
Decision Notice and Finding of No-Significant Impact for the: Environmental Assessment for the Forest Plan Amendments for the 2011 Wildlife Conservation Strategy: Phase 1 – Forested Biological Community

Sawtooth National Forest

Located In:

Cassia, Blaine, Boise, Camas, Custer, Elmore, Oneida and
Power Counties, Idaho and Box Elder County, Utah

Responsible Agency:

USDA - Forest Service, Sawtooth National Forest

Responsible Official:

Rebecca S. Nourse, Sawtooth National Forest Supervisor

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I. INTRODUCTION

In 2003, the Sawtooth National Forest revised its 1987 *Sawtooth National Forest Land and Resource Management Plan* (USDA Forest Service 1987). The 2003 Final Environmental Impact Statement (2003 FEIS) for the revised Forest Plan included information for revising the Payette and Boise National Forests' Plans (USDA Forest Service 2003b) as well. The 2003 Sawtooth Forest Plan included management direction for wildlife based on information available at that time. During Forest Plan revision, wildlife habitat that had declined from historic conditions was identified, and management direction developed based on identified habitat conservation and restoration needs. The 2003 Forest Plan did not include a spatial prioritization for maintaining and/or restoring habitats of concern for terrestrial wildlife species. Instead, this strategy was to be completed during Forest Plan implementation. Specifically, Forest Plan objective WIOB03 calls for developing a strategy to prioritize wildlife habitat maintenance and restoration, using information from sources such as species habitat models (USDA Forest Service 2003a, p. III-26).

Assessing habitats occupied by terrestrial wildlife species in the planning unit is very complex. More than 300 vertebrate wildlife species and their habitats must be considered in management decisions. To reduce this complexity, the Wildlife Conservation Strategy and associated Forest Plan amendments are expected to be completed through a four phase approach, over the next several years, based on the major biological communities below. This Decision Notice and Finding of No Significant Impact (DN/FONSI) and supporting Environmental Assessment (EA) address Phase 1.

Phase 1: Forested Biological Community

Phase 2: Rangeland Biological Community

Phase 3: Unique Combinations of Forested and Rangeland Communities

Phase 4: Riparian and Wetland Communities

In February 2012, the Sawtooth National Forest released an EA for public review which proposed to modify, delete, and add to current Forest Plan direction in response to new information and changed conditions concerning wildlife habitat and to integrate components of a wildlife conservation strategy. This direction was proposed to be incorporated into the Sawtooth National Forest Land and Resource Management Plan (Forest Plan) (USDA Forest Service 2003a) through a non-significant Forest Plan amendment.

II. DECISION AND RATIONALE:

Decision

Based upon my review of the EA for the *Forest Plan Amendments for the 2011 Wildlife Conservation Strategy, Phase 1: Forested Biological Communities*, I have decided to select Alternative B, the Proposed Action, to amend Forest Plan direction and adopt a forested biological community wildlife conservation strategy. A complete description of the Forest Plan amendments and the Vegetation and Wildlife Habitat Restoration Strategy can be found in appendices 2 and 3 of the EA.

My decision amends the 2003 Sawtooth Forest Plan. I have been delegated the authority to make this decision by the Secretary of Agriculture and Chief of the Forest Service (36 CFR 219.10 (f)).

Because the 2003 Forest Plan revision process began in the mid 1990s, the 2003 Forest Plan was developed under the 1982 NFMA implementing regulations, which governed forest planning at that time (36 CFR Part 219 (1982)). Under the transition provision of the 2000 NFMA regulations (36 CFR 219.35 (2000)), this amendment was also developed using the procedures available under the 1982 rule.

Rationale for this Decision

I believe Alternative B as described above provides the best mix of benefits to address the needs for change identified in Chapter 1 of the EA while addressing issues raised by the public. Because views on many issues vary, I realize that neither alternative will fully satisfy everyone. However, I believe Alternative B provides the best opportunity to maintain and restore ecological conditions while providing for a broad spectrum of multiple uses, including recreational opportunities and a sustainable level of commodity production.

In Chapter 1 of the EA, eight specific questions about the need for change are listed. How my decision addresses each of these eight questions, and the related rationale as to why these changes are needed, is provided below.

1. Should Forest Plan management direction pertaining to wildlife habitat conservation, restoration, and maintenance be deleted, modified or added to ensure adequate and well-distributed habitat continues to be provided for a diversity of plant and animal communities, and if so, how should management direction be changed?

Section 1.1.3 of the EA, explains that my decision to amend the current Forest Plan compliments the Idaho Comprehensive Wildlife Conservation Strategy (Idaho CWCS) (IDFG 2005). The amended Forest Plan strategy is designed to build upon the broad-scale conservation needs and science identified in the Idaho CWCS, as well as the Interior Columbia Basin Ecosystem Management Project (USDA Forest Service et al. 2003a, b). I believe this information is essential to understanding how the Sawtooth National Forest strategy fits within the context of broad-scale strategies for wildlife conservation. Because I believe this coordination is essential to future conservation success, I have added a new Forest Plan objective, WIOB15, to my decision. This objective reflects my continued commitment to work with the Idaho Department of Fish and Game to help ensure this Forest Plan strategy for wildlife conservation complements the 2005 Idaho Comprehensive Wildlife Conservation Strategy, including future updates.

Through this Forest Plan amendment I have adopted the following underlying assumptions:

- The risk of losing species, ecosystem processes, or genetic diversity within populations increases as habitat departure from the Historic Range of Variability (HRV) increases (McComb and Duncan 2007).
- Strategies that use HRV remain useful in light of evidence of climatic change because historical forests were likely more resilient and resistant to drought, insect pathogens, and severe wildfire (Fule et al. 2009).

- Using the concept of HRV does not mean taking landscapes back to a “pre-Columbian” condition or that human uses should be precluded from the landscape.
- Using HRV to guide management implies managing for a range of conditions, not a single condition (EA Appendix 2, updates to Forest Plan Appendix A).
- Managing within the range of HRV allows greater latitude to provide for a greater variety of multiple uses and will require greater flexibility in treatment options to successfully implement than many traditional management strategies.
- To provide for the variety of multiple uses from the Sawtooth National Forest, it is most appropriate to manage for a subset of HRV rather than the full range of HRV (EA Appendix 2, updates to Forest Plan Appendix A).

Use of the concept of HRV to guide NFMA planning first came from the Committee of Scientists (COS 1999) and continues to be fostered as a tool to develop management strategies. However, I am also aware of the debate among scientists regarding use of HRV to guide development of land management planning strategies. As stated in section 3.2.4.1 of the EA, the HRV modeling effort for the Southern Idaho Batholith addressed limitations identified in the Keane et al. 2009 review of the use of HRV in land management planning. The limitations included limited historical information, scale effects, complexity, and conceptual concerns.

I also recognize that it may appear that using historical references may no longer be reasonable in light of changing conditions, such as those that may result from climate change. However, as discussed in section 3.2.4.1 of the EA, a critical evaluation by scientists of possible alternatives described in Keane et al. (2009) indicates that HRV, with its limitations, is still a reasonable approach for this planning period because it entails less uncertainty when compared to other approaches. I also agree with Fule et al. (2009) who argue that historical reference conditions remain useful in light of evidence of climate change because historical forests were likely more resilient and resistant to drought, insect pathogens, and uncharacteristic wildfire. While there is debate as to whether climate change is the greatest threat to today’s forests, we do know it is an additional stressor. It is our view that restoration of vegetation toward or within the historical range will result in more adaptable forests (Noss 2001). Based on current science and input from local experts, I believe that adopting a strategy that will result in a more resilient, resistant and adaptable forested biological community provides reasonable assurance native vegetative and wildlife diversity can be sustained.

In addition to adopting a management strategy founded on the concepts of HRV, I have also determined that the 2003 Forest Plan management direction for wildlife habitat conservation, restoration and maintenance must be changed to ensure adequate and well-distributed habitats provide for a diversity of animal communities. My decision to make these changes is based on updated baseline conditions, recent science and a restoration prioritization strategy. This strategy focuses on habitats and terrestrial wildlife species of greatest conservation concern, including Endangered Species Act (ESA) listed species and Region 4 sensitive species. Management direction that was modified or deleted to improve clarity, to eliminate duplication or to correct errors is identified in Appendix 2 of the EA and will not be specifically discussed below. What is discussed below are specific additions or updates to management direction that I have decided to make which will change the Forest’s approach to conserving and restoring vegetation and wildlife habitat.

Wildlife standard WIST01 has been deleted and replaced by a more comprehensive and diverse set of management direction that relies on accepted conservation concepts and principles for wildlife conservation.

The 2003 Forest Plan described wildlife standard WIST01 as a “threshold that represents the minimum percent of a landscape area retained in the large tree size class ... for assuring the viability of terrestrial wildlife species” (USDA Forest Service 2003a, p. A-3). This standard is no longer considered an appropriate “threshold” for wildlife habitat conservation based on local agency expert reviews of best available science including Fahrig (2001), Fahrig (2003), and Schulte et al. (2006). The standard’s “minimum” threshold of 20 percent of the acres of each vegetation group in large tree structure is also not consistent with a strategy based on HRV which establishes a desired condition for a much greater percent of acres in large tree structure for many vegetation groups. My decision replaces this threshold concept with a diverse strategy for wildlife conservation that relies on the concepts of HRV and other scientifically accepted conservation concepts (EA, Appendix 1) and principles. The additional conservation principles discussed in detail in amended Appendix E of the Forest Plan (EA, Appendix 2) are widely accepted by the scientific community and among the best supported precepts of conservation biology (Noss 2007). These principles are:

- Species well distributed across their range are less susceptible to extinction than species confined to small portions of their range.
- Habitat in contiguous blocks is better than fragmented habitat.
- Large blocks of habitat containing large populations of species are superior to small blocks of habitat containing small populations.
- Blocks of habitat close together are better than blocks far apart.
- Interconnected blocks of fragmented habitat are better than isolated blocks, and dispersing individual travel more readily through habitat resembling that preferred by the species in question.
- Blocks of habitat that are in areas where the direct and indirect effects of human disturbance are low are more likely to provide all elements of species source environments than areas where it is not.

I believe applying these principles within the context of a management strategy based on the concepts of HRV will help ensure habitat conditions are sustained for a diversity of species, even species about which we know little (Hunter et al. 1988; Swanson et al. 1994; Landres et al. 1999). It is generally accepted by the scientific community that if the amount and structural diversity of habitat is within the historical range, associated wildlife species will have a greater likelihood of persistence, and risks to the species are lower compared to a situation where habitat is outside the historical range (Raphael et al. 2001; Spies et al. 2006).

To ensure these principles are addressed in future projects, my decision includes a new Forest-wide guideline, WIGU15. This guideline requires these principles to be used to identify treatment priorities within watersheds, to design treatments for wildlife habitat restoration, and to understand the effects of proposed Forest Plan activities on wildlife habitat.

2. Should Forest Plan direction be added that specifically addresses conservation of the subset of large-tree dominated habitat referred to as “old-forest habitat” and if so, what should this direction be?

As described in section 1.1.3 of the EA, baseline conditions from the 2003 FEIS were updated in 2008. The updated baseline for vegetative conditions reveals variability in whether the various tree size classes are within or outside the desired conditions in the amended Appendix A of the Forest Plan (EA, Appendix 2). While most tree size classes fall within or close to HRV, the baseline update reveals that for all forest types except PVG 7 the large tree size class is below the range of HRV that represents the Forest Plan range of desired conditions (EA, section 3.2). In light of this finding, my decision includes adding management direction to emphasize retention of most forest stands that meet the definition of old-forest habitat or the large tree size class. What is discussed below are specific additions or updates to management direction that I have decided to make which will change the Forest's approach to conserving and restoring vegetation and wildlife habitat.

Management direction will be added to emphasize retention of most forest stands that meet the definitions of old-forest habitat or the large tree size class.

Due to the substantial departures from desired conditions in many forest types, my decision adds two standards, VEST03 and VEST04, which require the retention of stands within PVGs 1-4 that meet the Forest Plan Appendix A definition of a large tree size class. These standards apply to any stand that meets the large tree size class definition. Given the lack of large trees, I believe it is important to maintain large tree structures, until acres of the desired species are restored in this tree size class. Therefore, standards VEST03 and VEST04 require that all stands within this tree size class continue to be retained until inventories demonstrate the amount of acres fall within the desired range of acres identified in the amended Appendix A of the Forest Plan (EA, Appendix 2). The standard permits management activities as long as the stand still meets the definition of large tree size class after the activity is completed. Restoration and maintenance treatments using mechanical and fire tools will be required to maintain these stands within desired conditions, or to begin restoration of desired species composition.

The 2003 Forest Plan focused on restoration of the large tree size class and assumed that restoration of large tree forests would result in the diversity of conditions observed historically, including conditions within the large tree size class that constitutes old forest habitat. However, in light of the substantial reductions in old forest habitat macrovegetation in all forest types except PVG10 (EA, section 3.3.4.1.4), for the remainder of this planning period my decision emphasizes retention of existing old forest habitat. This subset of the large tree size is important to sustaining the diversity of wildlife species (EA, section 3.3.4.1.4). It is particularly important to some Region 4 sensitive wildlife species, such as the flammulated owl (EA, section 3.3.??). Therefore, my decision includes a new standard, WIST08, which requires retention of forested acres that meet the definition of old forest habitat. Similar to VEST03 and VEST04, management activities are permitted within such stands as long as the stand meets the definition of old forest habitat following completion of the activity.

WIST08 includes a definition of old forest habitat in the updated Appendix E of the Forest Plan (EA, Appendix 2). This definition is based on the best available science and is consistent with science generated for the Interior Columbia Basin Ecosystem Management Project (Hann et al. 1997; EA, section 3.1.6). The amended Appendix E of the Forest Plan (EA, Appendix 2) establishes a desired range of acres in old forest habitat. This desired range was generated from estimates of the HRV developed for this habitat component as part of ICBEMP. While this definition may evolve over time

as new science emerges and we learn from field application, I believe the Appendix E definition provides the necessary attributes important to fostering the maintenance and restoration of this habitat component for the remainder of this planning period.

Management direction will be added to focus restoration in forested stands classified as large tree size class and medium tree size class to promote desired old forest habitat and large tree stand conditions, and to reduce hazards and risks to these habitats.

My decision includes objectives to restore additional acres of large tree class size and old forest habitat. For the remainder of this planning period, VEOB08 and WIOB13 focus vegetative management activities on forested stands that have the ability to move toward the large tree size class and old forest habitat. My decision adds standard WIST09, which requires restoration of forested stands currently in the medium and large tree size class to be designed to progress toward development of old forest habitat.

The EA effects analysis indicates that this decision (i.e., Alternative B) will result in a slight increase in the number of large tree size class and old forest habitat acres over time compared to Alternative A. It is estimated that about 500 more large tree size class acres will be restored in the first decade; 5,900 acres by the 5th decade and 13,400 acres by the 10th decade (EA, Table 2-3). About 200 additional acres of old forest habitat macro-vegetation would be restored in the first decade; 7,800 acres by the 5th decade and 8,200 acres by the 10th decade (EA, Table 2-3).

As part of restoration strategy, guideline VEGU08 is included. It emphasizes retention of legacy ponderosa pine and Douglas-fir trees. These older trees are an important legacy of the historical condition and are important to retain. These trees are generally resistant to nonlethal/mixed1 type fire disturbances, provide food and habitat for wildlife, and provide genetic material reflective of the local site conditions (Huckaby et al. 2003). Assessments have found that these trees are less common in number and/or distribution across landscapes due to changes in disturbance regimes (Van Pelt 2008). Since old ponderosa pine and Douglas-fir legacies are deficient within many landscapes, I have included this guideline.

Management direction will be added or modified to emphasize retention of large snags while balancing other objectives.

My decision includes additional Forest Plan direction to retain snags, especially large diameter snags greater than 20 inches in diameter at breast height (d.b.h.). Direction added will result in different levels of snag retention within the various MPCs, consistent with multiple-use objectives. This direction applies to vegetation management treatments and in some cases, during salvage operations there are specific snag retention requirements. This decision adds a new standard to MPCs 3.1, 3.2, and 4.1c that require retention of all large-diameter snags during mechanical vegetation management activities, and retention of total snags at the high end of the range of desired conditions for all other size classes as described in Appendix A, Table A-6 (EA, Appendix 2). These MPCs do not contain suited timberlands and therefore balancing multiple use needs, including providing for the economic recovery of wood products following disturbance events is not a consideration. In contrast, MPCs 4.2, 5.1, and 6.1 contain suited timberland, and therefore providing economic recovery of wood products is a greater consideration to balance against multiple use objectives. For these MPCs, snag numbers are

retained at the high end of the range of conditions for all size classes as defined in Appendix A, Table A-6, for salvage operations, and within the range of desired conditions for other vegetation management activities.

The new direction for snag retention weighs the considerable scientific debate regarding what level of salvage harvest is compatible with maintaining biodiversity in stand replacing wildfire areas, particularly in the mixed- and lethal fire regimes (EA, section 3.3). Because approximately 86 percent of the forested land on the Sawtooth is not suited timberland, management objectives to provide wood products do not exist in these areas and the stricter snag retention requirements will apply. On the 14 percent of forestland that is suited timberland, restrictions on snag retention will be increased, but will still allow for recovery of wood products following disturbance events. This approach to snag retention is not predicted to impact species or habitat sustainability across the planning unit (EA, section 3.3). Some snag removal is supported by the fact that large diameter snags overall fall within desired conditions and snags within the 10-19 inch size class exceed desired conditions across forest types (EA, Table 3-18) and are expected to remain that way following this decision (EA, section 3.2.6.8).

The 2003 Forest Plan currently includes direction prohibiting fuelwood harvest within 300 feet of all perennial streams and 150 feet of all intermittent streams to ensure snag levels are maintained in these settings for wildlife and wood recruitment to streams. However, this direction does not address snag retention issues outside these areas. In light of this, my decision includes guideline VEGU11 that emphasizes managing the firewood program in a manner that assures achievement of the desired conditions described in the amended Appendix A of the Forest Plan, Table A-6 (EA, Appendix 2).

3. Should exemptions to new or modified Forest Plan direction be included for activities that an authorized official determines are necessary for the protection of life and property during an emergency event; to reasonably address other human health and safety concerns; to meet hazardous fuel reduction objectives within WUIs; and/or to allow reserved or outstanding rights, tribal rights, or statutes to be reasonably exercised or complied with, and if so, what should the exemption to direction be?

My decision includes an exemption to: (1) Wildlife Resource standards WIST08 and WIST09; (2) Vegetation standard VEST03 and VEST04 and guideline VEGU07; and (3) MPCs 4.2, 5.1 and 6.1 standards concerning snag retention. The exemption states:

“This standard [or guideline] shall not apply to activities that an authorized officer determines are needed for the protection of life and property during an emergency event, to reasonably address other human health and safety concerns, to meet hazardous fuel reduction objectives within WUIs, or to allow reserved or outstanding rights, tribal rights or statutes to be reasonably exercised or complied with.”

My decision also includes an exemption for MPCs 3.1, 3.2 and 4.1c standards concerning snag retention during mechanical vegetation management activities, including salvage harvest. The exemption states:

“This standard [or guideline] shall not apply to activities that an authorized officer determines are needed for the protection of life and property during an emergency event, to reasonably address other human health and safety concerns, to meet hazardous fuel reduction objectives within WUIs, to manage the personal use fuelwood program, or to allow reserved or outstanding rights, tribal rights or statutes to be reasonably exercised or complied with.”

Exemptions to the standards and guideline identified above, other than for activities an authorized officer determines are needed to meet hazardous fuel reduction objectives within WUIs, were not identified as a concern or raised as an issue in comments received as part of scoping or in response to the EA. Other than in the case of emergency events, these activities are not extensive enough to conflict with achievement of habitat conservation and restoration objectives. As a practical matter, it is reasonable to expect that impacts to habitat may result from activities needed to protect life and property in an emergency. The protection of life and property takes priority over other values in an emergency. To minimize impacts from emergency events, the Forest has processes in place to identify resources of concern that should be addressed through avoidance or mitigation insofar as the Responsible Official believes is possible without compromising the protection of life and property.

An estimated 13 percent (255,030 acres) of the Forest falls within the WUI Analysis Area (EA 3.4.3.2). About 58 percent of these WUI acres fall within forested vegetation comprising PVGs 1,2,3,4,7,10 and 11. The exemption pertaining to hazardous fuel reduction objectives within WUIs was identified as a potential concern in the effects analysis. Essentially, to meet hazardous fuel reduction objectives in the WUI, forests might need to be thinned to densities lower than those identified as important for addressing some objectives in large-tree stands or old forest habitat. Similarly, forests within the WUI might need to be more homogenous to reduce the risk of wildfires, such as fire spreading into tree crowns. Finally, large snags important to old forest habitat may need to be removed in some WUI areas to reduce hazards to public health and safety in adjacent communities.

The vegetative diversity analysis shows that the selected alternative does result in an increase in large tree size class forests and old forest habitat macrovegetation in the nonlethal and mixed-1 fire regimes compared to the 2003 Forest Plan strategy (Alternative A) (see Table 2-2). The slight increase in the large tree size class acres is attributed to the desire to maintain a large tree, low density condition in the WUI in order to reduce hazards. In light of this conclusion concerning effects to wildlife sustainability, I have concluded that retaining the WUI exemption is warranted when balancing the various resource, social, and economic needs across the Forest.

However, to minimize any unintended effects of my decision to include this exemption, I have decided to add an additional guideline under the Wildlife Resource section of Appendix 2. Forest-wide guideline WIGU18 requires that both the hazardous fuel reduction and the wildlife habitat conservation and restoration objectives should be met when they are not in conflict. However, while my expectation is that a reasonable effort will be made to meet both objectives, it is still true that standards WIST08, WIST09, VEST03, VEST04 and management prescription category specific standards for snag retention may be waived for management activities within the WUI where the authorized officer determines that adherence to these standards would impair achievement of hazardous fuel reduction objectives. The authorized officer for a project has the discretion to make this determination.

4. Should Forest-wide and management area objectives be modified or added to account for the WCS source habitat and source environment prioritization framework, and if so, how?

The 2003 Forest Plan did not contain a restoration and prioritization strategy for wildlife habitat. It did however include direction (WIOB03) to develop such a plan strategy. This decision creates such a strategy for forested biological communities by modifying and adding Forest-wide and management area direction that will focus limited resources and funds in areas where I have concluded the greatest gains can be made. This restoration strategy was developed based on the conservation concepts described in Appendix 1 of the EA and related principles stated above that are described in detail in the updates to Appendix E of the Forest Plan (EA, Appendix 2).

The restoration strategy identifies the primary habitats to be restored as well as areas where restorative actions will be emphasized in a manner that acknowledges both long-term goals and short-term Forest Plan objectives. A map displaying watershed priorities indicating whether active or passive management tools are anticipated to be the primary emphasis in an area has been developed and is included as part of the amendment to the Forest Plan (EA, Appendix 3, *Sawtooth National Forest North Vegetation and Wildlife Habitat Restoration Strategy Map and Sawtooth National Forest South Vegetation and Wildlife Habitat Restoration Strategy Map*). Management Area objectives are included for vegetation and wildlife resources that tie directly to priority watersheds identified on these maps and identify what vegetation and habitats within the watershed should be the focus of restoration this planning period.

In the **long-term**, this strategy will provide an overall blueprint to maintain and restore a representative, resilient, and redundant network of habitats across the Forest. A Forest-scale strategy provides the appropriate context to restore natural disturbance regimes, expand source environments, reconnect functional habitat areas and reduce undesirable levels of disturbance.

The **short-term** strategy focuses efforts during the next 10-15 year planning window on those habitats and species with the greatest needs, due to the extent of change of their associated habitat from historical conditions. Given limited resources and funding, I believe this approach will allow managers to progress toward desired conditions more efficiently and expeditiously. Short-term restoration priorities provide the building blocks for locating and designing restorative actions to increase patch size and connectivity over the long-term.

The identification of important source habitat watersheds through a restoration and prioritization strategy permits management to focus on restoring habitats in decline, to assist in progressing toward desired conditions within the framework of the conservation principles stated above, and increases the chance of successfully obtaining funding to implement that work.

5. Should potential conflicts between human use and species of greatest conservation concern, such as the wolverine, be considered in priority habitat areas, and if so, how and why?

As discussed in the EA, science has clearly shown that human use can directly and indirectly impact wildlife habitat and directly disturb individual animals during critical life phases, such as the denning period (EA section 1.2.2). To help identify potential areas of conflict between wildlife and human use,

this analysis used midscale “surrogate” indicators such as road densities and the types of winter recreation activities allowed. While use of these surrogates indicates which areas potential conflicts may occur, the mid-scale data is not specific enough to identify conflicts that actually occur. The current assessment does not indicate whether a conflict is such that mitigation is required and what mitigation should be used.

The analysis for this amendment revealed that some areas on the Forest that contain habitat for wolverine were not acknowledged in the 2003 Forest Plan. This analysis has helped me better understand where conflicts may exist within wolverine habitat so that areas can be prioritized for more site-specific study in the future. We have identified core watershed areas for wolverine where human disturbance may be affecting denning success and overall wolverine persistence. These priority watersheds are shown on the Source Environment Restoration map (EA, Appendix 3) which will be incorporated into the Forest Plan through this amendment.

The 2003 Forest Plan included considerable direction aimed at addressing potential conflicts between human use and wolverine. Because some areas of wolverine habitat were not acknowledged in the 2003 Forest Plan, management direction addressing potential conflicts was not consistently applied to known wolverine habitat. My decision includes modifying management direction in Management Areas 03-10 to insure management direction is consistent in management areas identified as having wolverine habitat. My decision also includes adding a new standard for Recreation Resources in Management Areas 06 and 08 to address existing conflicts resulting from winter recreation activities with wolverine, and a new objective to provide for denning habitat security for wolverine in specified areas within Management Area 07.

The decision reflects my belief that to effectively resolve conflicts between winter recreational uses and species like wolverine, a collaborative approach involving all affected parties is required. To demonstrate my commitment to further this collaborative effort, in 2009 I supported the initiation of a study to address potential wolverine–human conflict in southwestern Idaho forests. This effort currently involves land management agencies, researchers and winter recreation user groups. The Idaho State Snowmobile Association is participating in and contributing funding to the wolverine study that is currently being implemented on parts of the Boise, Payette and Sawtooth National Forests. The importance of proactively addressing whether human uses may affect wolverines was recognized by the local Resource Advisory Council (RAC), which also contributed funding to this effort. All parties recognize the results of the study may impact future winter recreational uses. However, their involvement in developing solutions for identified conflicts provides greater assurance that any mitigation will be more effective and successfully implemented.

To demonstrate my commitment to this study I am adding a Forest-wide guideline, WIGU17, which calls for monitoring and evaluation of winter recreational use in high-elevation wolverine denning habitat.

The addition of this direction lays the groundwork to resolve source environment issues for species of conservation concern like the wolverine. Data collection and surveys will allow more effective implementation of Forest Plan direction that provides safeguards and conservation measures for sensitive species such as wolverine.

My decision also recognizes that balancing human influences and species' requirements will be challenging and require coordination between the various user groups involved and managers and researchers to address questions of conflict. Therefore, my decision also includes a new Forest-wide objective WIOB14 that emphasizes the need to cooperate with researchers to answer basic life history questions about management conflicts for species of conservation concern such as wolverine.

6. Should monitoring and evaluation of the Forest Plan strategy be modified if Forest Plan direction is deleted, modified, or added, and if so, what modifications should be adopted?

Adaptive management is the foundation for planning and management. One of the lessons learned from the Forest's experience under the current Forest Plan is that plans need to be dynamic to account for changed resource conditions such as those that resulted from wildfires, listing or delisting of species under the Endangered Species Act, new information and science and changed regulation and policies.

In light of the uncertainties associated with the assumptions used to develop the wildlife conservation strategy, testing and documenting the outcome of actions during the life of the Forest Plan is key to adjusting the "path" of the plan strategy to ensure goals and objectives for habitat conservation are realized. Therefore I am updating three monitoring elements to address factors associated with this amendment that need to be tracked and evaluated (EA, Appendix 2). Specifically, monitoring element 12 will be split into parts "a" and "b". Part "a" will continue monitoring potential conflicts between recreational uses and part "b" will be added to monitor if recreation use is expanding into previously unused backcountry areas, potentially displacing wolverine. Monitoring Element 28 will be split into parts "a", "b" and "c". My decision removes reference to MIS from part "a" of Element 28. This element addressed species of conservation concern including ESA listed species and Regional sensitive species. MIS species are not always species of concern, such as the pileated woodpecker. To make this distinction, MIS species are now addressed separately under Element 29.

Part "b" is added to Element 28 to track progress of restoration activities in priority watersheds identified in the *Vegetation and Wildlife Habitat Restoration Strategy and Map*. Part "c" is added to Element 28 to track progress in winter recreation monitoring activities in wolverine priority habitat watersheds identified in the *Source Environment Restoration Strategy and Map*.

In addition, Element 29 has been modified and split into elements "a" and "b." Element 29a addresses monitoring of terrestrial wildlife MIS, while Element 29b addresses the need to develop relationships of change between habitat associated with MIS and the population trends generated in Element 29a.

As part of this decision I am also removing sections concerning MIS species in Forest Plan monitoring currently in Appendix E and moving them to Chapter IV of the Forest Plan; Implementation of the Forest Plan, including monitoring and evaluation. I am also removing reference to MIS from Forest Plan direction, except in one new guideline (WIGU16) which states that MIS and their habitats should be monitored annually. MIS references in other species specific direction is removed to reflect that species-specific management is targeted at species of concern such as ESA listed or sensitive species. Management direction for the maintenance and restoration of habitat for MIS species that are not

species of concern appears under general habitat direction. When an MIS species is an ESA listed or a Region 4 sensitive species, the direction under the plan for these classes of species applies.

7. Should goshawk (*Accipiter gentilis*) be added as an MIS to monitor management activities in mid-to high elevation forests?
8. Should Yellowstone cutthroat trout (*Oncorhynchus clarkii*) be added as an MIS to monitor management activities on the south end of the Forest?

Finally, my decision adds two new MIS species, Northern goshawk and Yellowstone cutthroat trout. Under the 2003 Forest Plan, the south end of the Forest, known as the Minidoka District, has no representative MIS for forested or aquatic habitats. The 2003 Forest Plan selected pileated woodpecker as the terrestrial species to represent forested habitats on the Forest. While pileated woodpecker habitat is well represented across the north end of the Forest, pileated woodpecker habitat does not occur on the south end of the Forest. Therefore, I have decided to select Northern goshawk as an MIS because, unlike pileated woodpecker, source habitats for Northern goshawk occur throughout the Sawtooth National Forest. Habitat that supports persistence of this species benefits other species dependent on forest systems that develop in the presence of fire, insect and disease disturbance processes. Monitoring this species will also help the agency assess the effects of activities such as salvage harvesting on retention of snags sufficient to support associated wildlife species. Additionally, the SNF has been annually monitoring goshawk nesting territories and collecting nesting habitat data for at least ten years across most of the Forest.

From an aquatic MIS standpoint, the 2003 Forest Plan selected bull trout as an MIS. Similar to pileated woodpecker, bull trout habitat does not occur on the south end of the Forest. During the 2003 Forest Plan revision process, Yellowstone cutthroat trout was being considered as an MIS as it met much of the criteria used for selection of MIS. Ultimately, they were not selected because hybridized cutthroat were almost impossible to identify in the field making tracking of population status difficult. All Yellowstone cutthroat populations have now been genetically tested. We now know which populations are pure and which ones are hybridized. Therefore, I have decided to add Yellowstone cutthroat trout as an MIS species to better determine what effect management activities are having on watershed and aquatic habitat conditions, and ultimately population status on the southern portion of the Forest.

IV. PUBLIC INVOLVEMENT AND ALTERNATIVES CONSIDERED

Government and Public Involvement

Tribal Trust Responsibilities

The United States Government has a unique relationship with federally recognized American Indian tribes. Decisions concerning management on Federal lands can effect tribal community well being. As Federal agencies undertake activities that may affect tribes' rights, property interests or trust resources, care must be taken to implement agency policies, programs and projects in a knowledgeable

and sensitive manner respectful of tribes' sovereignty and needs. The intergovernmental consultation process serves as the primary means for the Federal agencies to carry out their tribal trust obligations. Consultation is not a single event; it is a process that leads to a decision such as this Record of Decision. Consultation can be either a formal process of negotiation, cooperation, and policy-level decision-making between tribal governments and the Federal Government, or a more informal process typically involving staff to staff discussions. Consultation can be viewed as an ongoing relationship between an agency and a tribe, characterized by consensus-seeking approaches to reach mutual understanding and resolve issues.

I have consulted formally or informally with the Nez Perce, Shoshone-Bannock, and Shoshone-Paiute Tribes regarding development of the Forest Plan amendments. Consultation through this process has served several purposes, including:

- To identify and clarify the issues
- To provide for an exchange of existing information and identify where information is needed
- To identify and serve as a process for conflict resolution
- To provide an opportunity to discuss and explain the decision
- To fulfill the core of the Federal trust obligation

While no Native American Indian reservations are located within the Forest or the Forest's socio-economic area of influence, ancestors of the modern day Nez Perce, Shoshone-Bannock, and Shoshone-Paiute Tribes were present in this area long before the Forest was established. The basis of each tribes' legal status rests within the context of the U.S. Constitutional provisions for Federal Government's powers for treaty making with other sovereign nations, and American Indian tribes inherent sovereignty. A tribe's legal status is also derived through agreements with the U.S. Government; congressional and executive branch recognition of the tribe; and Federal court interpretations of Indian law and legal documents, e.g., treaties, executive orders, agreements, Federal statutes and other Government to Government agreements. Section 3.6 of the EA provides specific information concerning each individual tribe.

Consultation efforts that informed decisions in the 2003 Forest Plan are incorporated by reference and helped inform my decision on this amendment. There are several elements of the 2003 Forest Plan that directly responded to issues concerning tribal community well being identified through earlier consultations that remain unchanged and will continue to be implemented as part of forest plan direction following this decision. For example, Forest Plan direction pertaining to Tribal Rights and Interests (pages III-71 through III-72), the Heritage Program (pages III-69 through III-70) and Soil, Water, Riparian and Aquatic Resources (SWRA; pages III-18 through III-24) will continue to be used in forest plan implementation. These elements continue to convey my commitment to enhance the relationships we share with these tribes and consult to address purposes identified above. Continuing forward with SWRA management direction and the associated Aquatic Conservation Strategy (ACS) adopted as part of the 2003 Forest Plan remain critical to achieving overall watershed health and addressing the sustainability of salmon, a culturally significant fish species to the tribes.

Specific elements of this decision that tribes identified as having bearing on tribal community well being fall within two broad areas: (1) restoration of native terrestrial wildlife species habitats; and (2) harvestability of wildlife species of cultural interest. Restoration of native species' habitats is central

to many tribal interests. Ensuring the harvestability of culturally significant species and access to social and/or traditional habitats is essential to the well being of American Indian communities.

As discussed in Wildlife Resources (section 3.3) of the EA, my decision moves forested NFS acres within the administrative boundary of the Sawtooth National Forest to a framework that promotes restoration of habitats to within HRV. The timeframe from which estimates of HRV were derived encompass the treaty making period between the U.S. Government and American Indian tribes which ended in 1871. The Nez Perce and Shoshone-Bannock tribes have treaties that were established during this time period, while the Shoshone-Paiute Tribes have treaties that were being developed during this time period but were never ratified.

In many cases, tribal goals concerning restoration are to move conditions toward or within those believed to have existed during the treaty making period, or in this case HRV. The belief is that providing habitat within the range of HRV should result in sustaining wildlife species numbers at levels important to harvestability and associated community well being. As disclosed in Forest Vegetation Diversity (section 3.2), Wildlife Resources (section 3.3) and Tribal Rights and Interests (section 3.6) of the EA, I have determined that by promoting vegetative diversity and associated habitat conditions to within HRV over time, my decision will more fully address tribal rights and interests associated with native species and their habitats compared to the current 2003 Forest Plan. This, in turn, will improve the likelihood of sustaining harvestability levels of culturally significant species important to a tribes overall community well-being. In addition, current Forest Plan direction discussed above and specific exemptions to plan direction proposed under this amendment (EA Appendix 2) will help ensure that reasonable access to social and/or traditional habitats continue to be provided.

County and State Officials

The Forest provided periodic status and project updates to County and State agencies and officials. Consultation with County and State officials indicates that there are no major conflicts between the direction in the amended Forest Plan and the goals and objectives of these Government entities. The Sawtooth NF made various efforts during the amendment process to understand and consider the policies and perspectives of other agencies and governments. County commissioners and State agencies involved in the revision effort provided input that was considered in development of management direction. Discussions with IDF&G specifically focused on ensuring this plan amendment was consistent with efforts concerning the Idaho Statewide Comprehensive Wildlife Conservation Strategy (IDFG 2005).

Public Involvement

During development of proposed Forest Plan amendments, the Forest Service used “scoping” to determine the scope of the issues to be addressed and to identify the major issues related to the proposal. As part of the scoping process, the Forest Service invited the public, American Indian tribes, and other Governmental agencies to participate (40 CFR 1501.7; 36 CFR 220.4(e); FSH 1909.15, Chapter 11).

During scoping, public involvement on the WCS and the associated Forest Plan amendment was sought at various points and multiple venues:

- Notices of Intent to prepare an environmental impact statement were published in the *Federal Register* in September 2007, December 2008, and April 2009, and a correction to the Notices of Intent was published in July 6, 2010, notifying the public of a change in the level of documentation from an Environmental Impact Statement (EIS) to an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the analysis of the proposed amendment for the Forest Plan.
- Over 700 scoping packages outlining the WCS and comment process were mailed in September 2007.
- A WCS newsletter was distributed to over 1,000 potential commenters in December 2008.
- A Web page explaining the WCS was developed and periodic updates provided.
- Articles have been published in local newspapers.
- Contact with Congressional offices and State and other Federal agencies was ongoing, as were formal and informal discussion with tribal governments.

The Forest Service received over 50 comments on the proposed amendments to integrate a WCS from individuals, organizations, tribes, and other governmental agencies during the initial scoping process. The planning team compiled these comments and identified the preliminary issues that would (1) help develop alternatives; (2) influence proposed Forest Plan direction; and/or (3) be used to track potential effects of the alternatives. Following a review of the comments and preliminary issues, I selected two major issues to be analyzed, as described below under “Planning Issues.” Many of the comments that did not result in a major issue were incorporated into management direction (goals, objectives, standards and guidelines) or used to analyze effects. All comments and concerns and the process used for identifying issues are presented in detail in the planning record.

On February 8, 2012, the EA was released for public comment. A Legal Notice in the *Twin Falls Times-News* announcing the formal Opportunity to Comment on the EA was published on February 10, 2012. Per request, hard copies and/or electronic copies (CD) of the entire EA were sent to nineteen agencies, individuals or organizations. The entire EA was posted on the Forest’s website, with paper and electronic (CD) copies available upon request. The formal comment period for the EA ended on March 12, 2012.

During the EA comment period, letters, phone calls, and/or e-mails were received from 3 interested parties and two agencies (Environmental Protection Agency and Idaho State Parks and Recreation). Comments on the EA generally fell into four perspectives: 1) agreement with the need to prioritize vegetative and wildlife habitat improvement needs including the need to restore old-forest, large tree components; 2) further protections are needed to protect wolverine and their habitat; 3) the proposed management direction designed to protect wolverine and their habitat will negatively affect winter recreation opportunities; and 4) better indicators are needed to address where conflicts between recreation uses and wolverine may occur. The comments and the Forest Service responses to them are included in Appendix 7 of the EA.

Planning Issues

As noted above, based on public comment received during this amendment process, I identified two issues that helped develop alternatives to the proposed action that were considered in detail. The background surrounding these issues is described in detail in the EA, section 2.3.1.

Issue 1: *Under Alternative B, the Proposed Action, activities within the Wildland-Urban Interface (WUI) designed to reduce hazardous fuels that unacceptably increase wildfire risks¹ to residential developments and public health and safety are exempt from proposed Forest-wide standards concerning retention of large-tree stands, old-forest habitat, and large snags. This exemption may affect the Forest's ability to restore the extent and distribution of old-forest habitats associated with some species of conservation concern. Of specific concern are the remaining acres of existing old-forest habitat—or those forest stands that could be restored to this condition in the near future—that are within the low- to mid-elevation conifer forests.*

Issue 2: *Assessments supporting WCS development indicate that forested lands on the Forest have fewer large trees than desired, primarily in low- and mid-elevation forest types. At the Forest scale, the number of large snags (20 inches diameter at breast height [d.b.h.]) appears to be within the desired condition or HRV except in managed areas and along road corridors. The Forest needs to retain all large trees, especially in existing “old-growth” habitat, until habitat is restored.*

Alternative Development

Issues identified through scoping were used to generate a preliminary set of alternatives, which were then divided into “alternatives considered but eliminated from detailed study” and “alternatives considered in detail”, EA sections 2.4.1 and 2.4.2, respectively. Both sets of alternatives are included in the reasonable range of alternatives considered for the Forest Plan amendments.

Only alternatives that met the purpose and need for change and which addressed one or more of the major issues were considered for detailed study. However, not all alternatives that met these criteria were studied in detail, as the number would have been prohibitively large. Instead, I identified those alternatives that met the criteria used to identify major issues and created a reasonable range of outputs, directions, management requirements, and effects.

Alternatives Not Considered in Detail

NEPA requires Federal agencies to rigorously explore and objectively evaluate a reasonable range of alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). The five alternatives considered but eliminated from detailed study are

¹ Risk represented by hazardous fuels that is considered unacceptable is determined by the Responsible Official. The Responsible Official considers those factors determined to be relevant to that site-specific situation and professional judgments of local agency experts.

listed below. A more detailed description of these alternatives, and the reasons for their elimination, can be found in the EA, Chapter 2, Alternatives Considered but Eliminated from Detailed Study.

- Reallocated Low- to Mid-elevation Ponderosa Pine Forests (Within Nonlethal and Mixed¹ Fire Regime) Currently Assigned to Passive Management MPCs (MPCs 1.2, 2.2, 3.1, 4.1a, and 4.1c) to MPC 5.1 (Restoration and Maintenance Emphasis within Forested Landscapes)
- Add Diameter Limits
- Add Road Density and Winter Recreation Management Direction to Protect Wolverine
- Add Management Direction to Prohibit Trapping and Provide Subpopulation Connectivity to Protect Wolverine
- Increase Winter Motorized Recreation to Benefit Community Economies

Alternatives Considered in Detail

As described in section 2.4.2 of the EA, only two alternatives, Alternative A (No Action) and Alternative B (Proposed Action), were considered in detail. Alternative A does not meet the purpose of and need for action stated in Chapter 1 of this EA. Alternative B meets the purpose and need for this action and addresses the major issues to various degrees.

Alternative A: No Action

Alternative A is the no action alternative, which provides the baseline for comparing alternatives in this EA. Under Alternative A, management of the Forest would continue under the 2003 Forest Plan (as amended, and as updated with errata and corrections disclosed in annual Forest monitoring reports). A map of Alternative A is included in Appendix 3 of the EA.

Forest-wide Management Direction

Forest-wide management direction for Threatened, Endangered, Proposed and Candidate Species; Wildlife Resources; Vegetation; Fire Management; and Timberland Resources would remain unchanged.

Management Prescription Category Associated Management Direction

Management Direction associated with Management Prescription Categories (MPCs) would remain unchanged. Management direction for large snags during vegetation management activities, including salvage, would remain the same on lands identified as suitable and unsuitable for timber production within MPCs that allow salvage activities (i.e., MPCs 3.1, 3.2, 4.1c, 4.2, 5.1, and 6.1).

Management Area Standards, Guidelines, and Objectives for Individual Management Areas

Management area direction—including standards, guidelines, and objectives for individual management areas—would remain the same as found in Chapter III of the 2003 Forest Plan (USDA Forest Service 2003a, pp. III-94 through III-317).

Forest Plan Monitoring and Evaluation Strategy

The Forest Plan monitoring and evaluation strategy would remain the same as described Chapter IV of the 2003 Forest Plan (USDA Forest Service 2003a, pp. IV-1 through IV-18). Management indicator species (MIS) identified in Appendix E of the Forest Plan would remain unchanged (USDA Forest Service 2003a, pp. E-3).

Appendix A (Vegetation Desired Conditions, Mapping, and Classification)

Appendix A (Vegetation Desired Conditions, Mapping and Classification) of the Forest Plan would remain the same as in the 2003 Forest Plan (USDA Forest Service 2003a, pp. A-1 through A-33).

Appendix E (Wildlife Resources)

Appendix E (Wildlife and Fish) of the Forest Plan would remain the same as in the 2003 Forest Plan (USDA Forest Service 2003a, pp. E-1 through E-9).

I decided not to continue forward with management under the current 2003 Forest Plan because it does not address the needs for change identified in Chapter 1 of the EA. Amending the forest plan to address these needs for change is necessary to provide reasonable assurance that wildlife diversity requirements will continue to be met in light of changed baseline conditions and evolving science.

Alternative B: Proposed Action

Alternative B is the Forest Service's proposal to address the needs for change identified by the Forest Service. Alternative B includes the key aspects listed below (detailed in Chapter 2 and Appendix 2 of the EA). In addition to the aspects noted below, changes would be made throughout both the Forest-wide and Management Area direction to reflect changes in terminology associated with management of wildland fire.

Forest-wide Management Direction

Several goals and objectives for Threatened, Endangered, Proposed and Candidate (TEPC) Species; Wildlife Resources; and Vegetation would be modified for clarity and/or to describe the condition desired. A wildlife objective and standards would be added to focus habitat maintenance and restoration activities in wildlife priority watersheds, and to emphasize conservation and restoration of old-forest habitat. A wildlife guideline would be added to address monitoring of winter recreation use in wolverine denning habitat. A vegetation standard and guidelines would be added to retain important elements of vegetative diversity (e.g., large-tree stands) and to address the conservation of vegetation diversity elements (e.g., legacy trees).

Proposed standards concerning the restoration and conservation of old forest habitat and large tree forest stands would include an exemption for activities that an authorized official determines are needed to protect life and property during an emergency event; to reasonably address other human health and safety concerns; to meet hazardous fuel reduction objectives within wildland-urban interface (WUI) areas; or to allow reserved or outstanding rights, tribal

rights, or statutes from being reasonably exercised or complied with. However, to minimize effects that may result from application of the WUI exemption, a guideline would be added in Wildlife Resources that describes my intent that where possible, projects should be designed to meet both hazardous fuel reduction and wildlife habitat conservation/restoration objectives.

A vegetation objective would be added to identify how many acres are anticipated to be treated each decade to further vegetation restoration and maintenance efforts. Fire management objectives would be modified and/or added to identify how many acres of hazardous fuel reduction and maintenance treatments are anticipated to be scheduled in the WUI, and how many acres are anticipated to be treated using prescribed fire, each decade. Timberland objectives would be modified to specify acreage anticipated to be treated each decade using commercial and noncommercial mechanical treatments, and to reflect the change in Allowable Sale Quantity (ASQ) and Total Sale Program Quantity (TSPQ) should this alternative be implemented.

A new objective would be added to Wildlife Resources and an objective in TEPC direction would be updated to identify the need to reduce road related effects to wildlife species of concern and their associated habitats. Recreation guideline REGU07 would also be updated to include consideration of effects recreation facilities and practices are having on wildlife species of concern.

Management Prescription Category Management Direction

A vegetation standard specifying snag retention would be added to MPCs 3.1, 3.2, and 4.1c; the same exemption discussed under Wildlife Resources and Vegetation would apply here, but the exemption would also apply to personal use firewood collection in these MPCs. To MPCs 4.2, 5.1, and 6.1, a vegetation standard would be added, specifying how snags are to be retained in commercial salvage sales, and a vegetation guideline would be added specifying how the personal use firewood program should be managed to retain large snags. A road guideline would be added to MPC 5.1 and 6.1 describing how public motorized use would be managed when building new roads to implement vegetation restoration projects. Where these roads are not needed for long-term management, temporary roads should be used and decommissioned following the restoration activity.

Management Area Standards, Guidelines, and Objectives for Individual Management Areas

Resource descriptions of Vegetation, Wildlife Resources, Timberland Resources, and Fire Management conditions would be updated to reflect the updated multi-scale analysis.

Objectives and/or guidelines would be added to focus restoration on important vegetation components, such as whitebark pine or old-forest habitat. Management direction in Management Areas 03-10 would be modified to insure management direction is consistent in management areas identified as having wolverine habitat. A new standard for Recreation Resources would be added in Management Areas 06 and 08 to address existing conflicts resulting from winter recreation activities with wolverine, and a new objective to provide for

denning habitat security for wolverine in specified areas would be added to Management Area 07.

Forest Plan Monitoring and Evaluation Strategy

Monitoring elements concerning TEPC species, sensitive species, and Management Indicator Species (MIS) would be clarified and modified, and the MIS section in Appendix E would be moved to Chapter 4 of the Forest Plan. Northern goshawk, a terrestrial species that would address forested landscapes across the entire Forest, would be added as an MIS. Similarly, Yellowstone cutthroat trout would be added as an aquatic MIS to represent aquatic habitats on the south end of the Forest.

Appendix A (Vegetation Desired Conditions, Mapping, and Classification)

Discussions would be modified to note that desired conditions for size class, canopy cover, and species composition would be evaluated north-end wide for the Fairfield and Ketchum Ranger Districts and the Sawtooth National Recreation Area, and by division on the Minidoka Ranger District, rather than 5th HUC scale. Spatial patterns (described in terms of fire regimes and PVGs) would be evaluated at the 5th HUC scale. A Vegetation and Wildlife Habitat Restoration Strategy that emphasizes the large tree size class, spatial patterns, and declining seral tree species would be added.

Appendix E (Wildlife Resources)

Appendix E would be updated to make it specific to Wildlife Resources. Detailed discussions concerning conservation principles and how they should be used in subsequent fine and project/site-scale analyses would be added. A Vegetation and Wildlife Restoration Strategy that emphasizes the restoration and conservation of old forest habitat, improvements in patch size and spatial patterns, and habitat connectivity would be added. The sections concerning the Endangered Species Act (ESA) and sensitive species, the lynx connectivity map, and the section, “Management Strategies to Address Elk Vulnerability to Mortality, Travel Management Impacts, And Security Needs,” would be deleted because they are duplicative and/or unnecessary.

I have decided to implement Alternative B for the reasons stated above.

V. FINDINGS RELATED TO LAWS AND AUTHORITIES

Findings Required by Law

National Forest Management Act (NFMA)

Diversity

The National Forest Management Act requires the Secretary of Agriculture to specify “guidelines for land management plans developed to achieve the goals of the Program which provide for diversity of

plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives." 16 U.S.C. § 1604(g)(3)(B). The guidelines currently applicable to the forest plan amendment are in 36 C.F.R. Part 219 (2000), as amended. The transition provision of this regulation makes the 1982 NFMA planning regulations applicable to plan amendments and revisions. The guidelines for providing diversity found under these regulations state that "fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area". The regulations require forests to provide well distributed and adequate habitat to ensure the continued existence of these species. The purpose of the wildlife conservation strategy is to restore and maintain such habitat.

Because of the enormous complexity and dynamic nature of the ecosystems managed by the forest, there are no precise standards or techniques that guarantee planning will provide for sustainability and diversity of plant and animal species. The Committee of Scientists that advised the Forest Service on the 1982 NFMA regulations stated, "it is impossible to write specific regulations to 'provide for' diversity" and "there remains a great deal of room for honest debate on the translation of policy into management planning requirements and into management programs" (44 Fed. Reg. 26,600-01 and 26,608).

Moreover, the dynamic relationship between habitat conditions and species persistence is not yet well understood for many species. Data on climatic conditions, geologic events, and other non habitat factors is limited, and our understanding of complex relationships is also limited, such that a reliable model of the impacts of these factors is not available. Therefore, for most species my decision relies primarily on the judgments of experts regarding the projected habitat and sustainability outcomes of the two alternatives over time (Appendix 4, EA). This methodology is not the only approach which could be used, but it is a reasonable, scientifically based method that has been through a level 3 science review as defined in FSH 1909.12, Chapter 40 (project record, contract AG-0261-P-09-0043).

In making a determination of compliance with the NFMA, I considered existing or reasonably foreseeable conservation measures, including consistency with the Idaho State Comprehensive Wildlife Conservation Strategy (IDFG 2005). In accordance with the theme of ecosystem management, I placed reasonable reliance upon assessments of (1) species with habitat needs that are roughly the same; (2) a group of species generally thought to perform the same or similar ecosystem functions; and/or (3) the continued integrity and function of ecosystem(s) in which a species is found (EA, Appendix 4).

I find that this decision satisfies the requirements of the NFMA and its implementing regulations because it will provide an amount and distribution of habitat adequate to support the continued persistence of vertebrate wildlife species in the planning area (EA, section 3.3). I also find that adoption of the standards and guidelines comprising this amendment will not jeopardize the continued existence of any listed species under the Endangered Species Act (Appendix 6, EA). I have based my determination on the findings in this EA and all of the evidence contained in the record.

Are amendments to the 2003 Forest Plan Significant or Non-Significant?

Under the National Forest Management Act (NFMA, 16 USC 1604(f)(4), forest plans may "be amended in any manner whatsoever after final adoption and after public notice, and, if such amendment would result in a significant change in such plan, in accordance with subsections (e) and

(f) of this section and public involvement comparable to that required by subsection (d) of this section."

This amendment has been developed using the 1982 regulations. The 1982 regulations 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."

Forest Service Handbook policy in place prior to 2000 (Forest Service Handbook 1909.12, section 5.32; effective date 8/3/1992) listed four factors to be evaluated when determining whether a proposed change to a forest plan is significant or not: (a) timing; (b) location and size; (c) goals, objectives and outputs; and (d) management prescriptions. I have evaluated the proposed amendment under these four factors and I have concluded that it does not constitute a significant amendment of the Sawtooth National Forest Plan for the reasons described below.

a. Timing. The timing factor examines at what point, over the course of the forest plan period, the Plan is amended. Both the age of the underlying documents (i.e., when the Forest Plan was revised, in this case 2003) and the duration of the amendment are relevant considerations. The later in the planning period, the less significant the change is likely to be. The decision to revise the Sawtooth National Forest Plan was made in July 2003 and the plan decision was implemented in September of 2003. Management direction resulting from this amendment will be in place for the remainder of the planning period; 2013 to 2018 based on a 10-15-year plan life. Implementation of the amended plan for 3-8 years, while improving habitat conditions for wildlife species on 5 to 13 percent of the total forest acres expected to be treated, will not result in a significant change in habitat trends across the planning unit during the remainder of this planning period compared to continuation of the 2003 Forest Plan.

For example, the greatest change is expected to occur in the low to mid-elevation pine forests due to a priority emphasis for treatment in these areas. Table 2-2 shows that continued management under the 2003 Forest Plan over the next decade would result in an increase of the desired large tree size class across forest types of about 7,200 acres compared to the selected alternative which is expected to result in an increase of about 7,500 acres.

b. Location and Size. The key to location and size is context, or "the relationship of the affected area to the overall planning area, because "the smaller the area affected, the less likely the change is to be a significant change in the forest plan." The proposed management direction applies only to proposed and new projects that fall on that portion of the total 2.1 million acres of National Forest System lands within the administrative boundary of the Sawtooth National Forest that are forested, or about 1.1 million acres. As described in EA section 3.2.6.7.2, numbers of acres treated under the proposed management direction are virtually the same as those under the No Action alternative, however, the types of treatment varied. This accounts for the minor difference in trend between the two alternatives. For this reason, implementation of the Forest Plan amendments will not result in a significant change in the location or size of the affected area.

c. Goals, Objectives, and Outputs. The goals, objectives, and outputs factor involves a determination of "whether the change alters the long-term relationship between the level of goods

and services in the overall planning area" (Forest Service Handbook 1909.12, section 5.32(c)). Application of this criterion requires an analysis of the overall forest plan and the various multiple-use resources, services and outputs that may be affected by the amendment. As discussed below, this decision applies only to proposed or new projects.

The purpose of the proposed Forest Plan amendment is to complete a WCS for the Forest and amend the 2003 Forest Plan to integrate the WCS recommendations. This EA is "of a lesser scope" than the FEIS developed for the 2003 Forest Plan, because the purpose of the 2003 Forest Plan was to guide all natural resource management activities on the Forest (USDA Forest Service 2003a, p. 1-4) to support a variety multiple use objectives. I have determined that my decision will not measurably affect goals, objectives or outputs across multiple resource areas in the Forest Plan. These resources include:

- Air Quality and Smoke Management
- Soil, Water, Riparian, and Aquatic (SWRA) Resources
- Botanical Resources
- Nonnative Plants
- Rangeland Resources
- Recreation
- Scenic Environment
- Cultural Resources
- Roads and Facilities
- Inventoried Roadless Areas
- Wilderness and Recommended Wilderness
- Wild and Scenic Rivers

A summary of the interdisciplinary team's findings as to why these resources are not measurably affected is contained in Appendix 5 of the EA. Forest Plan goals, objectives, standards and guidelines for the management of these resources remain unchanged with minor exceptions. A recreation guideline and a Roads and Facilities objective will have minor modifications described in Appendix 2 of the EA, and minor changes would be made throughout both the Forest-wide and Management Area direction to reflect changes in terminology associated with management of wildland fire. A minor modification to a Rangeland Resources standard has been included to address a need for correction identified in the Forest 5-year monitoring report to address relocating replaced water facilities outside of Riparian Conservation Areas (RCAs). Outputs resulting from all of these resource areas are not projected to change from that disclosed in the 2003 FEIS effects analysis.

In addition to these resource areas, the Threatened, Endangered, Proposed and Candidate (TEPC) species and Fire Management sections of the Forest Plan would not measurably change. Changes to the TEPC section of the plan are: a) corrections that remove management direction for Gray Wolf and Bald Eagles, no longer listed under the Endangered Species Act (ESA); b) revised goal statements to provide greater clarity and/or to describe the desired condition rather than to imply an

action; and c) correction of typographical errors or removal of duplicative direction. These changes do not result in any measurable effect or change in intended outcomes for TEPC species under the Forest Plan. Changes discussed below in remaining sections of the Forest Plan do not alter intended outcomes for TEPC species due to standards and guidelines that remain in the TEPC plan direction for the conservation and protection of these species. As a result, the team biologist concluded in the biological assessment and evaluation that there is no need to reinstate consultation on the Forest Plan. Both the National Marine Fisheries Service and US Fish and Wildlife Service agreed with this conclusion (refer to Appendix 6, EA).

The forest-wide and management area specific Fire Management sections of the forest plan changed only insofar as providing greater specificity to plan objectives as to the intended use of prescribed fire. In addition, within management areas containing wildland urban interface areas, fire management objectives were clarified to emphasize the importance of coordinating with local and tribal governments, agencies and landowners in developing County Wildfire Protection Plans (CWPP). I have determined that the multiple use services, outputs and desired resource conditions associated with this resource would not be measurably affected by this forest plan amendment.

Vegetation and Wildlife Resource goals were modified to improve clarity. Objectives were modified to reference the Vegetation and Wildlife Habitat Restoration and Source Environment Strategies. New standards and guidelines added in these sections contribute to accomplishment of clarified goals and objectives consistent with the updated baseline conditions and recent science.

Timberland Resource objectives were corrected to reflect projected treatment levels. Projected treatment acres are very similar to those projected in 2003 and portrayed in the 2003 effects analysis. However, acres shown in the 2003 version of timberland objective TROB01 for reforestation was set at 480 acres. This was increased slightly to 500 acres under the proposed amendment.

Timberland Resource objective TROB02 will be changed to reflect a reduction in the decadal ASQ ceiling from 60 MMBF to 54 MMBF. Objective TROB03 will also be changed to reflect a reduction in the potential TSPQ from 129 MMBF² to 80 MMBF. Because the forest has produced only 10 percent of ASQ and 52 percent of TSPQ projected in 2003, EA, section 3.5 explains that following this decision, the Forest is expected to, at least, continue current production levels of about 9.4 MMBF/year.

Finding of Non-significance

On the basis of the information and analysis contained in the EA and project record which supported disclosures under the factors outlined above, it is my determination that adoption of this plan amendment decision does not constitute a significant amendment to the 2003 Forest Plan.

² Note – TROB03 as stated in the 2003 Forest Plan projected a potential TSPQ of 66.7 MMBF/annually. Modeling supporting this amendment resulted in a reduction in the potential TSPQ to 58.2 MMBF due to the change in baseline conditions resulting from wildfires since 2003. Had I selected Alternative A to be implemented, this adjustment in TSPQ would have been made.

How does the Amended Forest Plan meet other laws and authorities?

National Environmental Policy Act (NEPA)

The EA disclosures address the following specific elements discussed in NEPA:

Consideration of Short-term Uses and Long-term Productivity

Short-term uses are those expected to occur for the remainder of the planning period (approximately 10 years), including commercial timber harvest, precommercial thinning, and prescribed burning. Although these uses are not authorized by the Forest Plan or the amendment, the potential for these uses is described in Forest Plan goals and objectives at the Forest-wide and Management Area levels (Appendix 2 of the EA)

Long-term productivity refers to the capability of the land to provide resource outputs for a period of time beyond the planning period. Adherence to minimum management requirements established by Federal regulation (36 CFR 219.27), maintain the long-term productivity of the land. Minimum management requirements are contained in Forest-wide and Management Area standards and guidelines and are met under any alternative. The requirements ensure that the long-term productivity of the land is not impaired by short-term uses.

Monitoring and evaluation found in Appendix 2 of the EA for these Forest Plan amendments, and in Chapter IV of the revised Forest Plan (USDA Forest Service 2003a), apply to all alternatives. Primarily, monitoring ensures that long-term productivity of the land is maintained or improved. If monitoring and evaluation indicate that Forest Plan standards and guidelines are inadequate to protect long-term productivity of the land, then the Forest Plan will be readjusted (through further amendment or revision) to provide for more protection or fewer impacts.

Unavoidable Adverse Effects

The Forest Plan and proposed amendments do not produce unavoidable adverse effects because they do not directly authorize management activities that result in such effects. The amended Forest Plan would, however, establish management emphasis and direction for activities that may occur on NFS lands in the planning period. If and when those activities occur, applying Forest-wide, MPC, and Management Area standards and guidelines will limit the extent and duration of environmental effects. Unavoidable adverse effects may occur, including temporary and short-term effects to the environment (such as smoke generated by prescribed fire) as restoration activities are implemented.

Environmental Justice (E.O. 12898)

Executive Order 12898 (59 Fed. Register 7629, 1994) directs Federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

I have determined from the analysis disclosed in the EA that the Forest Plan as amended complies with Executive Order 12898.

Endangered Species Act (ESA)

The ESA creates an affirmative obligation “...that all Federal departments and agencies shall seek to conserve endangered and threatened (and proposed) species” of fish, wildlife, and plants. This obligation is further clarified in a National Interagency Memorandum of Agreement (dated August 30, 2000) which states our shared mission to “... enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources.”

Based on the biological assessments (EA, Appendix 6), informal consultation with U.S. Department of Interior, Fish and Wildlife Service and U.S. Department of Commerce, National Marine Fisheries Service, I have determined that this decision does not change the determinations made for the Forest Plan in 2003. Therefore, I have determined that there is no need to re-initiate consultation on the Forest Plan in light of changes proposed in this amendment.

Migratory Bird Treaty Act/Executive Order 13186

The Forest Plan as amended is a programmatic action and as such does not authorize any site-specific activity. It includes direction to improve structure, composition, and pattern of vegetation cover types to move closer to the historic range of variation (HRV). Potential impacts to habitat from proposed vegetation treatments will be analyzed at the site-specific project level. I have determined that management direction and monitoring included in the Forest Plan as amended complies with the Migratory Bird Treaty Act and Executive Order 13186.

Clean Air Act

As noted in Chapter 3 and described in Appendix 5 of the EA the Forest Plan as amended would result in no measurable increase in the effects to air quality and smoke management which were disclosed in the 2003 Forest Plan EIS. The Record of Decision (ROD) for the 2003 Forest Plan concludes that Forest-wide direction in Chapter III of the 2003 Forest Plan will ensure that air quality complies with the Clean Air Act and related state requirements. Because the 2003 Forest Plan complies with the Clean Air Act and the Forest Plan as amended results in no measurable increase in air quality effects, the Forest Plan as amended complies with the Clean Air Act.

National Historic Preservation Act (NHPA)

Chapter 3 and Appendix 5 of the EA disclosed that the Forest Plan as amended would result in no change in the effects to cultural resources disclosed in the 2003 Forest Plan FEIS. Because cultural resource management is explicitly defined by law, regulation and policy, and these same laws regulations and policies will be in effect under the Forest Plan as amended, my decision, like the 2003 Forest Plan decision, complies with the NHPA.

Clean Water Act

The objective of the Clean Water Act is to “...restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” One of the Act’s goals is to “...provide for the protection and propagation of fish, shellfish, and wildlife” and provide for “...recreation in and on the water” (33 U.S.C. 466 et seq., Title I, Section 101).

Chapter 2 and Appendix 5 of the EA discuss changes in management direction under the amended Forest Plan and conclude that the amendments do not result in any measurable change in effects to soil, water, riparian and aquatic resources from those described in the 2003 FEIS for the Forest Plan. Because the 2003 Forest Plan decision complies with the Clean Water Act, and my decision will result in no change in effects to the applicable resources, the Forest Plan as amended satisfies the Clean Water Act.

Energy Requirement and Conservation Potential

The Forest Plan is a programmatic action and does not authorize any site-specific activity. Because the scope of the proposed action is limited both in terms of geographic area and extent of activities, the EA (Chapter 3, Resource Commitments) explains that although energy consumption is anticipated to vary slightly by alternative, there are several opportunities under all alternatives to provide for energy conservation or conversion to renewable fuels. My decision takes advantage of these opportunities during project implementation, such as carpooling or combining trips, to the extent practicable.

Invasive Species (Executive Order 13112)

Executive Order 13112 on Invasive Species directs that Federal agencies should not authorize any activities that would increase the spread of invasive species. The Forest Plan and the proposed amendment do not authorize any activities, but the Forest Plan includes direction designed to limit the spread of invasive species (Forest Plan, Chapter III, Non-native Plants). The Forest Plan requires that integrated pest management methods be used to contain and control the spread of invasive species, following the R-4 Forest Service Handbook (FSH 2080). The Forest Plan as amended does not alter any management direction designed to address invasive species, and no change from the effects of invasive species disclosed in the 2003 Forest Plan is anticipated. In addition, the 2003 Forest Plan complies with E.O. 13112. For these reasons, the Forest Plan as amended complies with E.O. 13112.

Prime Farmland, Rangeland and Forest Land

The Forest Plan complies with the Secretary of Agriculture's Memorandum 1827, which requires conservation of prime farmland, rangeland, and forestland (EA, Chapter 3, Resource Commitments). This Forest Plan manages the Forest with sensitivity towards adjacent private and public land uses, and it includes guidance to cooperate with adjacent and surrounding landowners when conducting management activities on the Forest to minimize impacts on their management.

Equal Employment Opportunity, Effects on Minorities, Women

The Forest Plan will not have a disproportionate impact on employment opportunities for any minority or low-income communities (2003 ROD, Equal Employment Opportunity, Effects on Minorities, Women, ROD – 38). I have determined that the Forest Plan, as amended, will not differentially affect the civil rights of any citizens, including women and minorities.

Wetlands and Floodplains

The Forest Plan is a programmatic action and does not authorize any site-specific activity. The Forest Plan contains direction for improvements in riparian areas and ensures compliance with State and Federal water quality standards. The Forest Plan describes desired conditions, sets goals, and establishes Riparian Conservation Areas specifically to maintain or improve conditions in these areas (Forest Plan, Chapter III, Resource Commitments, and Soil, Water, Riparian and Aquatic Resources).

The 2003 Forest Plan complies with Executive Order 11988 (Floodplain Management) and 11990 (Protection of Wetlands). The Forest Plan as amended will result in no change in effects to these resources over what was anticipated under the 2003 Forest Plan. Therefore, I have determined that the Forest Plan, as amended complies with all relevant law and executive orders regarding wetlands and floodplains.

Facilitation of Hunting Heritage and Western Conservation

Executive Order 12443 directs appropriate Federal agencies to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. Because my decision is designed to restore vegetation diversity to support wildlife habitat and other resource needs, my decision complies with Executive Order 12443.

Other Policies

The existing body of national direction for managing National Forests remains in effect. Standards and guidelines included in the Forest Plan provide direction specific to the Sawtooth NF. The Forest Plan as amended contributes to the Forest Service Strategic Plan for FY 2007-2012 (GPRA, 2007).

VI. CONCLUSION

Implementation

Implementation of this decision may occur on the 8th calendar day after publication of this Legal Notice of the Decision Notice and Finding of No-Significant of this notice in the *Times-News*. Implementation of the Forest Plan, as amended, will be accomplished and tracked through the objectives detailed in Chapter III of the Forest Plan. These objectives will be used to help design the Forest's annual program of work. They will also be used to formulate out year budget requests.

Decisions on site-specific projects are not made in the Forest Plan as amended. Those decisions will be made after site-specific analysis and appropriate documentation in compliance with NEPA.

Transition to the Forest Plan as Amended

Forest Plan direction, as amended, will apply to all projects that have decisions made on or after the implementation date of this DN. There are many management actions that have had decisions made before the implementation date of this DN. The projected effects of these actions are part of the baseline analysis documented in the EA and Biological Assessment.

The NFMA requires that "...permits, contracts, and other instruments for use and occupancy" of National Forest System lands be "consistent" with the Forest Plan (16 U.S.C. 1604(i)). In the context of a Forest Plan, NFMA specifically conditions this requirement in three ways:

- These documents must be revised only "when necessary;"

- These documents must be revised as “soon as practicable;”
- Any revisions are “subject to valid existing rights.”

I have decided not to modify any existing timber sale contracts solely due to the Forest Plan as amended. These contracts will be executed according to their terms and these effects were included in the baseline conditions that informed disclosures in this EA. Existing timber contracts will, in most cases, have been completed within three years. I will determine whether to modify decisions authorizing timber sales not currently under contract on a case by case basis, documenting my conclusions in a consistency review that will be included within the respective project record.

Other use and occupancy agreements are substantially longer than timber contracts. For example, grazing permits are generally issued for a 10-year term. Because this Forest Plan amendment specifically addresses forested vegetation, rather than rangeland vegetation, no action is needed to bring Term Grazing Permits into compliance with this phase of the Forest Plan amendment process.

I will review other classes of “use and occupancy” agreements to determine whether or not they should be modified to comply with the Forest Plan as amended. In addition, other recent project decisions (other than timber sales) that have not yet been implemented will be reviewed and adjusted, if necessary, to meet the direction found in the Forest Plan amendment. Similar to what will be done for timber sale decisions, I will determine whether to modify these decisions authorizing use on a case by case basis, documenting my conclusions in a consistency review and/or letter to the project file, as needed.

The decision maker (i.e., I or respective District Ranger) has the discretion, on a case-by-case basis, as to how and when to modify pre-existing authorizations to bring them into compliance with the standards and guidelines specified in the Forest Plan as amended. I find that the statutory criteria of “as soon as practicable” and excepting “valid existing rights” useful in exercising that discretion.

Administrative Appeals of My Decision

As allowed by Forest Service planning regulations at 36 CFR 219.17(b)(3), this decision is subject to the optional appeal procedures described in Appendix A to 36 CFR 219.35 of the prior planning regulation (36 CFR part 219, published at 36 CFR parts 200 to 299, revised as of July 1, 2010). The optional appeal procedures are published at 54 FR 3357 (January 23, 1989), as amended at 54 FR 13807 (April 5, 1989); 54 FR 34509 (August 21, 1989); 55 FR 7895 (March 6, 1990); 56 FR 4918 (February 6, 1991); 56 FR 46550 (September 13, 1991); and 58 FR 58915 (November 4, 1993).

A written notice of appeal, including attachments, must be filed with the Appeal Reviewing Officer within 45 days beginning the day after the publication date of this notice in the *Times-News*, the newspaper of record. The publication date in the *Times-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.

Other than Forest Service employees, any person or any non-Federal organization or entity may challenge this decision and request a review by the Forest Service line officer at the next administrative level. The Reviewing Officer for this decision is the Regional Forester, Intermountain Region.

Appeals must be sent to: Appeal Reviewing Officer; USDA - Forest Service; 324 25th Street; Ogden, UT 84401. The Notice of Appeal may alternatively be faxed to: USDA, Forest Service, (801) 625-5277, ATTN: Appeal Reviewing Officer; mailed electronically in a format of pdf, txt, rft, or document compatible with Microsoft Office applications to: appeals-intermtn-regional-office@fs.fed.us; or hand delivered between the hours of between 8:00 am and 4:30pm, Monday through Friday except legal holidays at Federal Building, 324 25th Street, Ogden, UT. The notice of appeal must have an identifiable name attached, or verification of identity will be required. A scanned signature is one way to provide verification.

A copy of the appeal must simultaneously be sent to the deciding officer: Forest Supervisor, Sawtooth National Forest; USDA - Forest Service; 2647 Kimberly Road East, Twin Falls, ID 83301.

Any notice of appeal must be fully consistent with the optional appeal procedures. At a minimum, a written notice of appeal filed with the reviewing officer must:

1. State that the document is a notice of appeal filed pursuant to 36 CFR 219.17(b)(3);
2. List the name, address, and telephone number of the appellant;
3. Identify the decision about which the requestor objects;
4. Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the deciding officer;
5. Identify specifically that portion of the decision or decision document to which the requester objects;
6. State the reasons for objecting, including issues of fact, law, regulation, or policy, and, if applicable, specifically how the decision violates law, regulation, or policy; and
7. Identify the specific change(s) in the decision that the appellant seeks.

Contacts

More information on the EA and the Forest Plan as amended can be obtained by contacting:

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Sawtooth National Forest
208-727-5003

Rebecca S. Nourse

REBECCA S. NOURSE
Forest Supervisor, Sawtooth National Forest

June 18, 2012

Date

Finding of No Significant Impact

I have reviewed the Council on Environmental Quality regulations regarding determination of the significance of environmental impacts (40 CFR 1508.27), and I have determined that this decision is not a major Federal action that would significantly affect the quality of the human environment. This determination is based on the thorough environmental assessment process completed for this project, the fact that this decision does not directly authorize management activities, and was made considering the following factors.

Context

The Forest Plan and proposed amendments do not directly authorize management activities. The amended Forest Plan would, however, establish management emphasis and direction for activities that may occur on NFS lands in the planning period. If and when management activities occur, applying Forest-wide, MPC, and Management Area standards and guidelines will limit the extent and duration of environmental effects.

Intensity

The intensity of effects was considered in terms of the following:

1. **Environmental Effects:**

The 2003 Forest Plan and proposed amendments do not produce significant beneficial or unavoidable adverse effects because they do not directly authorize management activities that result in such effects (EA page 1-1). The amended Forest Plan would, however, establish management emphasis and direction for activities that may occur on NFS lands in the planning period. If and when those activities occur, applying Forest-wide, MPC, and Management Area standards and guidelines will limit the extent and duration of environmental effects.

Unavoidable adverse effects may occur, including temporary and short-term effects to the environment (such as smoke generated by prescribed fire) as restoration activities are implemented.

2. **Public Health or Safety:**

The 2003 Forest Plan complies with Executive Order 12898 (Environmental Justice) which includes consideration of adverse human health and safety effects (See 2003 FEIS, ROD page 3-36). The Forest Plan as amended will result in no change in effects to these resources over what was anticipated under the 2003 Forest Plan.

3. **Unique characteristics of the geographic area:**

The Forest Plan is a programmatic action and does not authorize any site-specific activity. The Forest Plan contains direction for protection, restoration and management of riparian areas, cultural resources and wild and scenic rivers (2003 Forest Plan, Chapter III). The 2003 Forest Plan complies with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), and the National Historic Preservation Act. The Forest Plan as amended will result in no change in effects to these resources over what was anticipated under the 2003 Forest Plan. Therefore, I have determined that the Forest Plan, as amended complies with all relevant law and executive orders regarding wetlands and floodplains, wild and scenic rivers, and cultural resources. The Forest Plan complies with the Secretary of Agriculture's Memorandum 1827, which requires conservation of prime farmland, rangeland, and forestland

(2003 Forest Plan FEIS, Chapter 3, Resource Commitments). The Forest Plan as amended will result in no change in effects to these resources over what was anticipated under the 2003 Forest Plan. Therefore, I have determined that the Forest Plan, as amended complies with all relevant law and executive orders regarding prime farmland and rangeland.

4. Controversy:

The Forest Plan and proposed amendments do not produce significant beneficial or unavoidable adverse effects because they do not directly authorize management activities that result in such effects (EA page 1-1). Given this, and in consideration of the number and nature of the comments received in response to the public review of the EA, I find that the effects on the quality of the human environment are not likely to be highly controversial (EA page 2-2).

5. Uncertainty:

Because the Forest Plan and proposed amendments do not directly authorize management activities that could produce significant beneficial or unavoidable adverse effects, I find that the proposed amendment will not result in possible effects on the human environment that are highly uncertain or involve unique or unknown risks (EA page 1-1)

6. Precedent:

The amended Forest Plan is not likely to establish a precedent for future actions with significant effects. Forest Plans are strategic documents describing the overall management direction for a National Forest but do not approve or execute specific projects (See EA page 1-1). While forest plans guide site-specific project activities, decisions to implement site-specific projects are made after completion of a separate environmental analysis and public involvement under NEPA.

7. Cumulative Impacts:

The Forest Plan is a programmatic action and does not authorize any site-specific activity and therefore does not produce significant beneficial or unavoidable adverse effects. The cumulative effects that the amended Forest Plan direction may have on resources are addressed in each resource section in Chapter 3 of the EA. Given that the amended Forest Plan direction does not authorized any site-specific activity, and based on review of the cumulative effects analyses included in Chapter 3 of the EA, I find the cumulative impacts are not significant.

8. National Register of Historic Places; significant scientific, cultural, or historical resources:

Chapter 3 and Appendix 5 of the EA disclose that the Forest Plan as amended would result in no change in the effects to cultural resources disclosed in the 2003 Forest Plan FEIS. Because cultural resource management is explicitly defined by law, regulation and policy, and these same laws regulations and policies will be in effect under the Forest Plan as amended, my decision, like the 2003 Forest Plan decision, complies with the NHPA.

9. Endangered or Threatened Species:

Based on the biological assessments (EA, Appendix 6), informal consultation with U.S. Department of Interior, Fish and Wildlife Service and U.S. Department of Commerce, National Marine Fisheries Service, I have determined that this decision does not change the determinations made for the Forest Plan in 2003 and as such, does not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

10. Laws for Protection of the Environment.

Applicable Federal, State, and local laws and requirements for the protection of the environment were considered in the 2003 FEIS (Chapter 3, Resource Commitments). As disclosed in the 2003 ROD, it was determined that the Forest Plan did comply with applicable Federal, State and local laws (2003 FEIS, ROD, Part 4). I have determined that this decision does not change the determinations made for the Forest Plan in 2003. The amended Forest Plan does not threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

Rebecca S. Nourse

REBECCA S. NOURSE

Sawtooth National Forest Supervisor

June 18, 2012

Date

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