

DECISION NOTICE  
& FINDING OF NO SIGNIFICANT IMPACT  
**Forest Plan Amendment 02**  
Alpine and Roadless Standards and Guidelines

USDA Forest Service  
WHITE RIVER NATIONAL FOREST  
COLORADO  
January 2006

## Decision and Reasons for the Decision

### Background

The National Forest Management Act of 1976 (NFMA) mandates the creation of forest plans as well as periodic revisions to those plans. The White River National Forest signed the first Land and Resource Management Plan in 1984. The revision of that plan began in 1997 and ended in April of 2002.

Forest Service regulations implementing NFMA are codified in Title 36 of the Code of Federal Regulations (CFR) parts 219 and 217 (1982). Part 219 clarifies the contents of forest plans and part 217 outlines the procedural requirements of appeals against forest plans.

The White River National Forest Land and Resource Management Plan – 2002 Revision (Forest Plan) was signed by the Regional Forester in April 2002. Certain aspects of the plan were appealed. The appeals were sent to the Chief of the Forest Service for review (36 CFR 217.7) and decision (36 CFR 217.13). 36 CFR 217.13[a] states in part “*Discretion to establish procedures*. A Reviewing Officer may issue such determinations and procedural instructions as appropriate to ensure orderly and expeditious conduct of the appeal process ...”

Once the Chief’s decision was rendered the Deputy Under Secretary for Natural Resources and Environment, United States Department of Agriculture exercised his right to review the Chief’s decision (36 CFR 217.7 [d]) through the discretionary review procedures outlined in 36 CFR 217.17. 36 CFR 217.17 states in part “[a]...In electing to exercise discretionary review, a Reviewing Officer should consider, but is not limited to, such factors as controversy surrounding the decision, the potential for litigation, whether the decision is precedential in nature, or whether the decision modifies existing or establishes new policy. [b] ... appeal decisions rendered by Regional Foresters and the Chief are subject to discretionary review at the next highest administrative level.”

The White River National Forest received a decision from the Chief of the Forest Service on September 15, 2004, and additional direction through the discretionary review decision from the Deputy Under Secretary for the Department of Agriculture on December 12, 2004. Both the *Consolidated Decision for Appeals of the White River National Forest Revised Land and Resource Management Plan* (Chief’s review) and the *Discretionary Review on the Chief’s Appeal Decision Regarding the White River National Forest revised Land and Resource Management Plan* (Under Secretary’s review) are incorporated by reference into this analysis. The reviews above contain a great deal of information and direction. This Forest Plan

amendment will address only a portion of the reviews that directed the forest to examine issues raised regarding **Alpine Standards and Guidelines** and **Inventoried Roadless Guideline**.

In regards to the Alpine Standards and Guidelines the Chief found the public should have been given the opportunity to comment on the Alpine Standards and Guidelines since they were not presented in the Draft White River National Forest Land and Resource Management Plan (Draft Forest Plan). He also found that these forest-wide standards and guidelines conflict with provisions in management area (MA) 8.25 for authorized ski area facilities and the potential expansion of ski areas. The Standards and Guidelines for Alpine were written in response to comment for the Draft Forest Plan and EIS that requested the Forest Service should avoid disturbing soils in alpine and tundra areas. The Chief finds “no question that the Forest Service has a clear obligation to protect the soils and water resources of the National Forest System lands including those in alpine ecosystems.” (USDA, 2004b) However, he was still concerned with the opportunity for comment and conflicting direction between these standards and guidelines and provisions in the 8.25 Ski areas-existing and potential management area.

The Chief reversed the Regional Forester’s decision on the addition of the Forest-wide Alpine Standards and Guidelines and provided instructions to: “1. Re-evaluate Forest-wide Alpine Standards and Guidelines. 2. Amend the Forest-wide Alpine Standards and Guidelines as needed, following all applicable procedures, including public involvement, and discussion of the need for Standards and Guidelines. a. The intent of the Standards and Guidelines should be a clear and non-conflicting with other direction. b. In writing the Standards and Guidelines, there should be a clear distinction between a standard and guideline.” (USDA, 2004b)

Several appeal points were brought forward on the management of inventoried roadless areas. The Chief upheld most of the Forest Service provisions for inventoried roadless in the Forest Plan. However, the Chief found the Forest-wide Guideline for Inventoried Roadless Areas to be in conflict with certain management area prescriptions, namely the 5, 7, and 8 categories. Also he cited that the rationale for adding the guideline was based on a misinterpretation of direction by Chief Bosworth’s letter of June 7, 2001 which simply stated the Chief has the authority to approve timber harvest and road construction in inventoried roadless areas, until approval of a Forest Plan Revision (or amendment) that considers the protection and management of inventoried roadless areas. The Chief’s review found this letter does not solely provide the justification for a Forest-wide Guideline on Inventoried Roadless. The Chief also found the Forest Plan FEIS cited different management levels for inventoried roadless areas based on management prescriptions. The Inventoried Roadless discussion in the FEIS grouped management areas based on differing levels of management. Group 3 which contained management area category 5, 7, and 8 were identified as having “the most intensive development and potential to result in the most significant impact on the development character of the inventoried roadless areas. Inventoried roadless areas that have these management areas assigned to them may have timber harvest, road construction, motorized uses, utility corridors, and wildlife habitat development.” (USDA, 2002b) The Chief found while the Forest Service recognized the different levels of management per prescription for inventoried roadless, constraints were set in place when trying to apply the Forest-wide Inventoried Roadless Guideline. These constraints are found to be in conflict with provisions found in certain management area prescriptions, namely the 5, 7 and 8 categories. The Chief therefore reversed the Regional Forester on the Forest-wide Inventoried Roadless Guideline and directed that “the White River LRMP be amended to remove this guideline. If upon review, the Regional Forester finds the need for additional direction for inventoried roadless areas, the plan amendment process may be utilized.” (USDA, 2004b)

In the Discretionary Review by Deputy Under Secretary David Tenny, he wrote “[I] concur with the Chief’s determination on the forest-wide guideline for roadless areas” and “[I] agree with the Chief’s instructions regarding the Alpine Standards and Guidelines and the need to resolve conflicting direction as it relates to MA 8.25, authorized ski area facilities, and the potential expansion of ski areas”. (USDA, 2004a)

The Forest-wide Standards and Guidelines for Alpine and Inventoried Roadless conflict not only with the standards and guidelines for certain management area prescriptions, but also for the desired future condition of those management areas. Geographically speaking, some of the alpine and inventoried roadless designations overlap with some of the 5, 7, and 8 category prescriptions. Although the Forest Plan states “when forest-wide standards and guidelines conflict with management area standards and guidelines, those that are more stringent or restrictive are applied”; at issue is the finding that the forest-wide standards and guidelines in question were found to conflict with the desired condition as well. Therefore clarification is needed and that is the objective of this amendment. Based on the Chief’s findings and Under Secretary’s concurrence, the White River National Forest found it necessary to propose this amendment to the Forest Plan. The findings and instructions provided by the Chief create the basis for the purpose and need.

Alpine is defined in the glossary of the Forest Plan as “those portions of mountains that rise above the cold limits of trees”. (USDA, 2002a) The FEIS goes on to further define alpine based on land type associations. The White River National Forest mapped ecological units based on soil, geology, topographic formations, elevation, climate, and vegetation. Over 200 ecological units were identified across the forest. These units were then grouped into 52 land type association units. These units are grouped by dominant landscape: alpine, mountain, hill, valley-canyon, and tableland-mesa. The White River National Forest uses this mapping to define alpine on the forest.

## **Purpose and Need**

The purpose of this initiative is to clarify and/or remove conflicting direction in the Forest Plan. This action is necessary to resolve issues brought forward on appeal to the Forest Plan. This action also provides the opportunity for the public to comment on the proposed action and alternatives for this proposed Forest Plan amendment. Evaluation of standards and guidelines in question and examination of similar direction found in other documentation will help to ensure the intent of the standards and guidelines can still be met.

The amendment will clarify what standards and guidelines will be implemented in alpine areas and will clarify Forest Plan direction for inventoried roadless areas. The roadless areas’ geographical boundaries are already set from the Forest Plan and will be unaffected by this proposed amendment. The intent of this amendment is to clarify how inventoried roadless areas and management area prescription direction can be implemented in concert with one another.

## **Alternatives Considered**

Three alternatives were considered in the Forest Plan Amendment Number 02 Environmental Assessment (EA).

## **Alternative 1: No Action**

Under the No Action Alternative, the Forest Plan would remain as currently written. The Forest-wide Alpine Standards and Guidelines would read:

- 1) Forest-wide Alpine Standard #1. Prohibit campfires above treeline to protect alpine ecosystems.**
- 2) Forest-wide Alpine Standard #2. Prohibit new developments in alpine wetlands, streams, and riparian areas.**
- 3) Forest-wide Alpine Guideline #1. Prohibit new roads, trails, and livestock driveways in alpine areas except when needed to reduce existing resource impacts.**
- 4) Forest-wide Alpine Guideline #2. Minimize soil excavation and disturbance due to new construction in alpine areas by locating structures on flat or nearly flat sites and minimizing size of structures.**
- 5) Forest-wide Alpine Guideline #3. Minimize the concentration of public uses in alpine areas when such use is creating resource damage.**

The Forest-wide Inventoried Roadless Guideline would read:

- 6) Forest-wide Inventoried Roadless Guideline #1. Management activities in inventoried roadless areas should emphasize long-term maintenance of roadless characteristics and: habitat improvement for threatened, endangered, proposed, or sensitive species; or maintenance and restoration of ecosystem composition and structure such as reducing the risk of uncharacteristic wildfire effects or threat of insect or disease epidemics.**

## **Alternative 2: The Proposed Action**

### **For alpine:**

The Proposed Action would remove the existing Forest-wide Alpine Standards and Guidelines and replace them with the following forest-wide standards and guidelines:

- Forest-wide Alpine Standard #1. Prohibit new structural facilities in alpine wetlands, streams, and riparian areas except when needed to reduce existing resource impacts.**
- Forest-wide Alpine Guideline #1. Restrict campfires above treeline to protect alpine ecosystems.**
- Forest-wide Alpine Guideline #2. Minimize new roads, trails, and livestock driveways in alpine ecosystems.**
- Forest-wide Alpine Guideline #3. Minimize soil excavation and disturbance in alpine ecosystems.**
- Forest-wide Alpine Guideline #4. Minimize the size and number of structures in alpine ecosystems.**
- Forest-wide Alpine Guideline #5. Manage public uses to minimize resource damage in alpine ecosystems.**

### **For inventoried roadless:**

The proposed action would remove the Forest-wide Inventoried Roadless Guideline and replace it with the following action by management area prescription.

For management areas 1.11, 1.12, 1.13, 1.2, 1.31, 1.32, 1.5 (all the 1.s), 2.2, no additional guidance for inventoried roadless areas is necessary as these do not allow for motorized summer travel and therefore roads construction will not be allowed in these management areas. These are the most restrictive management areas for development.

For management areas 2.1, 3.1, 3.31, 3.32, 3.4, 4.2, 4.23, 4.3, 4.32, 4.4, 5.5, 5.41, 5.42 the following guideline will be applied:

- ❖ **Inventoried Roadless Guideline. Management activities in inventoried roadless areas should emphasize long-term maintenance of roadless characteristics and: habitat improvement for threatened, endangered, proposed, or sensitive species; or maintenance and restoration of ecosystem composition and structure such as reducing the risk of uncharacteristic wildfire effects or threat of insect or disease epidemics.**

For the 5.12, 5.13, 5.4, and 5.43 management areas the following guideline will be applied:

- ❖ **Inventoried Roadless Guideline. Minimize road construction in inventoried roadless areas, emphasizing temporary roads over permanent roads. Roads will only be constructed when necessary to meet management area objectives.**

For the 7.1, 8.21, 8.25, 8.32 management area prescriptions there would be no inventoried roadless guideline in the Forest Plan. Direction for inventoried roadless management would rely on existing laws and directives.

### **Alternative 3**

#### **For alpine:**

The action proposed in Alternative 3 would remove the existing Forest-wide Alpine Standards and Guidelines and replace them with the following forest-wide standards and guidelines:

- **Forest-wide Alpine Guideline #1. Restrict campfires above treeline to protect alpine ecosystems.**
- **Forest-wide Alpine Guideline #2. Minimize new roads, trails, and livestock driveways in alpine ecosystems.**
- **Forest-wide Alpine Guideline #3. Minimize soil excavation and disturbance in alpine ecosystems.**
- **Forest-wide Alpine Guideline #4. Minimize the size and number of structures in alpine ecosystems.**
- **Forest-wide Alpine Guideline #5. Manage public uses to minimize resource damage in alpine ecosystems.**
- **Forest-wide Alpine Guideline #6. Avoid construction of structural facilities in alpine wetlands, streams, and riparian areas except when needed to reduce existing resource impacts or when all feasible engineering options for avoidance are exhausted.**

**For inventoried roadless:**

The action proposed in Alternative 3 would remove the Forest-wide Inventoried Roadless Guideline and replace it with the following action by management area prescription.

For management areas 1.11, 1.12, 1.13, 1.2, 1.31, 1.32, 1.5 (all the 1.s), 2.2, no additional guidance for inventoried roadless is necessary as these do not allow for motorized summer travel and therefore roads construction will not be allowed in these management areas. These are the most restrictive management areas for development.

For management areas 2.1, 3.1, 3.31, 3.32, 3.4, 4.2, 4.23, 4.3, 4.32, 4.4, 5.5, 5.41, 5.42 the following guideline will be applied to each of these management areas:

- ❖ **Inventoried Roadless Guideline. Management activities in inventoried roadless areas should emphasize long-term maintenance of roadless characteristics and: habitat improvement for threatened, endangered, proposed, or sensitive species; or maintenance and restoration of ecosystem composition and structure such as reducing the risk of uncharacteristic wildfire effects or threat of insect or disease epidemics (USDA 2002a, p. 2-40).**

For the 5.12, 5.13, 5.4, 5.43, 7.1, 8.21, 8.25, 8.32 management area prescriptions there would be no inventoried roadless guideline in the Forest Plan. Direction for inventoried roadless management would rely on existing laws and directives.

**Decision**

Based upon my review of all alternatives, I have decided to implement the Alternative 2, Proposed Action with modifications.

**Modified Proposed Action****For alpine:**

The Modified Proposed Action would remove the existing Forest-wide Alpine Standards and Guidelines and replace them with the following forest-wide standards and guidelines:

- **Forest-wide Alpine Standard #1. Prohibit new structural facilities in alpine wetlands, streams, and riparian areas except when needed to reduce existing resource impacts.**
- **Forest-wide Alpine Guideline #1. Campfires are prohibited above treeline to protect fragile alpine soils and vegetation. Barbeques and grill which are operated to cause no impacts to soils and vegetation may be permitted in appropriate places and facilities by permit.**
- **Forest-wide Alpine Guideline #2. Minimize new roads, trails, and livestock driveways in alpine ecosystems.**
- **Forest-wide Alpine Guideline #3. Minimize soil excavation and disturbance in alpine ecosystems.**
- **Forest-wide Alpine Guideline #4. Minimize the size and number of structures in alpine ecosystems.**

- **Forest-wide Alpine Guideline #5. Manage public uses to minimize resource damage in alpine ecosystems.**

**For inventoried roadless:**

The proposed action would remove the Forest-wide Inventoried Roadless Guideline and replace it with the following action by management area prescription.

For management areas 1.11, 1.12, 1.13, 1.2, 1.31, 1.32, 1.5 (all the 1.s), 2.2, no additional guidance for inventoried roadless areas is necessary as these do not allow for motorized summer travel and therefore roads construction will not be allowed in these management areas. These are the most restrictive management areas for development.

For management areas 2.1, 3.1, 3.31, 3.32, 3.4, 4.2, 4.23, 4.3, 4.32, 4.4, 5.5, 5.41, 5.42 the following guideline will be applied:

- ❖ **Inventoried Roadless Guideline. Management activities in inventoried roadless areas should emphasize long-term maintenance of roadless characteristics and: habitat improvement for threatened, endangered, proposed, or sensitive species; or maintenance and restoration of ecosystem composition and structure such as reducing the risk of uncharacteristic wildfire effects or threat of insect or disease epidemics.**

For the 5.12, 5.13, 5.4, and 5.43 management areas the following guideline will be applied:

- ❖ **Inventoried Roadless Guideline. Minimize road construction in inventoried roadless areas, emphasizing temporary roads over permanent roads. Roads will only be constructed when necessary to meet management area objectives and only after other options have been examined for feasibility.**

For the 7.1, 8.21, 8.25, 8.32 management area prescriptions there would be no inventoried roadless guideline in the Forest Plan. Direction for inventoried roadless management would rely on existing laws and directives.

When compared to the other alternatives Modified Proposed Alternative will best meet the purpose and need as well as provide sound Forest Plan direction for the protection and management of alpine and inventoried roadless areas on the White River National Forest. In selecting this alternative I took into account the information provided in the Environmental Analysis along with Forest Service recommendation and public comment.

Implementing the Modified Proposed action will:

- ▲ Meet instructions provided by the Chief of the Forest Service and remedies two key issues brought up in appeal of the Forest Plan.
- ▲ Remove conflicting direction between Forest-wide Standards and Guidelines, Management Area Standards and Guidelines, and Management Area Desired Conditions for Alpine and Inventoried Roadless.
- ▲ Retain Forest Plan guidance for protection and management direction for alpine and inventoried roadless areas on the White River National Forest.

- ▲ Provide Forest Plan direction that allows Forest managers to balance protection with the ability to manage for activities that occur in alpine and inventoried roadless areas.

Specifically for the Alpine Standard and Guidelines in the Modified Proposed Action:

Forest-wide Alpine Standard #1. There is a very limited amount of wetland, stream, and riparian areas that occur in alpine. Because of this it is important to protect these features, and because of their limited amount there should be little conflict or need to develop in these areas. Because of the high level of importance for protection, under the proposed action it was determined this should be a standard in the Forest Plan. Including “except when needed to reduce existing resource impacts” allow managers to improve and mitigate impacts to an alpine wetland, stream or riparian area.

Forest-wide Alpine Guideline #1. Modification to the original proposed action clarifies the intent of this guideline. This would allow for permitted use for situations like a barbeque in a barbeque facility not impacting soils or the ground. General campfire use would be prohibited. Follow-up to this guideline would be an order restricting general campfire use.

Forest-wide Alpine Guideline #2. The word “minimize” was substituted for “prohibit” as prohibit is not reflective of guideline direction. “...except when needed to reduce existing resource impacts” is dropped as there are times when a road, trail, or driveway may be needed for other reasons such as facility access, best alignment, avoidance of another feature, best location to engineer a crossing, etc., though the objective is to keep road and trails at a minimum, both in type (minimal maintenance level needed) and number.

Forest-wide Alpine Guideline #3 and Forest-wide Alpine Guideline #4. The idea is to place the facility in the best location based on all considerations. A separate guideline was developed to address facilities. It is important to reflect the need for not only minimal size, but minimal amount of structures. It is also important to reflect the need to minimize soils disturbance under any circumstances. Separating the soils and structures into two separate guidelines presents a cleaner approach in dealing with soils and facilities.

Forest-wide Alpine Guideline #5. The concept is to manage recreation in the manner best suited for minimal resource impact. In some cases it may mean concentrating uses on a developed site so the surrounding areas are not impacted, or designating use, or encouraging dispersal, or not providing facilities to discourage use, etc.; what is most appropriate for the resource situation while accommodating the recreational need.

I believe the Alpine Standard and Guidelines in the Modified Proposed Alternative provides clear planning direction for how alpine areas should be managed on the White River National Forest. This standard and guidelines are designed to work separately, and in concert with one another for the use and protection of alpine areas. I understand there may be rare circumstances where a project proposal can not meet the standard or guidelines. In those cases NEPA and Forest Plan Amendment processes for that particular project will have to be imposed.

For the inventoried roadless areas I believe providing guidelines by management area prescription is the best approach in providing clear direction between inventoried roadless guidance and management area desired conditions. Using the original guideline does not conflict

with those prescriptions where motorized activity can occur and whose desired conditions emphasize dispersed to low level developed recreation, special areas, and wildlife. The guideline helps to provide additional emphasis to the inventoried roadless areas in these prescriptions. The modification of the Inventoried Roadless Guideline for management area prescriptions where desired conditions include timber production further emphasize the need to fully examine feasible options in inventoried roadless areas. And while the desired condition for prescriptions that emphasize development do not include additional guidance for inventoried roadless in the Forest Plan, any proposals in these areas still have to meet all laws and regulations regarding inventoried roadless.

In conclusion I believe the Modified Proposed Action provides clear guidance in the Forest Plan for alpine and inventoried roadless areas on the White River National Forest.

This alternative meets requirements under Forest Service regulations implementing NFMA are codified in Title 36 of the Code of Federal Regulations (CFR) parts 219 and 217 (1982). Part 219 clarifies the contents of forest plans and part 217 outlines the procedural requirements of appeals against forest plans.

## **Public Involvement**

As directed in 40 CFR 1503, this proposed amendment was provided to the public and other agencies for comment.

The White River National Forest conducted a 15 day scoping period to solicit comments on the proposed action. A legal notice requesting scoping comments was posted in the Glenwood Springs Post Independent informing the public of their opportunity to comment on May 27, 2005.

A scoping letter and statement was sent to a mailing list of Forest Plan appellants (both of the Forest Plan and Amendment 01-05), Congressional Representatives and Ute Tribal Nations.

Letters and statements were sent to appellants because of their direct involvement with the Forest Plan appeal process. This amendment was initiated from those appeals. Letters and statements were also sent to Congressional Representatives and Ute Tribal Nations as is customary for all NEPA documents. The process of notification follows direction as outlined in 36 CFR 217.5

The White River National Forest received 7 scoping comment letters, from 13 different signatories. Using the comments, the interdisciplinary team (IDT) developed a list of issues to address (see EA, *Issues*, pp. 12-13). The IDT also considered suggested solutions to issues that were presented in the scoping letters. Each letter was read in an IDT meeting. Key points were noted. Those that had detailed suggestions were used to help develop alternatives.

The environmental assessment was released for a 30 day comment period on October 27, 2005. Three letters were received. Comments were reviewed by the IDT and responses are included in the EA (Appendix B).

## **Finding of No Significant Environmental Impact**

After thorough consideration of the EA, Appendices, and the comments received, I have determined that these actions will not significantly affect the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). I have determined that these actions are not a major federal action, individually or cumulatively. The actions proposed in the Selected Alternative, Modified Proposed Action, both short and long term, are not significant. Thus, an environmental impact statement is not necessary. I base my finding on the following:

1. Though effects may be both beneficial and adverse, a beneficial effect does not necessarily outweigh an adverse effect. When examining this proposal, the benefits of the action are to provide clear direction for alpine and inventoried roadless management. No adverse effects were presented as all of the standards and guidelines proposed to be incorporated into the Forest Plan provide guidance to protect and manage the values of alpine and inventoried roadless areas.
2. Public health and safety are not adversely affected by the proposed action.
3. There will be no significant effects on unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. No ground disturbing activities are associated with this action therefore historic, cultural, or other land resources will not be affected.
4. The degree to which the effects on the quality of the human environment are not likely to be highly controversial. Based on the reviews of the Forest Plan and public comment, the selected alternatives seeks to solve controversy and clarify Forest Plan guidance of alpine and inventoried roadless areas by providing non-conflicting standards and guidelines to ensure clear management direction.
5. The degree to which the possible effects on the environment are not likely to be highly uncertain or involve unique or unknown risks. The standards and guidelines to be included in the Forest Plan reduce uncertainty and unknown risks by providing non-conflicting direction that promotes the desired conditions, goals, and objectives of the Forest Plan.
6. The action is not likely to establish precedent for future actions with significant effects or represents a decision in principle about a future consideration. The Forest Plan adds further direction not covered by these laws and regulatory guides. The roles for all these laws, regulations, and planning documents are well established. The action does not change or try to redefine the process or the role of any management document. The action just supports direction already found elsewhere and clarifies other direction where that action is not directly covered elsewhere.
7. The cumulative impacts are not significant, even when examining other related projects with insignificant impacts. Based on the analysis presented in this document, the selection of the Modified Proposed Action Alternatives will not have any effect on management of the Forest from current conditions. The action alternatives only seek to provide guiding direction for alpine and inventoried roadless areas.

This project in and of itself does not have any significant impacts. Any site-specific projects proposed across the forest will each have to be examined for impacts and proposed mitigations for those impacts.

8. The action will have no significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. No ground disturbing activities are associated with this action therefore historic, cultural, or other land based resources such as facilities, will not be affected.

9. The action will 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. The Biological Evaluation, Biological Assessment, and Biological Opinion, and MIS evaluation for the Forest Plan apply to the EA for the amendment proposal. A Biological Assessment and Biological Evaluation, and MIS assessment were completed for this EA and are on file with the administrative record. Informal consultation with the U.S. Fish and Wildlife Service concurred with the no effect for the amendment proposal.

10. The action will not violate Federal, State, or local law or requirements for the protection of the environment.

## **Findings Required by Other Laws and Regulations**

This EA and Decision Notice follow the process as outlined in 36 CFR 217 to approve, amend, or revise a National Forest land and resource management plan. The decision to implement the Modified Proposed Action, the Selected Alternative, is consistent with the intent of Forest Plan long term goals, objectives, strategies, standards, and guidelines. The selected alternative is in compliance with other laws and regulations that govern the Forest Service. This includes the current direction under 36 CFR 294 Special Areas; State Petitions for Inventoried Roadless Area Management. Once the State of Colorado submits its petition for inventoried roadless management, the Forest Service will be responsible for addressing any changes to current direction through rulemaking procedures.

## **Implementation Date**

If no appeal is received, implementation of this decision may occur on, but not before, 7 calendar days following publication of the legal notice.

## **Administrative Review or Appeal Opportunities**

This decision is subject to appeal pursuant to 36 CFR 217.3. The appeal must be filed (regular mail, fax, e-mail, hand delivered, or express delivery) with the Appeal Deciding Officer. Written comments must be submitted to:

USDA Forest Service, Region 2  
Attn: Appeals Deciding Officer  
P.O. Box 25127  
Lakewood, Colorado 80225-25127  
FAX: 303-275-5134  
Email: [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us)

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Glenwood Post Independent, the newspaper of record. The publication date in the newspaper of record 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.

The notice of appeal must meet the appeal content requirements as written in 36 CFR 217.9:  
Content of a notice of appeal.

- (a) It is the responsibility of those who appeal a decision under this part to provide a Reviewing Officer sufficient narrative evidence and argument to show why the decision by the lower level officer should be changed or revised.
- (b) 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 217;
  - 2) List the name, address, and telephone number of the appellant;
  - 3) Identify the decision about which the requester 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.

## Responsible Official and Contact Person

Maribeth Gustafson, Forest Supervisor for the White River National Forest, is the responsible official for the Forest Plan Amendment 02 Amendment Environmental Assessment and Decision Notice.

For additional information concerning this decision, contact:

Wendy Haskins

White River National Forest

P.O. Box 948

Glenwood Springs, CO 81602

970-945-2521 ext. 3303

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Maribeth Gustafson  
Forest Supervisor

Date

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