recreation opportunities while affording environmentally sensitive commodity production.</p>	<p>This management area contains lands physically suited for <u>many forms of dispersed recreation use</u> including <u>off-highway vehicle (OHV) use on designated roads and trails.</u></p> <p><i>Motor vehicle use opportunities will be provided only on <u>designated roads and trails.</u></i></p> <p>Recreational fishing opportunities will be provided in all suitable ponds and streams. Interpretive facilities such as informational trailhead and parking areas will be provided; all would include maps, brochures and/or signs to help the recreationist locate public lands, identify unique plant and animal communities, and key recreation attractions. Semi-primitive motorized or roaded-natural recreation opportunities will be available. Management direction will ensure considerations for wildlife, <u>recreation use</u>, water quality, soil productivity, and biological diversity while providing commercial production of forage and timber, and exploration for and extraction of minerals.</p> <p>This area is managed to provide quality wildlife habitat, particularly for threatened and endangered species, and quality recreation opportunities while affording environmentally sensitive commodity production.</p>

The Plan (1996)	Proposed Plan Amendment (2007)
Specific activities are centered around consumptive and nonconsumptive use of land and water areas including timber harvest and production, limited grazing, minerals exploration and production, hiking, fishing, hunting, horseback riding, ORV use, canoeing, nature study, camping, boating, and mountain biking.	Specific activities are centered around consumptive and nonconsumptive use of land and water areas including timber harvest and production, limited grazing, minerals exploration and production, hiking, fishing, hunting, horseback riding, <u>motor vehicle</u> use, canoeing, nature study, camping, boating, and mountain biking.
<u>MA-6 Longleaf Ridge Special Area Recreation Management (page 177)</u>	<u>MA-6 Longleaf Ridge Special Area Recreation Management</u>
<p>MA-6-42: Manage for a wide spectrum of dispersed recreation use opportunities.</p> <p><i>a. Provide hiking, horseback, mountain bike, and motorized trail use.</i></p> <p><i>b. Provide trailhead parking areas for trail users.</i></p> <p><i>c. Provide ORV use in areas that do not disturb RCW clusters, sensitive species or their habitat. ORV use will only be available on identified trail systems.</i></p>	<p>MA-6-42: Manage for a wide spectrum of dispersed recreation use opportunities.</p> <p><i>a. Provide hiking, horseback, mountain bike, and motorized trail use.</i></p> <p><i>b. Provide trailhead parking areas for trail users.</i></p> <p><i>c. Provide <u>OHV</u> use in areas that do not disturb RCW clusters, sensitive species, or their habitat. <u>OHV</u> use will be <u>permitted only on designated roads and trails.</u></i></p>
<u>MA-9a Developed Recreation Sites Recreation Management (page 267)</u>	<u>MA-9a Developed Recreation Sites Recreation Management</u>
MA-9a-112: Off-road vehicle (ORV) use shall be permitted when they are street legal ORVs with licensed operators on designated Forest Development Roads and site roads for entering and exiting the development.	MA-9a-112: Off- <u>highway</u> vehicle (<u>OHV</u>) use shall be permitted when <u>vehicles</u> are <u>highway</u> legal with licensed operators on designated <u>roads pursuant to 36 CFR 212.56.</u>
<u>MA-9b Minimally Developed Recreation Sites Recreation Management (page 274)</u>	<u>MA-9b Minimally Developed Recreation Sites Recreation Management</u>
<p>MA-9b-113: Motor vehicles are restricted to designated areas only.</p> <p>MA-9b-114: ORV use areas shall be designated and scheduled to minimize user conflicts.</p>	<p>MA-9b-113: Motor vehicle use will be <u>permitted only on designated roads and trails.</u></p> <p>MA-9b-114: Off-highway vehicle (OHV) use will be <u>permitted only on designated roads and trails</u> and scheduled to minimize user conflicts.</p>
<u>Plan Appendix E Definition and Classes of ORVs (page 7)</u>	<u>Plan Appendix E Definition and Classes of <u>OHV</u></u>
	<p>Add:</p> <p><u>The terms “off-road vehicle” and “ORV” should be considered synonymous and interchangeable with the terms “off-highway vehicle” and “OHV”. As per the final Travel Management Rule (70 FR 68264; November 9, 2005), the definition of “off-highway vehicle” (OHV) is consistent with the definition of “off-road vehicle” (ORV) in E.O. 11644.</u></p>

The Plan (1996)	Proposed Plan Amendment (2007)
Plan Appendix E ORV Management (pages 8-9)	Plan Appendix E OHV Management
<p>1. Provide for three types of woods riding on the NFGT:</p> <p>-- OPEN - Cross-country riding within most of MA-1 and 2 of the Sabine, northern Angelina, and Davy Crockett is permitted and as indicated on the ORV maps for NFGT. This area is considered open except for those types of areas that were listed previously as closed. Any portion of the "open" area may be closed by the Forest Supervisor when deemed necessary to protect resources or the safety of visitors. Larger vehicles, four-wheel drive (OHVs) are restricted to FDR level "D" roads.</p> <p>-- RESTRICTED - MA-4, MA-5, MA-1, and MA-2: ORV use on the Sam Houston and southern (MA-6 Longleaf Ridge) Angelina National Forest is restricted to motorcycle and ATV trails. Use will be permitted on approximately 250-350 miles of designated motorcycle trails for light duty type ORVs (width 48" or less and weight 500 lbs or less) are planned and will be maintained.</p> <p>-- CLOSED - MA-3, 7 and 8 - Caddo/LBJ Grasslands, Special Management and Wilderness Areas: Areas such as Big Creek, Winters Bayou, Beech Ravines, Colorow Creek, Upland Island Wilderness, Crosstimbers and Mill Creek Cove. MA-9- Recreation Sites: Motorized vehicles use is restricted to roads, parking lots or parking spurs while in or near hiking trails, campgrounds, shooting ranges or other designated recreation areas. MA-10 and 11 - Administrative Sites and Experimental Forest (well sites, graveyards, utility ROWs etc).</p> <p>Emergency closures will be made where resource damages occur as the result of over-use or abuse. The extent of such closure will be minimal and these problem areas will be closed and appropriately signed.</p>	<p>1. Provide for off-highway vehicle (OHV) use on the NFGT <u>in accordance with the Travel Management Rule regulations (36 CFR Parts 212, 251, 261, and 295) as follows:</u></p> <p>a. <u>There will be no areas open to cross-country use of motor vehicles unless designated on a motor vehicle use map pursuant to 36 CFR 212.56.</u></p> <p>b. <u>Areas may be designated for motor vehicle use on only the following National Forest Management Areas (MA): the Angelina, Davy Crockett, Sabine, and Sam Houston National Forests MA-1 and MA-2.</u></p> <p>c. <u>Trails may be designated for motor vehicle use on only the following National Forest Management Areas (MA): the Davy Crockett, Sabine, and Sam Houston National Forests MA-1, MA-2, MA-4 (crossings only), MA-9a, and MA-9b Management Areas, and the Angelina National Forest MA-1, MA-2, MA-4 (crossings only), MA-6, MA-9a, and MA-9b.</u></p> <p>d. <u>Roads may be designated for motor vehicle use on any National Forest and National Grassland Management Area except MA-7 Wilderness.</u></p>
Plan Appendix E Other Open Area Closures (page 9)	Plan Appendix E Other Open Area Closures
<p>MA 1 and 2 areas on the Sabine, northern Angelina, and Davy Crockett National Forests are generally open, unless closed through Supervisor's Order. Analysis and evaluation of these ORV closures take into consideration such factors as noise, safety, quality of</p>	<p><u>The cross-country use of motor vehicles off of designated roads and trails on the National Forests and Grasslands in Texas is prohibited unless areas are designated for such use pursuant to 36 CFR 212.51.</u></p>

The <i>Plan</i> (1996)	Proposed <i>Plan</i> Amendment (2007)
the various recreational experiences provided, potential impacts on soil, watersheds, vegetation, fish, wildlife, wildlife habitat and size of tracts.	

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 amendment, to incorporate the final Travel Management Rule regulations (36 CFR Parts 212, 251, 261, and 295) into the *Plan* (EA, §1.1 and §1.2) by prohibiting the unrestricted cross-country use of motor vehicles and restricting such use to designated roads, trails, and areas.
2. Alternative 2 provides a more descriptive definition of motor vehicles. In the *Rule*, motor vehicles are defined as,

“Any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.”

 and include off-highway vehicles (OHV), off-road vehicles (ORV), all-terrain vehicles (ATV), “4-wheelers”, motorcycles, four wheel drive pick-ups trucks, and four wheel drive sport utility vehicles (SUV). (EA, §1.1).
3. Alternative 2 addresses resource concerns by prohibiting the unrestricted cross-country use of motor vehicles; thereby, reducing disturbance and potential displacement of wildlife (EA, §3.2.6), reducing potential impacts to heritage resources (EA, §3.2.7), and reducing soil and water damage from unauthorized motorized travel (EA, §3.2.5 and §3.2.8).
4. Alternative 2 would not change the *Plan* Desired Future Conditions. (EA, §3.2.2).
5. Alternative 2 would not change the mitigations measures in the *Plan* (EA, §2.3.2).
6. Monitoring guidelines would remain the same as those described in the *Plan*. There would be no change in monitoring as a consequence of implementing Alternative 2 (EA, §2.3.3).
7. Alternative 2 would not change the *Plan* Recreation Opportunity Spectrum (ROS) land delineations (EA, §3.2.4.2).

Proposed Action, Purpose, and Need

The proposed action was first brought forward in 2006. The *Plan* amendment was proposed to incorporate the final Travel Management Rule regulations (36 CFR Parts 212, 251, 261, and 295) into the *Plan* (EA, §1.1 and §1.2).

Public Involvement and Issue Identification

Open houses were held in July, August, and September, 2006 on each of the National Forests and National Grasslands in Texas to inform the public about the new Travel Management Rule regulations restricting motor vehicle use to designated roads, trails, and areas and to start collaboration. News releases were issued to news media to publicize the meetings.

The initial scoping began March 16, 2007, in a letter describing the proposed action which was mailed to 377 federal and state agencies, organizations, and individuals interested in or affected by the proposal, including the US Fish & Wildlife Service, Texas Parks & Wildlife Department, Texas State Historic Preservation Office, Blue Ribbon Coalition, SE Texas Off-Road Riders, Trail Riders of Houston, National Wild Turkey Federation, Sierra Club, US and State Senators and Representatives, County Judges, County Commissioners, and others (EA, §4.0). The scoping letter and additional information pertaining to the proposed action was also posted on the NFGT www.fs.fed.us/r8/texas/ website and a news release was issued to news media. Approximately 20 comments were received from 10 individuals and organizations. An Interdisciplinary Team, composed of Forest Service resource management specialists and technicians, reviewed comments received during internal and external scoping of the proposal and identified issues (EA, *Appendix C – Public Comments*).

The Travel Management Environmental Assessment (EA) was released on July 13, 2007 for 30-day notice and comment. A notification letter describing the proposal and requesting comments was mailed to 470 federal and state agencies, organizations, and individuals interested in or affected by the proposal. The Travel Management Environmental Assessment (EA) was also posted on the NFGT www.fs.fed.us/r8/texas/ website and a news release was issued to news media. A legal notice was also published in the *Lufkin Daily News* on July 13, 2007, and the 30-day notice and comment period officially ended August 13, 2007. Approximately 40 comments were received from 17 individuals and organizations. An Interdisciplinary Team, composed of Forest Service resource management specialists and technicians, reviewed comments received during the 30-day notice and comment period and identified issues (EA, *Appendix C – Public Comments*).

Letters, legal notices, news releases, mailing lists, lists of meeting attendees, etc. are available in the project file.

Alternatives to the Proposed Action

The following alternatives were considered in detail. The alternatives are fully described under Chapter 2.0 *Alternatives Including the Proposed Action* in the EA and compared in the descriptive *Table 3. Summary of Alternatives* in 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 proposal. The Travel Management Rule (70 FR pages 68264 – 68291) regulations would not be implemented.

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Travel Management Rule Plan Amendment

Executive Order (E.O.) 11644 (February 8, 1972), “Use of Off-Road Vehicles on the Public Lands,” as amended by E.O. 11989 (May 24, 1977), which directs federal agencies to ensure that the use of off-road vehicles on public lands will be controlled to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands, would not be met.

Alternative 2 – This is the proposed action, under which the *Plan* would be amended to incorporate the Travel Management Rule regulations (36 CFR Parts 212, 251, 261, and 295) by prohibiting the cross-country use of motor vehicles and restricting motor vehicle use to designated roads, trails, and areas.

For each alternative, all applicable standards and guidelines, mitigation measures and monitoring requirements in the *Plan* would be applied (EA, §2.3).

These alternatives were evaluated as to their effects on the environment. The effects are described under Chapter 3.0 *Affected Environment and Environmental Consequences* in the EA.

NFMA Finding of Non-Significance for *Plan* Amendment

This amendment is not a significant change in the Revised Land and Resource Management Plan for the National Forests and Grasslands in Texas.

In compliance with the US District Court for the Northern District of California court order (March 30, 2007) enjoining the 2005 Planning Rule, this *Plan* Amendment uses the provisions of planning regulations in effect before November 9, 2000 as is allowed for under the 2004 Interpretative Rule (69 Federal Register pages 58055 - 58057, dated September 29, 2004). According to the Forest Service Handbook (FSH) direction for implementing those regulations, Section 5.32 (3) of FSH 1909.12 (7/88) lists four factors to be used to determine whether a proposed change to a plan 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 affected area covered within the 1996 Revised Land and Resource Management Plan (the *Plan*), and determined as follows:

- **Timing** - The timing factor examines at what point, over the duration of the plan period, the change is to take place. Both the age of the planning document and the duration of the proposed change are relevant considerations. The handbook indicates that the later in the plan period the change occurs, the less significant the change is likely to be.

The anticipated duration of the proposed actions under the current Plan is about five years. The current Plan was approved in March, 1996, over eleven years ago and work will start on the next plan in about one to two years (such plans are normally revised every 10-15 years). The proposed changes will only be in effect for about five years under the current *Plan*, but the next plan would incorporate the proposed changes unless the implementing federal regulations change.

The proposed changes to the *Plan* (EA, §1.1) would be implemented upon the public release of the first Motor Vehicle Use Maps designating the roads, trails, and areas open for motor vehicle use on the National Forests and Grasslands in Texas (36 CFR 212.56). Incorporating the proposed changes to the *Plan* implements the *Rule* regulations in compliance with Executive Order (E.O.) 11644 (February 8, 1972), as amended by E.O. 11989 (May 24, 1977), which directs federal agencies to ensure that the use of off-road vehicles on public lands will be controlled to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. Delaying the changes to the next planning period would result in non-compliance with current federal regulations and executive orders.

- **Location and Size** - The relationship of the affected area to the overall planning area influences the significance of the proposed changes. In most cases, the smaller the area affected, the less significant the change is likely to be. The *Plan* allocated approximately 199,500 acres to MA-1 and 137,000 acres to MA-2 on the Angelina, Davy Crockett, and Sabine National Forests where the proposed changes will primarily occur. This represents about 50 percent of the 672,800 acres within the National Forests and Grasslands in Texas

planning area. The current *Plan* allows the unrestricted cross-country use of motor vehicles in certain areas on the Angelina, Davy Crockett, and Sabine National Forests. The *Plan* amendment would prohibit the cross-country use of motor vehicles in those areas by restricting the use of motor vehicles to designated roads, trails, and areas. Although the area primarily affected by the *Plan* amendment encompasses about one-half of the National Forests and Grasslands in Texas, the *Plan* amendment would not result in any ground-disturbing activities and would have more beneficial environmental effects than adverse effects (EA, §3.0).

- Goals, Objectives, and Outputs – The goals, objectives, and outputs factor involves the determination of “whether the proposed change alters the long-term relationship between the output levels of goods and services projected by the plan.” This criterion concerns analysis of “whether an increase in one type of output would trigger an increase or decrease in another.” “In most cases, changes in outputs are not likely to be a significant change in a plan unless the change would forego the opportunity to achieve an output in later years.” (FSH 1909.12 Section 5.32(c)) There is no guarantee under the National Forest Management Act (NFMA) that output projections will actually be produced. The proposed changes would not alter the long-term relationships between the output levels of goods and services projected by the *Plan*. No commodity outputs are expected to be affected by 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 Section 5.32(d)) The *Plan* standards and guidelines to be changed (EA, §1.1 and §3.2.3) primarily apply to the unrestricted cross-country use of motor vehicles off of designated roads, trails, and areas; and such use will be prohibited by this decision. Other *Plan* direction remains unchanged. The proposed changes would not affect the *Plan* desired future conditions (EA, §3.2.2).

The proposal to restrict the use of motor vehicles to designated roads, trails, and areas would not result in different management actions or prescriptions than would be taken under current *Plan* direction. The proposal would therefore have no adverse direct, indirect, or cumulative effect on any of the management areas or resources on the National Forests and Grasslands in Texas that were not disclosed in the *Plan* Final Environmental Impact Statement (EA, §1.1 and §3.2.3) .

Finding of No Significant Impact

I have determined, based on the process and analysis using the best available science as shown in the Environmental Assessment and on experience with similar forest management activities, that implementation of the selected alternative, with the associated mitigation measures, is not a major federal action significantly affecting the quality of the human environment and is consistent with the *Plan*, as amended. Therefore, an Environmental Impact Statement is not needed.

I have based this determination on the analysis documented in the Environmental Assessment, in conjunction with the following factors listed in 40 CFR 1508.27.

1. Both beneficial and adverse effects of this action have been considered and this action will not have a significant effect on the quality of the environment (EA, §3.0). This decision reached as a result of the analysis in the Environmental Assessment will not implement any actions that cause significant environmental effects. The beneficial effects outweigh any potential adverse effects. The beneficial effects, however, have not been used to offset or compensate for potential adverse effects (40 CFR 1508.27(b)(1)).
2. This action will not adversely affect public health or safety. Prohibiting the cross-country use of motor vehicles will reduce riders' exposure to natural hazards, thereby reducing their chances of an accident.
3. The prescribed actions will not adversely affect any unique characteristics (historic or heritage resources, wetlands, floodplains, wild and scenic rivers, wilderness areas, etc.) on the affected area of the National Forests and Grasslands in Texas. The unintentional disturbance of historic sites and special areas by the unrestricted cross-country use of motor vehicles will diminish by restricting motor vehicle use to designated roads, trails, and areas (EA 3.2.7).
4. The effects of this action on the human environment are not likely to be highly controversial. There is no substantial scientific controversy concerning the environmental effects of the selected alternative. Any public controversies related to the Travel Management Rule (70 FR 68264; November 9, 2005) regulations do not constitute disputes over the environmental effects of this decision. The Environmental Assessment discusses public contacts made in the course of the environmental analysis, and documents the issues identified from these contacts. The Interdisciplinary Team has made every effort to solicit public concerns and to address those concerns in the decision-making process.
5. The possible effects on the human environment are not highly uncertain and do not involve unique or unknown risks (EA, §3.0).
6. This decision does not set precedent for future actions with significant effects or represent a decision in principle about a future consideration (EA, §3.0).

7. There will be no significant cumulative effects between this project and other current or planned projects on either national forest or private lands. The action is not related to other actions with individually insignificant but cumulatively significant impacts (EA, §3.0).
8. No sites listed in or eligible for listing in the National Register of Historic Places will be adversely affected (EA, §3.2.7).
9. This 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. The Forest Service consulted with the U.S. Fish and Wildlife Service and determined that the actions are “not likely to adversely affect” individuals or populations of threatened, endangered, sensitive, and other protected plant and animal species because no ground disturbing actions will be implemented and the effects due to implementation of the proposed actions would be beneficial (EA, §3.2.6).
10. The actions do not violate or lead to violations of federal, state, or local environmental laws or requirements imposed for the protection of the environment. However, failure to implement the actions would violate the Travel Management Rule (70 FR 68264; November 9, 2005) regulations which restrict the use of motor vehicles to designated roads, trails, and areas in compliance with Executive Order (E.O.) 11644 (February 8, 1972), as amended by E.O. 11989 (May 24, 1977), which directs federal agencies to ensure that the use of off-road vehicles on public lands will be controlled to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR 217.3. In our July 13, 2007 letter requesting comments on the proposed action, we stated that this decision would be appealable under 36 CFR 215; but upon further review, we have determined that the 36 CFR 217 appeal provisions are more appropriate for this *Plan* amendment decision.

Therefore, the appeal must meet the appeal content requirements at 36 CFR 217.9. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer,

Charles L. Myers, Appeal Deciding Officer
Attn: Appeals & Litigation
USDA Forest Service, Southern Region
1720 Peachtree Rd, N.W.
Atlanta, GA 30309

The appeal may be faxed to (404) 347-5401.

Electronic appeals must be submitted in a common format such as an email message, plain text (.txt), rich text format (.rtf), Word (.doc), or Adobe (.pdf) to appeals-southern-regional-office@fs.fed.us with Subject: Texas Plan Amendment. 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.

The normal business hours for submitting hand-delivered appeals are 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding federal holidays.

Appeals, including attachments, must be filed within 45 days after the publication date of this notice in the Lufkin Daily News, the newspaper of record 36 CFR 217.8. Appeals, including attachments, received after the 45-day appeal period will not be considered. The publication date in the Lufkin Daily News 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.

Implementation Date

Although the implementation of this decision can occur after seven (7) calendar days following publication of the legal notice of the decision (36 CFR 217.10), we will wait to implement this decision until the public release of the first Motor Vehicle Use Maps. This decision will be implemented upon the public release of the first Motor Vehicle Use Maps designating the roads, trails, and areas open for motor vehicle use on the National Forests and Grasslands in Texas (36 CFR 212.56). The *Rule* prohibition on motor vehicle use off designated roads and trails and outside designated areas will also be implemented upon the public release of the first Motor Vehicle Use Maps (36 CFR 261.13).

Contact

For further information concerning this decision or the Forest Service Appeal Process, contact Don Benner, Planning, by mail at National Forests and Grasslands in Texas, 415 S. First Street, Suite 110, Lufkin, TX 75901; by phone at 936-639-8581; or by e-mail at dbenner@fs.fed.us.

Responsible Official:

s/ *Carl D. Daniel*

1/4/2008

Fred S. Salinas

Date

Forest Supervisor

National Forests and Grasslands in Texas

415 S. First Street, Suite 110,

Lufkin, TX 75901

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Travel Management Rule Plan Amendment