Evaluation Report for the Fremont National Forest Forest Plan Amendment
Ruby Pipeline Project

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Background

Amendments to the Fremont National Forest Land and Resource Management Plan (Forest Plan) are being proposed because the Federal Energy Regulatory Commission (FERC) is considering authorizing a natural gas pipeline that crosses from Wyoming to an interstate gas distribution line at Malin, Oregon. The Federal Energy Regulatory Commission (FERC) is the federal agency responsible for authorizing the construction and operation of natural gas pipelines. The Forest Service is a Cooperating Agency in the EIS being prepared by the FERC and the necessary Forest Plan amendments, specific to the Ruby Gas Pipeline Project, have been included in that analysis.

While the Forest Service has a mission to manage the National Forests, the Federal Energy Regulatory Commission (FERC) determines where and when new energy sources and transmission facilities need to be developed. The FERC is also the federal agency responsible for authorization of energy projects. Although each federal agency has different roles and responsibilities, the public expects those agencies to work together in the public interest. Part of FERC's job is to evaluate public need during their review of projects. Construction and operation of public utilities, like the Ruby Pipeline, is regulated by the FERC to insure public interests are protected. When FERC accepts an application from a utility company to cross public land, Congress, through the 2005 Energy Policy Act (EPAct), has directed the responsible agencies to coordinate with FERC to process authorizations required to construct the project. The 2005 EPAct reinforced Executive Order (EO) 13212 issued May 18, 2001 which directed federal agencies to take appropriate actions, consistent with applicable law, to expedite reviews of authorizations for energy related projects and to take other action necessary to accelerate the completion of such projects while maintaining safety, public health and environmental protections. To facilitate EO 13212 the Secretaries of Agriculture, Interior and Energy and other federal agencies have agreed, through a formal Memorandum of Understanding, to coordinate their efforts and cooperate in the expeditious processing of authorizations for construction of natural gas pipelines.

To accomplish these objectives, the Forest Service has been working with FERC as a cooperating agency under the National Environmental Policy Act and with Ruby Pipeline to develop a location that is feasible and minimizes potential impacts to National Forest System lands. Ruby Pipeline has done several route adjustments at the request of the Forest Service to protect special botanical areas, scenic values, an Inventoried Roadless Area, and other valuable National Forest resources. Where impacts cannot be avoided, a mitigation plan has been adopted by Ruby Pipeline to rectify impacts. Combined, these and other measures have substantially reduced the possible effects of the project on National Forest resources. Even with these protection measures the Forest Service has determined that portions of the construction process would not be consistent with the Fremont Forest Plan and amendments are required.

The Forest Service is amending the Fremont Forest Plan under the 1982 planning regulations and using Forest Service handbook and manual direction to determine the need for an amendment and if the amendment is significant or non-significant. The amendment is being proposed as part of the Ruby Pipeline project and if implemented by FERC the Fremont Forest Plan will be amended "contemporaneously with the project or activity decision" FSH 1909.12 section 25.4. FSM 1926.5 lists the conditions when a forest plan amendment is needed including "Findings that existing or proposed

permits, contracts, cooperative agreements, and other instruments authorizing occupancy and use are not consistent with the land management plan, but should be approved."

For an amendment to be non-significant the following direction in FSM 1926.51 – Changes to the Land Management Plan That are Not Significant will be evaluated:

Changes to the land management plan that are not significant can result from:

1. Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.

2. Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.

3. Minor changes in standards and guidelines.

4. Opportunities for additional projects or activities that will contribute to achievement of the management prescription.

The Forest, Grassland, Prairie, or other comparable administrative unit Supervisor must prepare an amendment to the land management plan to accommodate a change determined not to be significant. Appropriate public notification is required prior to implementation of the amendment.

Likewise, FSM 1926.52 – Changes to the Land Management Plan That are Significant provides the direction for determining if a proposed forest plan amendment is significant.

The following examples indicate circumstances that may cause a significant change to a land management plan:

1. Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected (see section 219.10(e) of the planning regulations in effect before November 9, 2000 (see 36 CFR parts 200 to 299, revised as of July 1, 2000)).

2. Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period.

Need for Forest Plan Amendment:

Approximately 17 miles of the Ruby Pipeline right-of-way (ROW) will be located on the Fremont National Forest disturbing about 328 acres, including temporary storage and staging areas. Ruby is proposing to use a 115 foot wide construction right-of-way with a 50 foot wide permanent ROW over the top of the pipeline. Ruby considered 14 routes for the pipeline and 21 variations to avoid specific impacts including cultural resource protection. All alternate routes considered would cross Federal lands (BLM, Fish and Wildlife Service, or National Forests) and were discarded from further consideration because they were much longer, would spread impacts over a larger area; crossed more Federal lands, followed substantially less existing right-of-way; traversed many more special interest areas; crossed more national trails; crossed more perennial water bodies; crossed more wetlands; crossed more critical big game habitat; crossed inventoried roadless areas; would impact more geologic faults; crossed wilderness areas;

and/or crossed through areas of higher erosion risk. The proposed route through the Fremont National Forest has been modified to provide resource protection identified by the Forest but just the nature of crossing east to west does not avoid all resource issues. The pipeline still had to cross through portions of sensitive soils, a road being managed for a scenic management objective of partial retention in Management Area 6, and a portion of old growth. Once the Ruby Pipeline is approved by FERC there will be a need to exempt the construction activity from several standards and guidelines found in the Fremont Forest Plan or to relocate a management area. This amendment will be specific to the Ruby project and the analysis will be included in the Ruby Pipeline Project EIS. The decision will be made contemporaneously with the FERC decision to allow permitting of the project with the Fremont-Winema National Forests preparing its own ROD.

The route of the pipeline could not avoid passing through portions of Management Areas (MA): 6 – Scenic; MA 14 – Old Growth; and MA 15 – Fish and Wildlife Habitat and Water Quality as well as portions of soil capability areas 1, 2, 3 and scabland portions of capability area 13 covered by general forest standards and guidelines. Resource protection was considered in the route location and the current route reflects an integration of resource concerns like avoiding special interest areas in MA 7 or inventoried roadless areas. The general forest standard and guideline for detrimental soil conditions would not be met because equipment activity would be confined to the clearing limits, causing more than 20 percent of soil in the activity area (which for this project is the construction clearing limits) to be detrimentally impacted by displacement and compaction. The project needs to be exempt from this standard and guideline. Where the pipeline crosses MA 6 – Scenic the Forest Plan will need amending to allow more time to attain visual quality objectives. To avoid crossing an Inventoried Roadless Area MA 14 – Old Growth would be crossed requiring a replacement area to be located. The clearing limits have been surveyed and one seep is known to occur on the route; an amendment will be needed to allow heavy equipment to operate through seeps and springs.

The Forest plan Amendment

1. General Forest Plan Standard and Guideline for Soils Management, Forest Plan pages 80 to 81. Add item (5) under the Operational Considerations for Surface Soil Condition which says: During and immediately after construction of the Ruby Pipeline the soil conditions within the activity area (construction right-of-way) will be permitted to exceed the 20 percent standard and guideline for detrimental soil condition. The implementation of Ruby's Upland Erosion, Revegetation and Mitigation Plan would reduce erosion impacts and minimize impacts to soil productivity.
2. General Forest Standard and Guideline for Soils Management, Forest Plan pages 83 and 84. Add a statement under item 4, *Operational Considerations* stating during installation of the Ruby pipeline exposed mineral soil standards displayed in Table 21 will be exceeded; however with the extra mitigation proposed in Ruby's Upland Erosion, Revegetation and Mitigation Plan, these standards would be achieved once construction is completed.
3. Management Area 6 – Scenic Viewsheds: The pipeline crosses through a portion of Management Area 6 when it crosses FR 3915; the area has a VQO of foreground retention and middleground partial retention. Item B will be added to Land Uses on Forest Plan page 154: B. The cleared corridor needed to install the Ruby pipeline will not immediately meet VQO objectives of retention and partial retention. Mitigation measures, including vegetation management and restoration actions, will occur to move the construction corridor toward current visual quality objectives over an extended timeframe.
4. Management Area 14 – Old Growth habitat: The pipeline crosses through a stand of dedicated old growth. The best stands either meeting or soon to meet old growth standards will be designated as replacement.
5. Management Area 15 – Fish and Wildlife Habitat and Water Quality: The crossing of seeps and

springs is expected to be uncommon. The pipeline is known to cross one seasonal seep. The following statement will be added under Seeps and Springs, management treatments on Forest plan page 204. (d) Construction equipment necessary to install the Ruby pipeline will be permitted in the area of seeps and springs. Implementation of Ruby's Upland Erosion, Revegetation and Mitigation Plan and special construction measures would minimize impacts.

Issues being considered:

Location of Pipeline: There is concern about the pipeline crossing through dedicated old growth and sensitive soil areas.

Response: The location of the Ruby pipeline corridor departs significantly from the West Wide Energy Corridor within the Fremont. The West Wide Energy Corridor route was established without really considering the implications of routing an energy corridor across the private lands intervening between federal tracts. Also the current route avoids mule deer winter range and bald eagle nesting habitat crossed by the WWEC route west of Goose Lake. When crossing the Fremont Winema National Forests two areas controlled the current route location. The pipeline corridor originally passed through a special botanical area for camas (MA 7) and a small portion of Inventoried Roadless Area. Both of these areas are near Rogger Meadow. New utility corridors could not be placed in or near special interest areas. The pipeline was moved north of the special interest area and crosses the northern portion of Rogger Meadow. As the pipeline moved west of Rogger Meadow, it needed to avoid an Inventoried Roadless Area, dedicated old growth (2 stands) and riparian areas. One of the dedicated old growth stands had to be crossed to pass between the inventoried roadless area and a larger dedicated old growth stand to the north and reduce the amount of riparian areas crossed. This stand of dedicated old growth is currently fragmented by two roads passing through it making it the best choice for placement of the pipeline corridor and identifying a replacement stand.

Since the pipeline is moving east-west across the Forest it was not possible to avoid crossing soils that are highly susceptible to erosion and represented by soil capability areas 1, 2, 3 and scabland portions of 13. To avoid the majority of the areas would require a substantially longer route through the forest, and would still not avoid these soils. The longer route would also impact more resources and cause a shift in effects involving more riparian areas and other resource values. Successful mitigation for erosion is possible which more than offsets the cost of a longer pipeline route and associated resource impacts.

Crossing through Dedicated Old Growth: Cutting a 115 foot corridor and maintaining a 50 foot right-of-way clear of large vegetation (greater than 15 feet tall) would fragment the dedicated old growth.

Response: The pipeline would fragment the old growth stand. A replacement stand will be located as close to the current stand as possible.

Construction Impacts to Soils: Construction activities such as clearing, grading, trench excavation, backfilling, heavy equipment traffic, and restoration along the 115 foot construction clearing have the potential to adversely affect natural soil characteristics and reduce soil productivity. Clearing of the vegetative cover exposes soil to the effects of wind, sun, and rain, potentially increasing erosion.

Response: Measures will be implemented to avoid, minimize, or mitigate the effects of pipeline construction. A set of best management practices would be implemented based on soil type and concerns. Best management practices for soil erosion have been demonstrated effective through past use. Top soil, where it can be saved, would be sorted for later restoration, as when meadows are restored. Organic material would be scattered across the disturbed areas or organic mats used to control high erosive soils,

both providing a contribution to future soil restoration. The amount of exposed soil during the construction action would exceed standards for erosion protection on sensitive soils, but after the restoration process, soils standards and guidelines dealing with cover will be met.

Mixing of the top and subsoil with rock would occur. Due to the amount of disturbance the amount of soil impacted within the 115 foot construction corridor and associated temporary storage sites, the activity area would exceed 20 percent detrimental soil conditions from displacement and compaction. This is unavoidable given the process for constructing the pipeline and being confined to the construction corridor. Mitigation and restoration methods will help alleviate the impact and allow vegetation to recover the site, including trees within 30 feet each side of the 50 foot pipeline right-of-way. Soil impacts associated with compaction is expected to be small because soils on the Forest are not compaction prone, based on soil texture information in the SRI. Much of the impacts to soils will come from displacement, the mixing of soil layers. Restoration and mitigation measures would help to develop and restore soil functions.

Scenic Management: Construction of the pipeline and clearing the construction corridor are not compatible with retention and partial retention objectives along FR 3915.

Response: When the forest plan amendment for the Designation of Energy Corridors on National Forest System Land in 10 Western States was signed by the Secretary of Agriculture it designated the use of the Scenery Management System for evaluation of scenic impacts. Scenery management acknowledges it takes a longer period of time for vegetation to recover and reach the scenic management objectives after completion of a project. It also allows the project to blend into the landscape using characteristic patterns for the vegetation type. The impacts associated with the construction occur in the area of Rogger meadow. The project route was selected to minimize disturbance and visibility through the area. Bends in the ROW on both sides of the road limit site distance down the ROW, about 500 feet.

Natural openings are common in the open mixed conifer forest to the northeast of the road. These openings would reduce the contrast between the ROW and surrounding forest and can be further reduced by feathering the edge of the ROW to reduce the linear element created by ROW clearing. Were the pipeline crosses Rogger Meadow, it can be restored so that the pipeline is subordinate to the meadow itself, even with the long term 50 foot permanent ROW. It will be visible during and after construction due to contrasting color and lack of vegetation; however, herbaceous meadow vegetation is expected to recover quickly.

The foreground retention objective would be met once vegetation becomes established and the soil color contrast faded. Where the pipeline crosses the meadow, it is expected to reach retention objectives more quickly and not be noticeable.

In the middleground partial retention area the linear element of the construction would be visually subordinate within the open canopy forest. The natural openings would reduce the degree to which the ROW clearing stands out by breaking up the edges.

Impacts to the Special Management Area: Construction of the pipeline near to the botanical area could potential impact the camas habitat.

Response: The pipeline crosses the northern end of Rogger Meadow at least 450 feet north of the special management area boundary. The project would not affect the hydrologic regime of the meadow or otherwise impinge on the health of camas. The pipeline does not cross any of the intermittent streams providing water to the meadow.

Scientific literature indicates that properly constructed pipeline corridors have little long term impact on wetland vegetation communities. Site preparation is critically important to the successful restoration of the vegetation community. Site preparation for revegetation includes maintaining or restoring the topography, soil profile, and hydrology. A site's ability to develop and support the desired plant community is ultimately dependant on its hydrology.

Factors affecting meadow hydrology, and that of other wetlands, include inflows and outflow of surface and groundwater, groundwater levels, and the timing and duration of soil saturation or flooding. Pipeline construction and maintenance would not affect the inflow or outflow of either surface or groundwater, or other hydrologic variables.

The Project route crosses the meadow near its upper end, above all of the known inlets. Only about 96 acres of drainage area are upstream from the Project; this represents about 5% of the meadow's drainage area. The drainage area of the entire meadow is approximately 1,910 acres.

The location of the Project in the upper end of the meadow should prevent impacts to either meadow inflows or drainage. The ground slopes up on both sides of the meadow, so the trench is unlikely to capture or divert flow from the meadow. If necessary, trench breakers would be installed where the trench enters and exits the meadow. The original subsoil from the trench would be used for backfilling, and backfilling would be conducted to restore the soil as close as is possible to the original profile. These measures should restore the original drainage to the ROW.

In addition to water gained or lost, groundwater levels are dependent on basin shape and drainage. The trench would be backfilled and topsoil replaced to restore the original soil profile, surface elevation, and contours. This would maintain the original drainage and basin shape of the meadow, ensuring that the Project has no impact on the hydrology of Rogger Meadow.

Impacts to Seeps and Springs: Use of heavy equipment would damage the function of seeps and springs.

Response: Right-of-way construction will require equipment disturbance in the intermittent seep near MP 604. This is one of 46 crossings of MA 15 and due to location cannot be avoided by the pipeline route. Grading would be minimized to the extent possible to maintain the natural slope and the geotechnical configuration. Trenching would be monitored to ensure that soil layering would be preserved. If necessary, substitute materials such as PVC pipe and imported gravel would be used during the backfill operation to maintain the function of the spring/seep.

Options for the Forest Plan Amendment:

Should FERC authorize the Ruby Pipeline at the preferred location a forest plan amendment would be needed. There are no other options but to amend the Forest Plan. If the Forest Plan is not amended to make provision for the Ruby Gas Pipeline, the Forest Service would be unable to consent to the easement required for the project and unable to issue and administer subsequent permits and authorizations, such as road use permits, required by the project. Not amending Forest Plans would not necessarily keep the project from being constructed. To authorize the project FERC does not require the consent of the Forest Service. Also, the Secretary of Interior still has the authority under the Natural Gas Act to issue a Right of Way across National Forest System lands, even without the consent of the Forest Service. This would create a use on NFS lands that was not consistent with the Forest Plan.

How the Amendment would impact existing, ongoing programs:

Since this amendment is specific to the pipeline installation and maintenance, it would have no impact to other programs in the area.

Any modifications to existing permits, contracts that would be needed for consistency with amendment:

No existing permits would be impacted; permit modifications would not be needed. Since ongoing actions already meet LRMP standards and guidelines, there will be no need to change or modify permits.

Effect of new information on projects or activities:

The Visual Management System (1974 direction) used to develop the Forest Plan is no longer being used by the Forest Service. The current thoughts shaping visual management are described in *Landscape Aesthetics: a Handbook for Scenery Management* (Scenery Management System) a Forest Service publication of 1995 and represents current Forest Service direction for visual quality. Scenery Management utilizes an ecosystem approach to managing visual quality. Partial Retention and Retention still are described by Scenery Management using the terms Moderate Scenic Objective and High Scenic Objective respectively. Scenic Management does not require meeting visual objectives within one year like the Visual Management System. The timeframe for meeting visual quality objectives under Scenery Management considers vegetation growth and ecosystem development; a 10 to 15 year recovery period is acceptable to meet objectives. The guidance provided in Scenery Management (new for the Forest Plan adapted in 1990) would be used to amend the Forest Plan for this project. The visual objectives would not change but more time would be allowed for recovery to meet the visual objective. Lengthening the time needed to recover visual quality objectives apply to this action and its mitigation only. Future actions would still be evaluated and required to meet current Forest Plan direction, which is the 1989 Forest Plan. Exceptions would be considered on their own merits and covered by their own analysis. The Forest Plan amendment will have no impact to ongoing or future actions.

Soil Impacts. There have been no other amendments to the Fremont Forest Plan to exempt an action from the Forest-wide soil protection standard and guideline. Projects have been large enough to spread the soil impacts over a larger activity area. Concentrating the construction to a narrow zone causes Ruby Pipeline to exceed soil standards. The area of heaviest impacts will be approximately 30 feet wide, about 26 percent of the construction clearing, representing approximately 51 acres. This is a very small portion of the total 1.2 million acres of the Fremont National Forest and does not measurablely increase the percent of the area of the forest occupied by corridors. The proposed mitigation being used during construction will minimize the impacts to soil productivity and allow stabilization and soil development to occur.

Public participation process and comment summary including a response:
The Notice of Intent for the amendment appeared in the March 19, 2009 Federal Register. The proposed amendments were also sent to our Forest's mailing list for scoping, placed in the Schedule of Proposed Actions (SOPA), as well as on the Forest's project development web page. The forest received three written comments.

Most of the comments received voiced concerns about impacts associated with construction of the pipeline, which relate to the FERC decision and are beyond the scope of the analysis for determination of whether the amendments are a significant or non-significant forest plan amendment.

Concern was voiced about the narrow need for proposal that focused just on amending the Forest Plan. Tied with this concern was the feeling that the Forest Plan was being amended just to facilitate the action and the plan should not be amended.
Response: As explained in the background section above, FERC has the authority to approve routes and authorize construction. The Forest Service worked with Ruby Pipeline on establishing the proposed route through the Forest. The Forest Service has determined that portions of the construction process would not be consistent with the Fremont Forest Plan and is responsible for the decision to amend the Forest Plan. Should the Forest Plan not be amended it would not necessarily keep the project from being constructed. To authorize the project, FERC does not require the consent of the Forest Service. Also, the Secretary of Interior still has the authority under the Natural Gas Act to issue a Right of Way across National Forest System lands, even without the consent of the Forest Service. This would create a use on NFS lands that was not consistent with the Forest Plan and cause further problems when the Forest Service would have to issue permits. FERC has determined the project is in the public interest and is the agency responsible for authorizing construction of natural gas pipelines. The amendments are needed should FERC authorize the construction of the pipeline and the Forest Service needs to determine if the amendment is a significant forest plan amendment or a non-significant amendment. Though the analysis for the amendment is included in the Ruby Pipeline EIS, the Forest Service will issue its own decision in a ROD and the amendment is being made contemporaneously with the FERC implementing decision.

Commenters thought that the Forest Service needs to consider other options to Ruby Pipeline.
Response: FERC determines where and when new energy sources and transmission facilities need to be developed. The FERC is also the federal agency responsible for authorization of energy projects. The Forest Service worked with Ruby Pipeline in routing the pipeline across the Fremont National Forest. Forest resource concerns were protected by avoidance whenever possible and in developing the mitigation plan.

Concern was voiced about crossing through Forest Plan dedicated old growth because it would be hard to find replacement.
Response: As discussed above, the old growth stand being impacted already contained two roads and was situated between an inventoried roadless area and larger stands of old growth. Crossing through this stand was unavoidable and provided the best location to avoid impacts to a larger stand of dedicated old-growth, riparian areas, and inventoried roadless area. Additional old-growth adjacent to the stand being crossed can be added to the area so that it remains a large enough block to meet Forest Plan standards and guidelines for old-growth.
Concern was voiced about heavy equipment operating in wet areas and seeps.
Response: Ruby Pipeline, with the Forest Service and other agencies, including the State of Oregon has developed a mitigation and operation plan for the project. This plan states the methods to be used to protect wet areas and seeps during the construction of the pipeline.

Concern was voiced about unavoidable crossing of sensitive soil areas on the Fremont National Forest.
Response: The Forest worked with Ruby pipeline to avoid as much sensitive resources as possible. It was not possible to bring a pipeline across the National Forest without crossing some of the sensitive soils. When the pipeline crosses these soils, Ruby Pipeline would adjust the construction techniques to fit the character of soils.

Determination of Non-significant Forest Plan Amendment

Approximately 17 miles of the Ruby Pipeline right-of-way (ROW) will be located on the Fremont National Forest disturbing about 328 acres, including temporary storage and staging areas (FEIS section 4.8.2.1). Ruby Pipeline is proposing to use a 115 foot wide construction clearing with a 50 foot wide permanent ROW over the top of the 42 inch pipeline. Ruby Pipeline worked with the Fremont National

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Forest to locate the route and resource protection was considered. The current route reflects an integration of resource concerns like avoiding special interest areas in MA 7 or inventoried roadless areas.

In total, Ruby Pipeline considered 14 route alternatives, including the route that crossed the Fremont National Forest. There were 21 route variations considered as well. The variations were to address specific concerns of land owners or resource agencies that either avoided or reduced impacts to environmentally sensitive resources crossed by the pipeline (see alternatives considered in Executive Summary).

The route of the pipeline could not avoid passing through portions of Management Areas (MA): 6 – Scenic; MA 14 – Old Growth; and MA 15 – Fish and Wildlife Habitat and Water Quality as well as portions of soil capability areas 1, 2, 3 and scabland portions of capability area 13 covered by general forest standards and guidelines. The general forest standard and guideline for detrimental soil conditions would not be met because equipment activity would be confined to the clearing limits, causing more than 20 percent of soil in the activity area (which for this project is the construction clearing limits) to be detrimentally impacted by displacement and compaction. The project needs to be exempt from this standard and guideline. Where the pipeline crosses MA 6 – Scenic the Forest Plan will need amending to allow more time to attain visual quality objectives. To avoid crossing an Inventoried Roadless Area, a large stand of dedicated old-growth and riparian habitat conservation areas a portion of MA 14 – Old Growth would be crossed requiring the designation of replacement old-growth. The construction corridor has been surveyed and one seasonal seep is known to occur on the route; an amendment will be needed to allow heavy equipment to operate in the area of seeps and springs.

Rationale for Non-significant Plan Amendment

Based on criteria of FSM 1926.52 - Changes to the Land Management Plan That are Significant, these amendments have been determined to be not significant. The proposed forest plan amendments do not alter the ability of the Forest to provide multiple use goods and services as originally projected by the Forest Plan. The pipeline utilizes a small portion of the National Forest and the 50 feet width maintained as brush and grasslands can be utilized to provide complementary resource objectives such as forage and vegetation to stabilize soils (Forest Plan page 186). The pipeline is an expected use of the national forest (Forest Plan pages 51 and 94). These amendments are specific to the Ruby Pipeline and do not affect a large portion of the Forest, 328 acres during construction and 101 acres during operation. The amendment comes at a time when the Forest is beginning the forest plan revision process.

Criteria for determining if plan amendments are non-significant come from FSM 1926.51 – Changes to the Land Management Plan That are Not Significant, specifically:

Changes to the land management plan that are not significant can result from:

1. *Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.*
2. *Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.*
3. *Minor changes in standards and guidelines.*
4. *Opportunities for additional projects or activities that will contribute to achievement of the management prescription.*

Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management

Forest Plan Goals and Objectives

Soils: Forest wide goal: To maintain or improve the productivity of the soil in all resource management activities.

Equipment will be confined to working within the 115 foot construction clearing. Confining the equipment to the construction clearing reduces the potential for soil impacts outside the clearing but at the same time concentrates the equipment needed to construct the pipeline into a corridor resulting in greater than 20 percent of the activity area receiving detrimental soil impacts (displacement and compaction). Approximately 30 feet of width within the 115 feet of construction clearing would receive detrimental soil impacts, about 61 acres. The 50 foot wide area over the top of the pipeline would be maintained as grasslands and brush while forest would be allowed to return on the rest of the construction corridor. The 61 acres of detrimental soil condition is mainly caused from displacement, the mixing of soil layers. This is a very small percent of the total forest acres of 1,198,308 acres and is an immeasurable increase in the amount of corridors (roads, railroads, and utility) on the forest. It is estimated that up to 5 percent of the forest can be in corridors (part of the 20 percent of an activity area associated with roads and corridors); currently less than 3 percent of the Forest contains corridors. Even with the mixing of the soil layers over the top of the pipeline, mitigation measures required for the construction would restore vegetation that would provide forage and cover to protect the soils from erosion. Temporarily, while the pipeline is being installed, exposed soil would exceed standards (even on sensitive soils) however; after construction is completed the exposed soil standard would be met. On site mitigation would prevent or reduce erosion should a localized storm occur. This amendment only applies to the Ruby Pipeline, all other projects will have to meet Forest Plan Standards and Guidelines for soils. There have been no past forest plan amendments in or close to this project area that allow a project to exceed the detrimental soil standards. There will no measurable loss in soil productivity on the forest; Forest Plan goals and objectives for soils on the Forest will be maintained. (see FEIS section 4.2)

Visual Quality: The goals in MA 6 are:

1. To provide high to moderately high visual quality concerns within selected viewsheds on the Forest.
2. To manage the visual corridor to retain or create the desired forest character in an attractive sequential arrangement over time and space.
3. To provide for managing the necessary supporting vegetation size classes and distribution of successional stages to maintain the desired visual character indefinitely.

The amendment to MA 6 – Scenic Viewshed does not alter the goals and objectives for visual quality on FR 3915 where the pipeline crosses the northern portion of Rogger Meadow. The visual quality objective for foreground retention and middleground partial retention is not being changed; more time is being allowed to reach the objective consistent with science behind Scenic Management, the current direction for visual management used by the Forest Service. Proposed mitigation where the pipeline crosses the meadow would allow the 2 to 4 years needed to accomplish recovery of meadow vegetation. In the middleground, the pipeline will cross open ponderosa pine stands allowing opportunity for the corridor to blend and become subordinate to the middleground landscape. A bend was placed in the pipeline route as it crosses FR 3915 to reduce the distant view of the corridor. Forest Plan visual quality goals and objectives will be maintained. (see FEIS section 4.8.4)

Old-Growth Habitat: MA 14 goal: To manage stands of old growth on the Forest to maintain minimum viable populations of dependent, native vertebrate species.

The pipeline crosses a portion of dedicated old-growth that already contains two roads. There is about 43 acres of field verified old-growth that can be added to this stand such that it remains a functional block able to provide old-growth habitat consistent with Forest Plan direction. It does not change the old-growth grid or pattern across the landscape. Connectivity with other blocks of old-growth is maintained. The pipeline will not impact the ability of the Forest to manage old-growth to maintain minimum viable populations. (see FEIS sections 4.5.1.1, 4.5.1.2, 4.5.5, and 4.7.4.4)

Seeps and Springs: MA 15 Goal: Waterbodies and courses, their riparian vegetation and immediately adjacent upland areas will be managed to maintain or improve water quality, fish habitat, recreation opportunities, and riparian habitat for dependent wildlife species. For seeps and springs the riparian portion needs to provide an abundance of deciduous trees or shrubs, an abundance of standing dead trees, and abundance of conifer trees greater than ten inches d.b.h. and good water flow and quality.

Survey of the pipeline indicates that one, seasonal seep falls within the pipeline construction clearing. Special mitigation for crossing the area will be implemented to protect the integrity of the seep. Vegetation would be restored after construction and the site stabilized to reduce potential impacts from rilling or concentrating water into channels. Recovery of any associated riparian vegetation is expected. Impacts associated with one seasonal seep are not expected to degrade water quality once pipeline construction and vegetative mitigation is complete. Should additional seeps and springs be found during the construction, special construction measures would be applied to them as well. There would be no impact to Forest Plan water quality goals by allowing equipment to operate in the area of seeps and springs. (see FEIS section 4.3.1.3)

Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.

Old-growth forest adjacent to the stand being crossed by the pipeline will be added to the existing dedicated old-growth. The old-growth network will be continued as provided by the Forest Plan. This adjustment in boundary does not impact Forest wide multiple use goals and objectives. The change will not impact current projects nor will adding 43 acres cause any changes in the ability of the Forest to achieve long-term goals and objectives. The designation of additional old-growth shifts the management focus on a small part of the forest to provide old-growth species protection without impacting the ability of the Forest to achieve other Forest Plan objectives.

The changes to management prescriptions for soils, visuals, and seep and springs are specific to Ruby Pipeline. The amendments will not impact future resource management nor will they impact existing permits or uses of the Forest. Future projects and activities would have to meet current Forest Plan direction. Exempting Ruby Pipeline from the standards and guidelines for soil and seeps and springs impact a small portion of the Fremont National Forest and implementation of Ruby Pipeline's Upland Erosion, Revegetation and Mitigation Plan would allow for resource recovery or minimize the impact such that multiple use goals are not impacted in the long-term. Allowing more time for the construction corridor to achieve the visual quality objectives of partial retention and retention visual quality does not cause any change in the Forest's multiple use goals as well.

Minor changes in standards and guidelines

The visual quality amendment is a minor change in the standards and guidelines for retention and partial retention. It does not change the visual quality objective. The pipeline will, through mitigation, achieve the forest plan objective over an extended period of time. Under Visual Quality Management, retention objectives needs to be accomplished within one year of the completed action and the partial retention objective within 3 years. This is not consistent with the science behind Scenic Management. The proposed mitigation will utilize historic vegetation

seccession and plantings as needed to blend the pipeline into the local landscape seen from FR 3915 and Rogger Meadow.

Opportunities for additional projects or activities that will contribute to achievement of the management prescription

The amendment is specific to the Ruby Pipeline construction and operation; there will be no other opportunity for other actions to utilize the amendments unless additional analysis occurs.

Summary of Findings:

Ruby Pipeline worked with the Forest to modify the route for the protection of Inventoried Roadless Area, a large stand of dedicated old-growth, and riparian habitat conservation areas. Even with these adjustments in pipeline location the construction will still be inconsistent with the Forest Plan. 36 CFR 219.10 allows the amendment of a forest plan for a desired project when the action is not consistent with the forest plan. FERC has determined the gas pipeline is in the public interest and is using the FEIS to determine where the pipeline should be located. Once FERC authorizes the Ruby Pipeline for construction on the route passing through the Fremont National Forest, the amendment will be implemented to allow the construction to proceed. With these amendments the Forest Service concurs with FERC about locating the pipeline on the Forest.

The adjusted route and proposed mitigation would assure Forest Plan goals and objectives are not impacted. The inconsistencies the pipeline construction has with Forest Plan direction is associated with the construction aspect of the project and does not have long-term affects that continue the inconsistency.