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**DECISION NOTICE**  
**FOREST PLAN AMENDMENT #2 – MINERALS OPERATIONS STANDARD**  
**U.S. FOREST SERVICE**  
**NATIONAL FORESTS IN ALABAMA**

## **DECISION**

Based upon my review of the Forest Plan Amendment 2 for Minerals Operations Standards Environmental Assessment (EA), I have decided to implement Alternative 2 (Proposed Action), which amends the Revised Land and Resource Management Plan (Forest Plan) for the National Forests in Alabama to add the following standard for the management of minerals operations.

**FW 185** – Surface occupancy during minerals leasing operations is limited to slopes  $\leq 40$  percent.

## **DECISION RATIONALE**

A review of the Forest Plan revealed that the plan currently contains no specific forest-wide standard for the protection of steep slopes during minerals leasing operations. Standards are included for other ground disturbing activities such as timber harvesting and site preparation. In response to this review we are proposing a Forest Plan Amendment to add the standard as detailed above to the Forest Plan. This standard is similar to the standards for other ground disturbing activities and would protect resource values.

The EA for Forest Plan Amendment #2 – Minerals Operations Standards documents the environmental analysis and conclusions upon which this decision is based.

### **Other Alternatives Considered**

In addition to the selected alternative, I considered one other alternative, the no action alternative.

**Alternative 1 (No Action)** - This alternative proposed no changes to the current Forest Plan direction as amended. This alternative would not amend the Forest Plan to add the standard for minerals operations on steep slopes. Under the current forest plan direction, the environmental assessment for each individual operation would specify resource protection as mitigation measures identified by the appropriate resource specialist during the interdisciplinary(ID) team analysis process in compliance with FW-164 and FW- 165 (Forest Plan p. 2-66).

## **PUBLIC INVOLVEMENT**

On July 21, 2008 letters were mailed to those individuals and organizations on the mailing list for Forest Plan requesting input and public involvement on this project. To date 17 individuals or organizations have responded. Additionally, this project has been listed on the Schedule of Proposed Actions since October 2007. On November 29, 2010 a revised proposed action as detailed above was mailed to the mailing list. To date three additional comments have been received. Public comments received are a part of the analysis file and were used in further development of the proposal or alternatives to the proposal and are available for review.

Using the comments from the public, and other agencies, the interdisciplinary team identified no significant issues to the proposed action.

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

After considering the environmental effect described in the EA, I have determined these actions will not have a significant effect on the quality of the human environment considering the context and intensity of the impacts (40 CFR 1508.27), and an Environmental Impact Statement (EIS) will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety, because this amendment is for a LRMP and not a site-specific project proposal (see EA page 1).
3. There will be no significant effects on unique characteristics of the area, because this amendment is for a LRMP and not a site-specific project proposal (see EA page 1).
4. The effects on the quality of the human environment are not likely to be highly controversial. Because there is no know scientific controversy over the impacts of the amendment (see EA pages 4-6).
5. The effect analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA pages 4-6).
6. The action is not likely to establish a precedent for future actions with significant effects, because this amendment is for a LRMP and not a site-specific project proposal (see EA page 4).
7. The cumulative impacts are not significant (see EA pages 4-6).
8. The action will not have significant adverse effects on resources listed in or eligible for listing in the National Register of Historic Places. This action will not cause the loss or destruction of significant scientific, cultural or historic resources (EA page 5).
9. The action will not adversely impact any endangered or threatened species or its habitat (see EA pages 4-6).

10. The action will not violate Federal, State or local laws or requirements for the protection of the environment (See EA pages 4-8).

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

**NFMA Significance** – The Forest Service is currently operating under the November 9, 2000 planning rule (see *Federal Register*, December 18, 2009). According to 36 CFR 219.35 and Appendix B to 219.35, the responsible official may elect to conduct the plan amendment process under the “1982 planning regulations” (those regulations in effect before November 9, 2000). I have elected to conduct this amendment following the 1982 planning regulations. After reviewing the Environmental Assessment that includes Amendment # 2 to the Forest Plan, I have determined that the decision to implement this amendment will not result in a significant change to the Forest Plan. This determination was made after consulting 16 U.S.C. 1604(f)(4), 36 CFR 219.10(f) (1982 regulations), Forest Service Manual 1926.51 – *Changes to the Land Management Plan that are Not Significant* and FSM 1926.52 – *Changes to the Land Management Plan that are Significant*. Based on these planning requirements, I have determined that:

- This amendment will not significantly alter the levels of goods and services projected by the Forest Plan; nor will it prevent the opportunity to achieve those outputs in later years.
- This amendment will not affect the entire land management plan, nor will it affect a large portion of the planning area during the planning period.

## ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

For those plan amendments conducted under “1982 planning regulations” the responsible official can elect to use either the “Optional Appeal Procedures Available during the Planning Rule Transition Period” (the former 36 CFR 217 appeal procedures that were in effect prior to November 9, 2000) or the Objection procedures of 36 CFR 219.32 from the 2000 planning rule (see Appendix A to 36 CFR 219.35 [*Federal Register*, December 18, 2009]). For this decision, I have decided to use the “Optional Appeal Procedures Available during the Planning Rule Transition Period”. These procedures are available at <http://www.fs.fed.us/emc/applit/includes/PlanAppealProceduresDuringTransition.pdf>.

A written appeal must be filed in duplicate, clearly state that it is a Notice of Appeal pursuant to the “Optional Appeal Procedures”, and must meet the content requirements of Section 9 of the Optional Appeal Procedures. Appeals *must be postmarked or received within 45 days after the date the legal notice of this decision is published in the newspaper of record.*

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Appeals must be filed with the Regional Forester for the Southern Region at:

USDA Forest Service  
Attn: Appeal Reviewing Officer  
1720 Peachtree Road, NW, Suite 811N  
Atlanta, GA 30309-9102

Appeals may also be faxed to (404) 347-5401 or mailed electronically in a common digital format to [appeals-southern-regional-office@fs.fed.us](mailto:appeals-southern-regional-office@fs.fed.us). Hand-delivered appeals must be received within normal business hours of 7:30 a.m. to 4:00 p.m., Monday – Friday, closed on federal holidays.

Pursuant to Section 10 of the Optional Appeal Procedures, implementation of this decision will not begin until seven calendar days after the legal notice of this decision is published in the newspaper of record. Should any project or activity under this amendment be implemented before an appeal decision can be issued, the Appeal Reviewing Officer will consider written requests to stay implementation of any of those decisions pending completion of the review. To request a stay of implementation, an appellant must file a written request with the Appeal Reviewing Officer, and the request must meet the requirements found in Section 10 of the Optional Appeal Procedures.

## **IMPLEMENTATION DATE**

Implementation of this decision may occur after seven calendar days following the publication of the notice of decision.

## CONTACT

For additional information concerning this decision, contact: Felicia Humphrey, Forest Planner, National Forests in Alabama at 2946 Chestnut Street, Montgomery, AL or telephone 334-241-8146.

*/s/ Miera Crawford Nagy*

*12/27/2010*

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MIERA CRAWFORD NAGY

Date

Forest Supervisor

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