

# Southern Rockies Lynx Amendment FEIS & ROD Communications Plan



**USDA Forest Service  
Rocky Mountain Region**

**Oct. 10, 2008**

**For Immediate Implementation**

Contacts:

Issue Program Lead:

**Nancy Warren**, R2 Endangered Species Program Leader  
Phone: (303) 275-5064                      Email: nwarren@fs.fed.us

**Julie Grode**, Wildlife Biologist  
Phone: (970) 263-5828                      Email: jgrode@fs.fed.us

Public Relations Lead:

**Terri Gates**, R2 Director, CLA  
Phone: (303) 275-5427                      Email: tgates@fs.fed.us

## **CONTENTS**

Introduction & Background.....	1
Key Messages.....	2
Questions and Answers.....	3
Contact Responsibilities and Schedule.....	9
Newspapers of Record.....	13
Briefing Paper.....	14

**Introduction:** The Regional Forester for the Rocky Mountain Region signed a record of decision to amend eight forest plans in the Southern Rocky Mountains of Colorado and southern Wyoming, to incorporate management direction to conserve Canada lynx and its habitat. The lynx was listed by the U.S. Fish and Wildlife Service as a threatened species in March of 2000. The Regional Forester's decision comes after extensive environmental analysis and public involvement.

**Communications Plan Goals:**

- Provide reliable and consistent information about the Canada lynx and the decision being made.
- Increase understanding of the importance and benefits of establishing this management direction.
- Identify the changes that were made between the Draft EIS and Final EIS.
- Provide clear information about how the amendment decision will affect other resource management, such as timber management, fuels reduction, and recreation.

**Background:**

Forest Plans in the Rocky Mountain Region were first written in the 1980s before concerns about the Canada lynx were identified. In 1993, the Rocky Mountain Region listed the lynx as a sensitive species, requiring forests to consider its habitat needs during project planning.

In 1998, the Forest Service, Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service (NPS) built an action plan to coordinate lynx conservation efforts, including development of the Lynx Conservation Assessment and Strategy (LCAS). The LCAS was published in January 2000 to provide consistent and effective lynx conservation on federal lands in the contiguous United States. LCAS conservation measures focus on managing within historical ranges of conditions, specifically providing habitat for snowshoe hare prey, not increasing compaction of snow, and maintaining connectivity among habitats. The Forest Service and BLM each signed Lynx Conservation Agreements with FWS in 2000, committing to (1) review and consider LCAS recommendations before any new decision to conduct actions in lynx habitat, and (2) amend or revise land management plans as needed to provide guidance for conserving lynx.

In March 2000, the FWS issued a Final Rule listing the Canada lynx in the contiguous United States as a threatened species under the Endangered Species Act. The single factor identified as a threat to lynx was a lack of guidance in federal land management plans to conserve lynx.

In June 2000, the Rocky Mountain Region published a revised Notice of Intent in the *Federal Register* to write an EIS to amend seven forest plans in the Southern Rockies. The amendment would provide management direction to conserve lynx and its habitat.

An EIS analyzes the environmental effects of various alternatives and provides the public with an opportunity to comment.

The White River NF was not originally included in the Southern Rockies draft EIS, since its forest plan revision was underway and addressed lynx. In December 2004, the USDA conducted a discretionary review of appeals on the White River revised forest plan, and directed the Forest Service to include that forest in the Southern Rockies Lynx Amendment. The Southern Rockies Draft EIS was already done by then, so the Rocky Mountain Region released a Supplemental EIS on November 14, 2006 to evaluate the effects of the alternatives on the White River NF.

The FEIS considers amending eight forest plans by adding management direction to conserve lynx and lynx habitat. Issues that were addressed include:

- Lynx productivity, mortality, and movements
- Public safety and property protection
- Human uses.

The Southern Rockies planning process was closely coordinated with the Northern Rockies Lynx Amendment. The Northern Rockies Lynx Management Direction Record of Decision was signed in March, 2007.

### **Key Messages:**

- The Canada lynx was listed by the U.S. Fish and Wildlife Service as a threatened species in 2000 under the Endangered Species Act. The single factor identified in the listing decision as a threat to lynx was the lack of management direction for lynx conservation on National Forest System lands.
- The majority of the habitat for lynx occurs on National Forest System lands.
- Eight forest plans in Colorado and southern Wyoming are being amended to add lynx habitat management direction. The amendment would supersede the lynx conservation agreement between the Forest Service and U.S. Fish and Wildlife Service and provide consistent direction across the Southern Rockies geographic area. The decision contributes to the conservation and recovery of the lynx while preserving the overall multiple-use direction in existing plans.
- The FEIS and ROD are the culmination of eight years of study, collaboration, and planning by Forest Service staff, researchers, partner agencies, special interest organizations, and members of the general public.

### **Sources of Information:**

- Amended forest plan objectives, standards and guidelines can be found in "Attachment 1" in the Record of Decision.
- Complete documents are available on the Forest Service website:  
<http://www.fs.fed.us/r2/projects/lynx>
- The Forest Service is available to provide briefings on request.

## **Questions and Answers:**

### **1. Why was the lynx listed as a threatened species under the Endangered Species Act (ESA)?**

A species may be determined to be threatened or endangered due to one or more of five factors outlined in the ESA (section 4). These five factors include:

- A. The present or threatened destruction, modification, or curtailment of its habitat or range;
- B. Over utilization for commercial, recreational, scientific, or educational purposes;
- C. Disease or predation;
- D. The inadequacy of regulatory mechanisms; and
- E. Other natural or manmade factors affecting its continued existence.

In its March 24, 2000 listing decision, the U.S. Fish and Wildlife Service (FWS) found that the “single factor threatening the contiguous U.S. DPS [Distinct Population Segment] of lynx is the inadequacy of existing regulatory mechanisms, specifically the lack of guidance for conservation of lynx in National Forest Land and Resource Plans and BLM Land Use Plans as described in Factor D.” FWS reconfirmed this decision in its July 3, 2003 Notice of Remanded Determination. Threats to lynx populations influenced by National Forest System and BLM land management include timber management and fire suppression. These actions can affect the amount, distribution, and condition of lynx habitat.

### **2. Why do Forest Plans need to be amended?**

In 1999, the FS and BLM evaluated 57 national forest land and resource management plans and 56 BLM land use plans. The assessment found the existing plans allowed adverse effects on lynx and their habitat to occur.

In 2000, an interagency team of biologists completed the Lynx Conservation Assessment and Strategy (LCAS). The LCAS recommended conservation measures for federal lands in the contiguous United States. Most of these measures were not in existing management plans.

This amendment provides needed forest plan guidance, by reducing or eliminating adverse effects from land management activities on national forest system lands, while preserving the overall multiple-use direction in existing plans. Once threats identified in the listing rule for the lynx have been remedied and recovery goals have been met, protection under the ESA will no longer be necessary. A recovery plan is not yet available, but the U.S. Fish and Wildlife Service has developed a Recovery Plan Outline (Sept. 2005), which was considered in the preparation of the amendment.

### **3. Which national forests are involved?**

In Colorado: Routt, Arapaho-Roosevelt, Pike-San Isabel, White River, Grand Mesa-Uncompahgre-Gunnison, San Juan, and Rio Grande.

In Wyoming: Medicine Bow.

The Southern Rockies amendment area encompasses about 12.2 million acres of National Forest system lands, of which about 7.5 million acres has been identified as lynx habitat. About 32 percent of the lynx habitat previously has been allocated into congressionally designated wilderness areas or some other non-developmental designation that prohibits most actions identified as potential risks to lynx. So, activities on about 5 million acres of NFS land could be affected by the amendment.

### **4. Are lynx present throughout the Southern Rockies?**

Lynx are believed to have occurred historically throughout the Southern Rocky Mountains. Because lynx had declined to very low levels, the Colorado Division of Wildlife initiated a reintroduction program in 1999. In the past several years, the reintroduced lynx have been documented through radiotelemetry to be present on all national forests within the Southern Rockies Lynx Amendment area.

### **5. Since FWS did not designate any critical habitat on national forest system lands, why is the amendment needed?**

When critical habitat was designated on November 9, 2006, none was identified on National Forest System lands. This decision is now being revisited by FWS. Whether or not critical habitat is designated, federal agencies are required under the Endangered Species Act to use their authorities to conserve listed species.

### **6. What is the scientific basis for the amendment?**

The *Ecology and Conservation of Lynx in the U.S.* (2000) summarized current knowledge about lynx. The *Lynx Conservation Assessment and Strategy* (2000) recommended conservation measures for activities that could place lynx at risk. The *U.S. Fish and Wildlife Service's Final Listing Rule* (2000) and *Remanded Rule* (2003) reviewed lynx status and threats. Other published research was also considered.

### **7. What comments were received on the Draft Environmental Impact Statement (DEIS) and Supplemental DEIS?**

We received about 275 comment letters and emails. We read all of the comments and used a content analysis process to systematically compile, categorize, and understand the full range of public viewpoints and concerns.

In general, the comments fell into five basic groups: 1) recommending which alternative should be chosen or not chosen; 2) telling us how to modify the alternatives or suggesting new alternatives; 3) telling us how to supplement, improve, or modify the analysis in the EIS; 4) making factual corrections to the EIS; or 5) asking questions. We used the comments when in developing Alternative F and writing the Final EIS. Our responses to each comment can be found in the Final EIS, Response to Comments chapter.

## **8. What was changed in the FEIS?**

We developed and analyzed Alternative F in the FEIS, based on many of the public and agency comments about problems and concerns with Alternative D in the DEIS/ SDEIS. Under Alternative F, management direction is given in the form of standards for those risk factors that could threaten the overall lynx population (actions that would reduce winter snowshoe hare habitat). For risk factors found to be a local threat to individual lynx (such as grazing, minerals, roads, and over-the-snow recreation), management direction is given in the form of guidelines.

Information about the ongoing mountain pine beetle epidemic in Colorado was added. In addition, many small formatting changes, corrections of typographical errors, updates of numbers, rearrangement of sections, and the like were made.

## **9. What is the decision?**

Regional Forester Rick Cables chose Alternative F with modifications. This alternative fully considers and complies with the U.S. Fish and Wildlife Service's Biological Opinion. The new management direction can be found in the ROD as Attachment 1.

## **10. Are there any allowances made for fuel treatment?**

Yes. Under Alternative F-modified, the vegetation standards would not apply to fuel treatment projects within the Wildland Urban Interface (WUI) as defined by the Healthy Forests Restoration Act, up to a cap of 3 percent of the lynx habitat on each National Forest. This will allow needed fuels treatments in the wildland urban interface to be done. Guideline VEG G10 recommends that fuel treatment projects within the WUI be designed *considering* Standards VEG S1, S2, S5, and S6. In many cases projects can be designed to reduce hazardous fuels while providing for lynx needs.

The amendment does not prevent creating defensible space on national forest system lands. The amendment does not apply to state, county, or private lands.

## **11. How does the decision affect pre-commercial thinning and timber yields?**

Most precommercial thinning is aimed at drier, lower elevation stands that are not lynx habitat. Precommercial thinning in higher-elevation lynx habitat has been shown to reduce snowshoe hare populations, which negatively affects lynx.

Therefore Alternative F-modified allows precommercial thinning only in certain situations:

- Within 200 feet of administrative sites, dwellings, or outbuildings; or
- For research studies or genetic tree tests evaluating genetically improved reforestation stock; or
- For conifer removal in aspen, or daylight thinning around individual aspen trees, where aspen is in decline; or
- Based on new information that is peer reviewed and accepted by the regional level of the Forest Service, and state level of FWS, where a written determination states:
  - that a project is not likely to adversely affect lynx; or
  - that a project is likely to have short term adverse effects on lynx or its habitat, but would result in long-term benefits to lynx and its habitat.
- In addition to the above exceptions (and above and beyond the three percent limitation for fuels projects within the WUI), precommercial thinning may occur on up to one percent of the lynx habitat in any LAU.

Limiting precommercial thinning may reduce tree growth and long-term sustained yield (LTSY) in those stands. Potential reductions in LTSY are estimated to be between 0 and 6% by Forest. However, timber outputs have never been at the level of LTSY over the life of these plans. It is likely there would be no change in overall timber outputs, but there may be changes in what material is harvested and where.

## **12. Is there more protection provided for winter snowshoe hare habitat in multistoried forest?**

Yes. The Lynx Conservation Assessment and Strategy (LCAS) recognized that multistoried forest may be important to winter snowshoe hare and lynx. Recent research has shown that that mature multistoried forest is very important in providing winter snow shoe hare habitat. Uneven-aged management would maintain snowshoe hare habitat (dense horizontal cover) over time and would be allowed under Alternative F-modified. The FEIS shows that this would have little effect on timber outputs.

## **13. How will the amendment affect snowmobile trails and play areas?**

Alternative F-modified includes a guideline to not expand designated over-the-snow trails or play areas beyond baseline areas of consistent snow compaction as identified in the analysis, unless it serves to consolidate use and improve lynx habitat. This may be calculated for a single LAU or a combination of adjacent LAUs. Given the expected increase in demand, recreational users may encounter more other people on trails.



**14. Will the amendment affect ski area development and use?**

Areas now open for use will not be affected by the Amendment. Guidelines are provided for new developments or expansions of ski areas.

**15. Will the amendment affect energy development activities?**

Few energy projects are forecast in lynx habitat. Guidelines are provided for winter access and for reclamation plans. Site-specific effects will be determined at the Application for Permit to Drill (APD) stage or Geographic Area Planning stage.

**16. Will the amendment result in any changes in grazing management?**

No. The guidelines are proven good range management practices and are consistent with range vegetation standards and guidelines now being used.

**17. What is the difference between standards and guidelines?**

A standard is a required action in a land management plan specifying how to achieve an objective or under what circumstances to refrain from taking action. A plan must be amended to deviate from a standard. A guideline is a particular management action that should be used to meet an objective found in a land management plan but is not required. However, the rationale for deviations needs to be documented. Amending the plan is not required.

**18. When does the decision go into effect?**

Seven days after publication of the Notice of Availability of the FEIS in the Federal Register, the management direction will become effective; that is, the National Forest can use it to make decisions. The decision is subject to review—it can be appealed to the Chief of the Forest Service within 45 days following the date of publication of the legal notice. The legal notice will be published in the Denver Post, the newspaper of record. Since the amendment is amending eight forest plans, as a courtesy we will publish notices in the newspapers of record for the individual forests as well.