

## DECISION NOTICE/DECISION RECORD

### INTERIM STRATEGIES FOR MANAGING ANADROMOUS FISH-PRODUCING WATERSHEDS ON FEDERAL LANDS IN EASTERN OREGON AND WASHINGTON, IDAHO, AND PORTIONS OF CALIFORNIA

USDA Forest Service and USDI Bureau of Land Management

#### I. Introduction

The United States Department of Agriculture, Forest Service (FS) and the United States Department of the Interior, Bureau of Land Management (BLM) (hereinafter referred to as the Agencies) are adopting an interim strategy for management of anadromous fish-producing watersheds on lands they manage. The FS will implement the strategy through its field offices as amendments to Regional Guides and Land and Resource Management Plans (forest plans). The BLM will issue an Instruction Memorandum to field offices to implement this strategy as management guidance in conformance with land use plans (LUPs). This strategy will be applied to project proposals which must also comply with requirements of the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Federal Land Policy and Management Act (FLPMA), and other applicable laws.

The Agencies are engaged in developing long-term strategies to protect and restore anadromous fish-producing watersheds on Federal lands in the Columbia River Basin and in other watersheds supporting anadromous fish (EA, Appendix I). The Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northern Spotted Owl ROD) comprehensively addresses management of anadromous fish-producing watersheds on Federal lands in western Washington and Oregon and portions of northern California.

Recent and pending listings of anadromous fish stocks, combined with the Agencies' own internal studies, as well as information produced by other sources, indicate a need for prompt action by the Agencies. Recognizing the need to address the watersheds comprehensively, the Agencies are undertaking environmental analyses to examine long-term management strategies for protecting and restoring anadromous fish-producing watersheds. Given the critical nature of the situation, the Agencies have decided to institute an interim strategy designed to halt the degradation and begin the restoration of anadromous fish habitat and see that future opportunities are not foregone by management decisions taken over the next 18 months while comprehensive studies and NEPA analysis and documentation are completed for the long-term management strategies.

Utilizing Agency scientists and related field personnel, the Agencies developed actions to apply during an 18-month interim period. In accordance with the requirements of NEPA, an Environmental Assessment (EA) was prepared to examine the likely effects of proposed protection

strategies, and a Finding of No Significant Impact (FONSI) was concluded. The EA and a proposed FONSI were published in March 1994 and circulated for public review and comment. The Agencies also undertook consultation with the United States Department of Commerce, National Marine Fisheries Service (NMFS) and the United States Department of the Interior, Fish and Wildlife Service (FWS) in accordance with the requirements of the ESA.

## II. Decision

It is the decision of the Agencies to select Alternative 4 in the Environmental Assessment for the of Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California. Based on public comment and consultation with the NMFS and the FWS, Alternative 4 has been modified from the Preferred Alternative described in a published version of the EA dated March 18, 1994, to provide greater clarity and consistency.

This decision amends Regional Guides for the FS's Northern, Intermountain, Pacific Southwest, and Pacific Northwest Regions and 15 forest plans in the affected National Forests and provides management direction applicable to the 7 BLM LUPs. The FS and the BLM will apply the following management measures to all proposed or new projects and activities\* and ongoing projects and activities that pose an unacceptable risk\*\* involving the management of timber, roads, grazing, recreation resources, riparian areas, minerals, fire and fuels, and land uses such as leases, permits, rights-of-way and easements, as well as restoration of watershed, fish, and wildlife habitat within all anadromous fish habitat occurring in the States of Oregon, Washington, Idaho, and California (except for those areas under the direction contained in the Northern Spotted Owl ROD) during the interim period (18 months from the effective date of this decision).

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\* "Proposed or new projects and activities" are defined as those actions that have not been implemented, or for which contracts have not been awarded, or for which permits have not been issued, or (within the range of listed anadromous fish) continuing actions for which the Biological Assessments have not been prepared and submitted for consultation prior to signing of this decision (EA, pp. 17 and Glossary-5).

\*\* "Ongoing projects and activities" are defined as those actions that have been implemented, or that have contracts awarded, or permits issued, and (within the range of listed anadromous fish) for which Biological Assessments have been prepared and submitted for consultation, prior to the signing of this decision (EA, p. Glossary-5). The Glossary defines "unacceptable risk" as a level of risk from an ongoing activity or group of ongoing activities that is determined through NEPA analysis or the preparation of Biological Assessments/Evaluations, or their subsequent review, to be: "likely to adversely affect" listed anadromous fish or their designated critical habitat, or "likely to adversely impact" non-listed anadromous fish (EA, p. 18 and p. Glossary-7).

- A. Establish riparian goals to maintain or restore fish habitat (EA, Appendix C, p. C-3 - C-4).
- B. Establish Riparian Management Objectives (RMOs) for streams in watersheds with anadromous fish (EA, Appendix C, p. C-4 - C-6).
- C. Delineate Riparian Habitat Conservation Areas (RHCAs) in anadromous fish-producing watersheds on lands administered by the Agencies using interim widths for four categories of streams or water bodies (EA, Appendix C, pp. C-6 - C-9).
- D. Establish standards and guidelines\*\*\* to govern management actions within RHCAs or degrading RHCAs (EA, Appendix C, pp. C-9 - C-18).
- E. Establish general criteria and identify a process to designate Key Watersheds within the extent of the anadromous fish-producing watersheds (EA, Appendix C, p. C-19).
- F. Establish general criteria and identify a process to guide development and application of Watershed Analyses (EA, Appendix C, pp. C-19 - C-21).
- G. Establish requirements for implementation and effectiveness monitoring (EA, Appendix C, pp. C-22 - C-23).

These measures essentially provide for mitigation of environmental effects of future decisions. No additional measures to mitigate the environmental impact of this action have been identified in the EA or this decision.

### III. Alternatives

Besides the selected Alternative 4 described above, the EA considers four other alternatives in detail (EA, pp. 28 - 30).

Alternative 1 represents the "no action" alternative. The Agencies would manage national forest and public land resources under direction specified in current forest plans and BLM LUPs without any adjustment during the interim period, except as required through consultation with NMFS or FWS on projects and activities which may affect listed species or designated critical habitat (EA, p. 29), and project-level NEPA and Clean Water Act compliance.

Alternative 2 would include standards and guidelines for road systems construction and reconstruction, logging slash treatment and prescribed fire, livestock grazing, and riparian and fish-habitat restoration. Alternative 2 provides standards and guidelines for a more narrow range of land management activities than Alternatives 3, 4, and 5. It would

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\*\*\* The standards and guidelines attempt to ensure that adequate environmental safeguards are applied to proposed or new and ongoing projects and activities that pose unacceptable risk within RHCAs or that degrade RHCAs.

provide riparian protection zones of approximately 300 feet on either side of fish-bearing streams, 150 feet on either side of permanent water courses, and 50 feet on either side of intermittent streams in areas with moderately to highly unstable soils (EA, pp. 29 - 30).

Alternatives 3 and 5 contain largely the same features (items A. through G.) as the selected Alternative 4. Alternatives 3, 4, and 5 provide standards and guidelines for a range of land management activities, including management of timber, roads, grazing, recreation, minerals, fire/fuels, land uses (such as leases, permits, rights-of-way, and easements), riparian areas, watershed restoration, and fisheries and wildlife restoration. Alternative 3 would be applied to all proposed or new projects, but to no ongoing projects and activities. Alternative 5 would be applied to all proposed or new projects and to all ongoing projects and activities (EA, p. 30).

#### IV. Rationale for Selection

The purpose of the interim direction is to take prudent measures to arrest the degradation and begin the restoration of riparian and aquatic ecosystems in watersheds where anadromous fish habitat is present or easily could be reestablished (EA, pp. 6-8). Interim direction was developed to maintain management options for anadromous fish habitat while the Agencies are developing long-term management strategies.

The deciding officials considered the ability of each alternative to: meet the stated purpose and need of the action; comply with applicable laws, statutes, regulations, executive orders, and policies; and respond to issues and public comments about the alternative strategies. A critical factor relevant to this decision was the ability of the alternatives to respond to the issues identified in the EA (pp. 21 - 22):

Issue 1. Manage habitat to contribute to maintenance of anadromous fish stocks in the interim period.

Issue 2. Provide management direction to insure consistent, effective, and efficient ESA consultation in the interim period.

Issue 3. Consider the ability of national forests and BLM districts to provide traditional amounts and kinds of goods and services in the interim period while long-term management direction is under development.

Issue 4. Integrate interim management of anadromous fish habitat with other planning efforts in the interim period.

Issue 5. Integrate new scientific knowledge into the management of anadromous fish habitat.

The interdisciplinary teams that prepared the EA have reviewed the best available scientific information and used this information in formulating the alternatives, evaluating the effects of the alternatives, and identifying the preferred alternative. Although there is not a complete scientific understanding of the relationships between land management

activities and aquatic ecosystem processes, or between aquatic ecosystem processes and anadromous fish habitat, existing information on these relationships is sufficiently extensive to permit a reasoned choice among the alternatives presented in the EA (EA pp. 2-6, 8-11, 36-39, Appendix A, Appendix C). New information may permit the development of more specific protective measures, but it is unlikely that new information would reverse or nullify what is understood about these relationships.

Alternatives 1 and 2 would not provide sufficient protection to halt the degradation and begin the restoration of anadromous fish-producing watersheds. Alternatives 1 and 2 may result in Agency actions that foreclose management options for protecting species while long-term strategies are being developed. Finally, Alternatives 1 and 2 do not respond to several issues: they would not provide for consistent, efficient, and effective ESA consultation; they would not provide anadromous fish habitat management that is consistent with other planning efforts; and they would not integrate new scientific knowledge into the management of anadromous fish habitat.

Alternatives 3, 4, and 5 differ from each other most significantly in whether they apply interim direction to none, some, or all of the ongoing activities. Alternative 3 does not apply interim direction to any ongoing activities, and thus it is likely that management options for protecting species would be foreclosed while the long-term strategies are being developed. Furthermore, because Alternative 3 does not apply interim direction to ongoing activities, it would not contribute to a consistent or efficient approach to ESA consultation on those activities. Alternative 4 provides more habitat protection than Alternative 3. Alternative 5 applies interim direction to all ongoing projects, regardless of whether such activities pose a risk to anadromous fish stocks. Thus, Alternative 5 would unnecessarily affect all existing contracts, permits and other outstanding obligations in the affected areas. Moreover, Alternative 5 would result in a loss of management adaptability or flexibility and might restrict the ability of Agency-administered lands to provide traditional amounts and kinds of goods and services.

Alternative 4 would apply the interim direction to only some ongoing projects -- those that pose an unacceptable risk to anadromous fish. The deciding officials have determined that the most reasonable approach to applying interim direction is for field managers to make case-by-case judgements as to whether specific ongoing projects pose an unacceptable risk to anadromous fish. This alternative provides the best opportunity among the alternatives analyzed to protect fish habitat during the interim period while still allowing for multiple use management.

Alternative 4 meets the purpose of the interim direction, which is to arrest the degradation and begin the restoration of riparian and aquatic ecosystems. Alternative 4 responds to the need to insure that management options are not foreclosed while the long-term strategies are being developed, because it applies interim direction to all new activities and ongoing activities that pose an unacceptable risk to anadromous fish. Alternative 4 represents the agencies' judgement of the best balance among competing interests: it responds to the need to provide a high level of protection for anadromous fish habitat, without unnecessarily

restricting existing contracts, permits and other authorizations, management flexibility, or the flow of goods and services. Alternative 4 provides for consistent, effective, and efficient ESA consultation\*\*\*\*; is consistent with other planning efforts; and integrates new scientific knowledge into the management of anadromous fish-producing watersheds.

Alternative 4 is in full compliance with applicable law, statutes, regulations, executive orders, and policies of both Agencies.

Alternative 4 has been modified based on public comments and ESA consultation to provide increased clarity and consistency among standards and guidelines, to provide additional information, and to correct errors.

#### V. Public Involvement

As described in the EA (p. 72, CONSULTATION WITH OTHERS), public involvement efforts consisted of a series of briefings for Members of the House and Senate and State agency officials, Tribal governments and a variety of other organizations. Written input was both from persons who were briefed and from others who were not. Appendix E of the EA contains a list of briefings and correspondence from April 1992 to June 1994.

An EA and proposed FONSI were completed in March 1994 and distributed for public review and comment. The Agencies have considered the comments received and modified the EA in response (Appendix F). A list of the individuals and organizations submitting comments on the EA and proposed FONSI is found in Appendix E. The FONSI is based on the analysis in the EA and on consideration and analysis of all information submitted in public comments, from consultation, and from information found in other related environmental documents as noted in the FONSI.

#### VI. Summary of Modifications Made to the EA Dated March 1994

The EA was modified based on public comments, consultation with the FWS and the NMFS, and additional review of scientific literature. These modifications were made to provide greater clarity and consistency among standards and guidelines, to provide additional information, and to correct errors. These modifications do not alter the analyses of effects described in the March 1994 EA. These modifications are summarized here and are discussed in more detail in the responses to public comments (Appendix F).

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\*\*\*\* The Agencies have concluded consultation with the FWS and the NMFS on the effects of Alternative 4 on threatened and endangered species. The FWS, through a letter of concurrence, found that the proposed action would have a neutral or beneficial effect on listed species under their jurisdiction. The NMFS, through a biological opinion, found that the proposed action is not likely to jeopardize the continued existence of listed species under their jurisdiction or result in the destruction or adverse modification of critical habitat. The documents are included as Appendix J to the EA.

- Additional discussion has been added to explain the circumstances for modification of RMOs and RHCAs (Appendix C, pp. C-5, C-7).
- The Timber management standard has been clarified to identify that Watershed Analysis will be conducted prior to salvage cutting in RHCAs in watersheds with listed salmon or designated critical habitat. A Recreation Management standard (RM-1) has been similarly clarified to identify that Watershed Analysis will be conducted prior to construction of new recreation facilities in RHCAs. The standards as originally drafted stipulate that these activities will be allowed only where they would not adversely affect RMOs. Watershed Analysis will provide the means by which these stipulations will be observed (Appendix C, pp. C-10, C-13).
- A standard has been added to the General Riparian Area Management standards and guidelines that addresses storage of fuel and other toxicants and refueling in RHCAs (Appendix C, p. C-17).
- Discussion has been added to the chapter on Affected Environment and Environmental Consequences to detail how cumulative effects have been analyzed in the EA and how cumulative effects will be addressed at other planning levels (EA, pp. 38 - 39).
- Discussion has been added to the economic analysis section to provide greater documentation of how the analysis was conducted, and to correct errors in the calculation of anticipated timber harvest reductions and the interpretation of timber prices (EA, pp. 65 - 67, Appendix F, pp. F-23 - F-24).
- Several terms have been added to the glossary and some definitions have been clarified to facilitate more consistent application of the interim direction (EA Glossary).
- The Riparian Management Objective (RMO) for water temperature has been changed to provide a more effective objective and to provide greater detail (EA, Appendix C, p.C-6, Appendix F, p. F-15).
- The wording of many standards and guidelines has been modified to provide greater consistency among the standards and guidelines (EA, Appendix C, pp. C-10 - C-18).
- The discussion of the application of the interim direction has been modified to clarify which ongoing projects and which new projects will be subject to the standards and guidelines (EA, Appendix C, p. C-9).
- The criteria for identification of Key Watersheds have been clarified to provide the general criteria, and describe the process by which more specific criteria will be developed (EA, p. 17, Appendix C, p. C-19, Appendix F, p. F-21).
- Discussion has been added to the Watershed Analysis section to clarify the process by which Watershed Analysis protocols will be developed and applied during the interim period (EA, p. 17, Appendix C, p. C-19 - C-21, Appendix F, p. F-21).

- Monitoring requirements have been more explicitly defined (EA, Appendix C, pp. C-22 - C-23).
- In response to Conservation Recommendations in the NMFS Biological Opinion, two standards and guidelines, MM-1 and RF-3c, have been reworded to provide greater clarity and consistency.
- Clarification has been provided that the decision amends FS Regional Guides for the Northern, Intermountain, Pacific Southwest and Pacific Northwest Regions as well as individual forest plans.

VII. NFMA Finding of Non-Significance for Amendment of Regional Guides and Forest Plans

For the Forest Service only: Under the National Forest Management Act (NFMA) (16 U.S.C. 1604(f)(4) Regional Guides and forest plans must "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." Neither NFMA nor its implementing regulations define the term "significant". Instead, the regulations place full discretion to determine whether or not a proposed amendment will be significant in the hands of the Forest Service.

Under NFMA and its regulations, an amendment that does not result in a significant change in a forest plan must be undertaken with public notice and appropriate NEPA compliance. If a change to a forest plan is determined to be significant, the Regional Forester must follow the same procedure required for the development of the forest plan, including preparation of an EIS.

The Forest Service Land and Resource Management Planning Handbook (FSH 1909.12) provides more detailed guidance for exercising this discretion. This guidance offers a framework for consideration, but does not demand mechanical application. No one factor is determinative and the guidelines make clear that other factors may be considered.

Under section 5.32, FSH 1909.12 lists four factors to be used when determining whether a proposed change to a forest plan is significant or not significant: timing; location and size; goals, objectives, and outputs; and management prescriptions. It also states that "[o]ther factors may also be considered, depending on the circumstances." The determination if a proposed change to a forest is significant or not depends on an analysis of all of these factors. While these factors are to be used, they do not override the statutory criterion that there be a significant change in the plan. Basically, the decision-maker must consider the extent of the change in the context of the entire plan affected, and make use of the factors in the exercise of his or her professional judgement. The Forest Service has carefully evaluated the interim strategy and concluded that it does not constitute a significant

amendment of the Regional Guides for the FS's Northern, Intermountain, Pacific Southwest, and Pacific Northwest Regions and 15 forest plans in eastern Oregon and Washington, Idaho, and portions of California.

### 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 amendment are relevant considerations. The handbook indicates that the later in the time period, the less significant the change is likely to be. All of the forest plans here are at least half-way through the first planning period. Even so, because the interim direction will be in place for only 18 months, we do not expect the direction to be in place for the remainder of the planning period. As noted in the EA (p. 1), the action is limited in time and changes to the plans are not intended to be permanent. The fact that these interim guidelines, by definition, will only be in place until the current analysis of a longer-term strategy is completed supports the determination that they do not constitute significant amendments of the Regional Guides and forest plans.

### Location and Size

The key to the location and size is context or "the relationship of the affected area to the overall planning area" (FSH 1909.12, sec. 5.32(d)). As further discussed in FSH 1909.12, sec. 5.32(d): "the smaller the area affected, the less likely the change is to be a significant change in the forest plan." As discussed in the FONSI (pp. 1 and 2) and the EA (p. 16), the interim strategy applies only to projects within Riparian Area Conservation Areas (RHCAs) or projects outside the RHCAs that would degrade RHCA condition. The size of the area affected is very small when compared to the overall planning area.

The appropriate inquiry when considering the significance of plan amendments is the change made on each Forest, and not the cumulative change on all the involved Forests. The cumulative change on all the involved Forests is assessed to determine whether the amendment of the Regional Guides is significant. In both cases, the areas in the planning unit affected by the interim standards and guidelines is not so large in size as to mandate a significant amendment (EA, pp. 12-13).

### 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 NFMA that output projections will actually be produced. As discussed in the FONSI (p. 2) and the EA (pp. 17-19), the interim strategy would apply only to proposed or new projects and activities and ongoing projects and activities that pose an unacceptable risk. Thus, the interim strategy does not significantly alter the long-term relationships between the levels of goods and services projected by the forest plans. For example, the effects on timber supply and other commodity resources are short-term. The interim strategy will have

short-term beneficial effects upon some resources such as water quality and riparian resources. Table 3 in the EA (p. 66) shows the relatively small estimated changes in recreation use, timber harvested and animals grazed with adoption of the interim strategy. There may be opportunities to substitute other areas and activities for those ongoing or proposed projects affected by PACFISH. The interim strategy does not involve a demand for any new service or good not discussed in or contemplated by the existing forest plans or Regional Guides. Furthermore, the interim strategy will only be in effect until a longer-term strategy is developed and examined in an EIS -- approximately 18 months. The guidance in FSH 1909.12, sec. 5.32(c) explains: "In most cases, changes in outputs are not likely to be a significant change in the forest plan unless the change would forego the opportunity to achieve an output in later years". Any short term temporary reductions in outputs do not foreclose opportunities to achieve such outputs in later years. Thus, the interim strategy does not foreclose the achievement of existing goals and objectives.

### 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 of the land and resources or the anticipated goods and services to be produced" (FSH 1909.12, sec. 5.32(d)).

The desired future conditions and long-term levels of goods and services projected in current plans would not be substantially changed by the interim strategy. The interim strategy will work to accomplish an element of the multiple use desired future condition of the Regional Guides and forest plans by providing for protection of threatened, endangered, and sensitive species. As noted above, the interim strategy is temporary and applies only to a portion of the overall planning area. Thus, the "anticipated goods and services" will not be greatly affected by interim direction. The interim strategy only affects limited areas where selected projects are occurring or may be proposed and does not alter the management framework for the vast majority of lands within the overall planning area. In adopting the interim strategy (essentially mitigation measures) until a longer-term strategy is developed, the plan amendments retain or improve the environmental status quo on a portion of the affected national forests.

### Other Factors

The handbook guidance allows for the consideration of other factors. It is crucial that the agency be able to respond to scientific information and changing environmental conditions. By responding to changing circumstances, the Forest Service will be better able to manage the national forests for multiple use resources and assure a continuous supply of goods and services from the national forests for the long term.

In the case of the interim strategy, the "other factors" include the ability of the Forest Service to adapt to changing conditions and protect threatened, endangered and sensitive species for a short period of time

until a longer-term strategy can be analyzed and adopted. The interim strategy is merely a temporary attempt to preserve the environmental status quo, thereby maintaining management options, while longer-term direction can be evaluated. By taking the active step of adopting interim guidelines pending the development of longer-term options, the Forest Service is better able to achieve its goals of managing the National Forests for sustainable multiple uses, and to avoid drastic emergency measures in the future.

The process of adapting forest management to changing social and environmental conditions is not finished. The long-term environmental impact statements will also analyze similar issues concerning environmental protection and commodity production. The interim strategy provides a short-term response to complex, changing circumstances.

#### VIII. Site-Specific Project-Level Decisions

The Agencies will employ different approaches to interim management direction (EA, pp. 19 - 20). This strategy applies to proposed and new projects and activities and to ongoing projects and activities that pose an unacceptable risk involving the management of timber, roads, grazing, recreation resources, riparian areas, minerals, fire and fuels, and land uses such as leases permits, rights-of-way and easements, as well as the restoration of watershed, fisheries, and wildlife habitat within RHCAs or that degrade RHCAs on lands administered by the Agencies within anadromous watersheds in Oregon, Washington, Idaho, and California (excluding areas under the Northern Spotted Owl ROD) (EA, p. 17, Appendix C, p. C-9). This is an interim strategy and will expire in 18 months from the date of this Decision Notice/ Decision Record.

##### FS Approach:

The Regional Foresters for the Pacific Northwest, Pacific Southwest, Northern, and Intermountain Regions are responsible for compliance this decision on the Bitterroot, Boise, Challis, Clearwater, Lassen, Los Padres, Malheur, Nez Perce, Ochoco, Okanogan, Payette, Salmon, Sawtooth, Umatilla, and Wallowa-Whitman National Forests as well as the Sawtooth National Recreation Area and the Columbia River Gorge National Scenic Area.

Under the authority of 36 CFR 219.10(f), this decision amends Regional Guides for the FS's Northern, Intermountain, Pacific Southwest, and Pacific Northwest Regions and 15 forest plans (EA, Appendix D, pp. D-3 to D-6) to add explicit goals and objectives for anadromous fish habitat condition and function, and identify RHCAs where management activities will meet new comprehensive standards and guidelines for an 18-month period following the date of this decision (EA, Appendix C). These interim standards and guidelines replace existing conflicting direction described in these 15 forest plans except where the forest plan direction provides more protection for anadromous fish habitat (EA, p. 14). The decision documents for projects where these new standards and guidelines are applied will contain a finding that the project is consistent with the LRMPs as amended by these interim standards and guidelines.

### BLM Approach:

The State Directors for California, Idaho, and Oregon/Washington are responsible for compliance with this decision on the Bakersfield and Ukiah Districts in California; the Salmon and Coeur d'Alene Districts in Idaho; and the Prineville, Spokane, and Vale Districts in Oregon/Washington. Following this decision the BLM director will issue instruction to state directors to review the conformance of the interim direction with existing LUPs.

The BLM will incorporate the interim direction (Alternative 4) that is consistent with current LUPs into all proposed and new projects and activities, and certain ongoing projects and activities.

If the interim direction is not consistent with existing LUPs, the BLM will seek to amend or revise the LUP so that the interim direction is consistent with the LUP. Until the LUP is amended or revised, the BLM will use the existing LUP direction, or will attempt to implement the management direction for certain ongoing projects and activities through negotiation with the use authorization holders (e.g., grazing permittees, right-of-way holders, recreation permit holders), or will seek other remedy within the terms of the existing authorization, including modifying, suspending, or cancelling authorization.

### IX. Administrative Review Opportunities

These decisions are the final decisions of the Agencies. Parties may petition for administrative review in accordance with the following procedures.

Department of Agriculture: This decision may be appealed in accordance with the provisions of 36 CFR 217.7(a) by filing a written notice of appeal, in duplicate, within 45 days of the date of publication of the legal notice of availability for this decision. The Decision is effective 7 days after publication of legal notice, 36 CFR 217.10(a). The appeal must be filed with the Secretary of Agriculture. Review by the Secretary is wholly discretionary.

The notice of appeal must include sufficient narrative evidence and argument to show why this decision should be changed or reversed (36 CFR 217.9).

Department of the Interior: This decision may be appealed to the Department of the Interior, Board of Land Appeals, in accordance with the provisions of 43 CFR 4.20 to 4.31 and 43 CFR 4.400 to 4.415, by filing a written notice of appeal. This notice must be filed with the Director of the BLM within 30 days of the date of publication of the legal notice of availability for this decision. The notice of appeal may include a statement of reasons for the appeal, a statement of standing, and any arguments the appellant wishes to make. A party filing an appeal may request a stay of this decision, in accordance with 43 CFR 4.21. The notice of appeal, request for stay, and other documents shall be served as specified in 43 CFS 4.413 and 4.401(c).

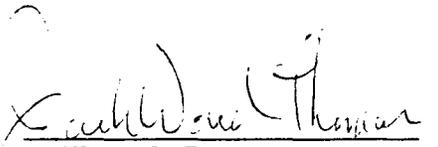
X. Administrative or Supporting Record

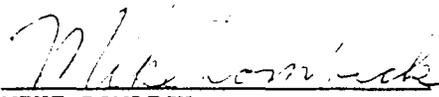
Records documenting the preparation and review of this interim strategy are available at:

USDA FOREST SERVICE  
WILDLIFE, FISH AND RARE PLANTS STAFF  
AUDITORS BUILDING  
14TH AND INDEPENDENCE AVENUES, SW  
WASHINGTON, DC 20250

XI. Signatures

By signing this Decision Notice/Decision Record together, we exercise our respective authorities over only those portions relevant to our authority.

  
\_\_\_\_\_  
JACK WARD THOMAS  
Chief, USDA Forest Service

  
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MIKE DOMBECK  
Acting Director, USDI Bureau  
of Land Management

Date: February 24, 1995

Date: February 24, 1995

# **FINDING OF NO SIGNIFICANT IMPACT**

**FOR THE  
INTERIM STRATEGIES FOR  
MANAGING ANADROMOUS FISH-PRODUCING WATERSHEDS  
IN EASTERN OREGON AND WASHINGTON, IDAHO,  
AND PORTIONS OF CALIFORNIA**

**USDA Forest Service and USDI Bureau of Land Management**

## FINDING OF NO SIGNIFICANT IMPACT

### For The Interim Strategies For Managing Anadromous Fish-Producing Watersheds In Eastern Oregon And Washington, Idaho, And Portions Of California

USDA Forest Service and USDI Bureau of Land Management

#### BACKGROUND

The Chief of the Forest Service and the Director of the Bureau of Land Management (BLM) have analyzed a proposal for interim direction intended to arrest the degradation and begin the restoration of habitat for Pacific anadromous fish (salmon, steelhead and sea-run cutthroat trout). The proposal addresses habitat on lands administered by the Forest Service and the Bureau of Land Management in Eastern Oregon and Washington, Idaho, and portions of California. The proposal does not include areas under the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northern Spotted Owl ROD).

The proposal for interim management and four alternatives, associated design features, and potential mitigation measures were described and analyzed in an Environmental Assessment (EA) dated March 18, 1994. The Proposed Finding of No Significant Impact (FONSI) and the EA were made available for public review and comment. Although the public comments did not warrant a modification in the FONSI, the EA has been modified to disclose the nature of the comments and the Agencies' responses to them. The modified EA also affords the Agencies opportunity to provide clarification on selected points.

Other related environmental documents which were taken into account include: Regional Guides, Land and Resource Management Plans (forest plans) and associated National Environmental Policy Act (NEPA) documents in the 15 national forests, the Land Use Plans (LUPs) and associated NEPA documents in the 7 BLM districts, and the Northern Spotted Owl ROD and associated NEPA documents.

#### REASONS FOR FINDING OF NO SIGNIFICANT IMPACT

In consideration of the analysis documented in the EA and in light of the reasons set forth below, we find that adoption of Alternative 4 as the interim strategy will not significantly impact the human environment.

1. The interim strategy would be limited in geographic application (40 CFR 1508.27(a)). The interim strategy would apply to projects within Riparian

Habitat Conservation Areas (RHCAs) or that degrade RHCAs on lands administered by the Agencies in the States of Oregon, Washington, Idaho, and California (excluding those areas under the Northern Spotted Owl ROD) (EA, p. 16 and Appendix C, p. C-9).

2. The interim strategy would be limited to certain projects and activities. The interim strategy would apply only to proposed or new projects and activities\* and ongoing projects and activities that pose an unacceptable risk\*\* involving the management of timber, roads, grazing, recreation resources, riparian areas, minerals, fire and fuels, and land uses such as leases permits, rights-of-way and easements, as well as the restoration of watershed, fisheries, and wildlife habitat (EA, p. 16 and Appendix C, p. C-9). Thus, resource effects would not be significant, given the short duration of interim direction and the ability of the Agencies to relocate activities outside the RHCAs. The interim strategy will reduce the potential environmental impacts of project decisions.
3. The interim strategy would not significantly affect public health or safety (40 CFR 1508.27(b)(2)). The interim strategy 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. New project decisions will be preceded by site-specific NEPA and Endangered Species Act (ESA) analysis (EA, pp. 17, 36). Thus, the selected alternative does not have significant effects on human health and safety beyond those already documented in existing plan EISs and site-specific analyses of ongoing projects and activities or might be identified in such future analyses of proposed projects and activities. Environmental effects on some resources (e.g., aquatic, riparian) will be reduced. These beneficial effects will not be significant due to the short time frame involved, the limited area affected, and the limited intensity of the beneficial effects.

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\*"Proposed or new projects and activities" are defined as those actions that have not been implemented, or for which contracts have not been awarded, or for which permits have not been issued, or (within the range of listed anadromous fish) continuing actions for which the Biological Assessments have not been prepared and submitted for consultation, prior to signing of this decision (EA, pp. 17 and Glossary-5).

\*\*"Ongoing projects and activities" are defined as those actions that have been implemented, or that have contracts awarded, or permits issued, and (within the range of listed anadromous fish) for which Biological Assessments have been prepared and submitted for consultation, prior to the signing of this decision (EA, p. Glossary-5). The Glossary defines "unacceptable risk" as a level of risk from an ongoing activity or group of ongoing activities that is determined through NEPA analysis or the preparation of Biological Assessments/Evaluations, or their subsequent review, to be: --"likely to adversely affect" listed anadromous fish or their designated critical habitat, or --"likely to adversely impact" non-listed anadromous fish (EA, pp. 18 and Glossary-7).

4. The interim strategy would 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 discussed in the EA, the interim strategy does not alter the environmental protection afforded to such unique lands and resources as wild and scenic rivers (EA, p. 61), ecologically important plant communities such as are found in riparian areas (EA, pp. 45, 48 - 49, 52, and 55), cultural resources (EA, p. 60), and Tribal heritage sites with archeological and religious importance (EA, pp. 61 - 62). The interim strategy is not applied to any park lands or prime farm land.
5. The interim strategy does not involve physical or biological effects that are likely to be highly controversial (40 CFR 1508.27(b)(4)). The scientific basis for this interim direction has been thoroughly evaluated (EA, pp. 2 to 6, 8 to 11, and Appendix A). The declines of anadromous fish stocks and degradation of their associated freshwater habitat have not been disputed. Any controversy pertains to the best approach to correct the problems or maintain the status quo while the long-term environmental analyses are completed, not the magnitude of the problem (EA, Appendix F, Response to Public Comments).
6. The interim strategy does not involve social or economic effects that are likely to be highly controversial (40 CFR 1508.27(b)(4)). Controversy in this context refers to cases where there is substantial dispute as to the size, nature, or effect of the Federal action, rather than to opposition to its adoption. Some individuals who are likely to experience adverse economic effects, however, have taken exception to the proposal (EA, p. 59 and Appendix F). Others argued for more restrictive protective measures than the proposed action, and urged the adoption of Alternative 5. On the acres affected, the short-term nature of the effects is within allowed fluctuations in the ten year planning period.
7. The interim strategy would not impose any highly uncertain, unique, or unknown environmental risks (40 CFR 1508.28(b)(5)). The best available scientific information provided the foundation for designing the interim strategy (EA, pp. 2 to 6, 8 to 11, 36-39, Appendix A, Appendix C). Measures similar to the ones described in Appendix C are used for management of anadromous fish habitat in areas subject to the Northern Spotted Owl ROD.
8. The interim strategy 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)). The interim strategy is a short-term effort to retain the environmental status quo while the Agencies develop and evaluate long-term strategies. The interim strategy will be applied during a limited period of 18 months from the date of the decision. The temporary nature of the interim strategy will limit its effects (EA, p. 12). The EA discloses the cumulative environmental effects of short-term incremental

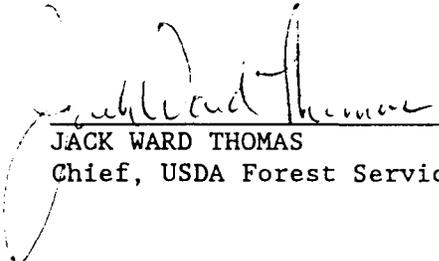
improvements in habitat conditions and trends on lands within the anadromous watersheds that are administered by the Agencies (EA, pp. 38 - 39).

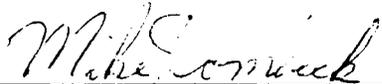
The environmental analyses being prepared for the long-term environmental strategies will produce long-term cumulative effects information. Because recovery processes within riparian areas and aquatic habitats are gradual, such short-term adjustments in management practices are unlikely to result in significant effects on future actions on these Federal lands (EA, pp. 38 - 39). The interim strategy is not binding on any future decisions made on long-term strategies (EA, p. 20).

9. The interim strategy will 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 Evaluation and a Biological Assessment completed by the Agencies' scientists have concluded that adoption of the proposed measure would not produce significant impacts. Because fish listed pursuant to the ESA are involved, the Agencies have consulted with the United States Department of the Interior, Fish and Wildlife Service (FWS) and the United States Department of Commerce, National Marine Fisheries Service (NMFS) in accordance with established requirements. The FWS, through a letter of concurrence, found that the proposed action would have a neutral or beneficial effect on listed species under their jurisdiction. The NMFS, through a biological opinion, has determined that the proposed action is not likely to jeopardize the continued existence of listed species under their jurisdiction or result in destruction or adverse modification of critical habitat. The EA reflects the results of these consultations, and the consultation documents are included as Appendix J to the EA. Site specific projects will be preceded by biological evaluations where listed species may be affected.
  
10. The interim strategy 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)). The Forest Service and the Bureau of Land Management have jointly issued notices announcing the development of the long-term environmental analyses (EA, Appendix I). In accordance with Section 1506.1(a) of the Council on Environmental Quality regulations implementing NEPA, upon issuance of a Notice of Intent, and until issuance of a Record of Decision, the Agencies will take no actions which have an adverse environmental impact or limit the choice of reasonable alternatives. Additionally, adoption of the preferred alternative would not significantly affect the following elements of the human environment, which are specified in statute, regulation, or executive order: Air Quality, Areas of Critical Environmental Concern, Cultural Resources, Farm Lands (prime or unique), Floodplains, Native American Religious Concerns, Threatened or Endangered Species, Hazardous or Solid Wastes, Water Quality, Wild and Scenic Rivers, and Wilderness.

DETERMINATION

On the basis of the information and analysis contained in the attached EA and all other information available as summarized above, it is our determination that adoption of the interim direction over the next 18 months (while environmental analyses of long-term strategies are being prepared) does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement is not needed.

  
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JACK WARD THOMAS  
Chief, USDA Forest Service

  
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MIKE DOMBECK  
Acting Director, USDI Bureau of  
Land Management

Date: February 24, 1995

Date: February 24, 1995