



Decision Memo

Forest Plan Amendment Water and Riparian Resources

U.S. Forest Service

Blanco, Rifle, Aspen-Sopris, Eagle-Holy Cross, Dillon Ranger Districts, White River National Forest
Moffat, Rio Blanco, Routt, Mesa, Gunnison, Garfield, Pitkin, Eagle, Summit Counties, Colorado

This decision incorporates all information in the CE Review Form and included in the project file.

Decision and Rationale

I have decided to authorize the amendment of the White River National Forest Plan (2002) by adding a Forest-wide standard to Chapter 2, Forest-wide Standards and Guidelines, Section One – Physical, Water and Riparian Resources as described in the “[Proposed Action](#)” section (CE Review Form), including any modifications that resulted from environmental analysis and review of regulatory compliance.

My decision is based on analysis of the proposed action and comments received during each comment period. I have determined pursuant to 36 CFR 219.13(a) that this forest plan amendment is narrow in scope, applies to the plan area, is non-controversial and will aide in providing long-term site protection for all stream, wetland and riparian areas established, restored or enhanced through compensatory mitigation actions associated with the Colorado Western Slope In-Lieu Fee Program established by the Army Corps of Engineers. I have provided opportunities for public participation pursuant to 36 CFR 219.13 (b)(2) and determined this forest plan amendment is consistent with Forest Service NEPA procedures pursuant to 36 CFR 219.13 (b)(3).

In accordance with the 2012 Planning Rule (36 CFR 219.13(b)(5)) as part of this decision, I have determined which substantive requirements (36 CFR 219.8 -219.11) are directly related to this amendment. Documentation of my consideration for substantive requirements can be found in the project record.

My assessment of the need for change pursuant to 36 CFR 219.13 (b)(1) has concluded that the amendment to the Water and Riparian Resource standards will improve the ability to implement wetland, stream and riparian area restoration across the landscape to better meet the long-term goals and objectives in watersheds across the forest. I have determined that a full Forest Plan assessment, pursuant to 36 CFR 219.6, is not necessary for this amendment. I anticipate that, as a result of this amendment, future projects will be able to apply wetland, stream and riparian maintenance and restoration work that will enhance ecosystem sustainability and integrity in watersheds within the plan area.

Based on the conclusions regarding the effects to the resources in the project record, I have found that no extraordinary circumstances exist associated with this forest plan amendment that may result in a significant direct, indirect or cumulative effect on the quality of the human environment.

Applicable Categorical Exclusion and Findings Required by Other Laws

The “[Applicable Categories](#)” section (CE Review Form) provides rationale for categorically excluding this action from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and for using the identified category/categories. The “[Environmental Analysis Review](#)” section (CE Review Form) documents rationale to support my finding that no extraordinary circumstances exist, along with findings required by other applicable laws and regulations to demonstrate compliance with the regulatory framework for the activities authorized by this decision.



Agencies, Organizations and Persons Contacted

A list of "[Agencies, Organizations and Persons Contacted](#)" regarding this proposal is provided in the CE Review Form, along with a brief overview of comments/feedback received and how they were considered.

Implementation Date

I intend to implement this decision immediately upon signature.

Administrative Review

This decision was subject to a pre-decisional administrative review process pursuant to 36 CFR 219 subpart B, also known as the objection process. However, substantive formal comments received by three entities supported the proposed action. Commenters were contacted pre-decision memo asking if there were any further concerns related to the proposal. Commenters did not have any further concerns and did not have any intentions to object to the proposal. Therefore, the responsible official decided holding a pre-decisional review would not be undertaken.

The approval of this plan amendment may occur immediately.

Contact

For additional information concerning this decision, contact:

Cary Green, Forest Planner
900 Grand Avenue
Glenwood Springs, Colorado 81601
p. 970-390-3234, email: cary.green@usda.gov

1/3/2023 Date

for Scott Fitzwilliams
Forest Supervisor



In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer and lender.



Categorical Exclusion Review

Project Information

Project Name: Forest Plan Amendment Water and Riparian Resources

Proposal Date: 8/12/2022

Proponent Name: Cary Green, Planning

Responsible Official: Scott Fitzwilliams, Forest Supervisor

Unit: White River National Forest Supervisor's Office

County(ies): Summit, Eagle, Pitkin, Routt, Mesa, Gunnison, Garfield, Rio Blanco, Moffat

Anticipated Implementation: January 2023

Signing Authority: Forest Supervisor

PALS Tracking #: 62615

Project File: \1900Planning WRNF\1920LandMgmtPIng\amendment07WaterRiparian

GIS Info: Not Applicable

Project Webpage: <https://www.fs.usda.gov/project/?project=62615>

General Location: Forest-wide

Applicable Management Areas: ALL

Watersheds: ALL

Is cost recovery anticipated? No

N/A

Applicable Categories

This project is categorically excluded from documentation in an environmental assessment or environmental impact statement because it fits the following [category or categories](#), pending extraordinary circumstance determinations:

Applicable Category or Categories:

36 CFR 220.6(e)(16) (DM Required)

Land management plans, plan amendments, and plan revisions developed in accordance with 36 CFR part 219 et seq. that provide broad guidance and information for project and activity decision making in a NFS unit. Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this category and shall be considered separately under Forest Service NEPA procedures.

This category of action is applicable because the proposed amendment is programmatic and does not propose any action on the ground or commit the Forest Service to take any specific actions. Any future



proposals for wetland and/or riparian restoration work will be analyzed in a project level NEPA analysis and disclosed to the public.

Purpose and Need: Why do we need to act?

The Colorado Western Slope In-Lieu Fee Program instrument was finalized in May 2020 by the U.S. Army Corps of Engineers. The National Forest Foundation (NFF), a non-profit organization, is the program sponsor and is charged with administration of the ILF program on the White River National Forest. Project sites selected for the ILF program generally consist of degraded wetlands, stream courses and/or riparian areas which are in need of rehabilitation or restoration. Within the ILF program, the U.S. Army Corps of Engineers has specific requirements for long-term site protection for restored sites which ensure future protection and preclude incompatible uses after rehabilitation work has been implemented. This long-term protection will be accomplished through a Forest Plan amendment (described below) that identifies the significance of each ILF project site, along with any specific protective measures not covered elsewhere in the Forest Plan.

There is a *need* to amend the Forest Plan and add a Water and Riparian Resource standard to provide long-term site protection for all stream, wetland and riparian areas established, restored or enhanced through compensatory mitigation actions associated with the Colorado Western Slope In-Lieu Fee Program established by the Army Corps of Engineers. Amending the Forest Plan and adding a standard is an Army Corps of Engineer requirement within the Colorado Western Slope In Lieu Fee Final Instrument, Exhibit G.

Proposed Action: What are we proposing to do?

The Forest Service proposes to add the following Forest Plan standard to Chapter 2 Forest-wide Standards and Guidelines, Section One Physical, Water and Riparian Resources.

WATER AND RIPARIAN RESOURCES

Standard *14. For all stream, wetland and riparian areas established, restored, or enhanced through compensatory mitigation actions associated with a formal In-Lieu-Fee program or other U.S. Army Corps of Engineers-approved compensatory mitigation program, provide long-term site protection, preclude incompatible uses and, as applicable, comply with long-term and adaptive management requirements outlined in all current Project Development Plans associated with compensatory mitigation sites.*

Project level NEPA analysis would identify specific ILF project sites in which this Water and Riparian Resource standard 14. would apply. After project level sites are restored or enhanced through the In-Lieu Fee program, ILF sites would be added to the Automated Lands Project (ALP) database or similar database as a "Aquatic Resource Mitigation Area" to track the location and document long term management goals for each ILF project site.



Project Screening

Legal and Regulatory Considerations

Given the nature of the project, the responsible official is requesting documentation to demonstrate compliance with the following legal and regulatory considerations in addition to NEPA:

- | | |
|--|--|
| <input checked="" type="checkbox"/> NFMA/Land Management Plan | <u>Special Management Areas:</u> |
| <input type="checkbox"/> Endangered Species Act (ESA) | <input type="checkbox"/> Wilderness |
| <input type="checkbox"/> Sensitive Species (FSM 2670) | <input type="checkbox"/> Roadless |
| <input type="checkbox"/> National Historic Preservation Act (NHPA) | <input type="checkbox"/> Wild & Scenic River Corridor |
| <input checked="" type="checkbox"/> Tribal Consultation | <input type="checkbox"/> Recommended Wilderness |
| <input type="checkbox"/> Clean Air Act (CAA) | <input type="checkbox"/> Research Natural Areas |
| <input type="checkbox"/> Clean Water Act (CWA) | <input type="checkbox"/> National Scenic & Historic Trails |
| <input type="checkbox"/> Pertinent Executive Orders | <input type="checkbox"/> National Recreation Areas |

Agencies, Organizations and Persons Contacted

Given the nature of the project, the responsible official is requesting the following agencies, organizations and/or persons be contacted to provide input to, or to be made aware of, the project. A brief overview of feedback or comments received is included.

The project was listed on the White River National Forest Schedule of Proposed Actions (SOPA) on August 12, 2022. The forest published an Opportunity to Comment (30 day) legal notice in the Post Independent on August 12, 2022. Comments were accepted through September 12, 2022. A project scoping letter requesting comments was sent to 51 individuals or organizations including County Commissioners, environmental groups, National Forest Foundation, Army Corps of Engineers, Colorado Parks and Wildlife, US Senators and US Representatives, Fish and Wildlife Service, Environmental Protection Agency, Southern Ute Indian Tribe, Ute Mountain Ute Indian Tribe, Ute Indian Tribe of the Uintah & Ouray Reservation.

The forest received comments from three respondents during the August comment period. The City of Aurora offered full support of the forest plan amendment stating that "This action will open opportunities and increase the pace at which wetland, stream, and riparian areas may be restored or enhanced." Similarly, Colorado Springs Utilities offer support stating that they "...appreciate the time and efforts of the dedicated staff of the Forest Service, Army Corps of Engineers, and National Forest Foundation for the vision and implementation of this In-Lieu Fee Program."

Colorado Parks and Wildlife suggested the Forest Service consider the Species of Greatest Conservation Need identified in CPW's [State Wildlife Action Plan](#) (SWAP) and consider species identified in CPW's [High Priority Habitat](#) table. Habitats identified in the HPH table are home to species for which CPW has sound spatial data and research-informed Best Management Practices. Improving habitat for species found in



these two documents should be prioritized for mitigation efforts when the frameworks of the USACE In-Lieu-Fee program, and other USACE-approved compensatory mitigation programs. The Forest Service will take into account the State Wildlife Action Plan and consider species identified in the High Priority Habitat table during site specific project level analysis for each wetland, stream or riparian area identified for restoration.

The Southern Ute Indian Tribe submitted a letter requesting a meeting for more information regarding the proposed action. Heritage Program manager Tom Fuller has contacted the Southern Ute Tribe to discuss details of the proposed action.

The forest published a second 30-day comment period in the Post Independent on September 30, 2022. A project scoping letter requesting comments was sent to 67 individuals or organizations including County Commissioners, environmental groups, National Forest Foundation, Army Corps of Engineers, Colorado Parks and Wildlife, US Senators and US Representatives, Fish and Wildlife Service, Environmental Protection Agency, Southern Ute Indian Tribe, Ute Mountain Ute Indian Tribe, Ute Indian Tribe of the Uintah & Ouray Reservation. This comment period disclosed to the public the determination of which substantive requirements (36 CFR 219.8 -219.11) are directly related to this amendment, in addition to the proposed action. This is in accordance with the 2012 Planning Rule (36 CFR 219.13(b)(5). During this comment period, no comments were received on the forest plan amendment proposal.

Supporting Project Documentation

Table 1. Applicable project file documentation to support analysis

Documentation Type	File Name (if applicable/needed)
Scoping Letter – Opportunity to Comment 8/12/22	Opportunity to Comment - Water and Riparian Resources Forest Plan Amendment.pdf
Mailing List of Agencies, Organizations, and Individuals Contacted 8/12/22	forest plan amendment mailing list.xlsx
Scoping Opportunity to Comment, Legal Notice 8/12/22	Public Notices _ Glenwood Springs Post Independent.pdf
Opportunity to Comment Letter 9/30/22	FY 2022 - 591139 - Opportunity to Comment - Forest Plan Amendment for Water and Riparian Resources.pdf
Opportunity to Comment, Legal Notice 9/30/22	Public Notices _ Glenwood Springs Post Independent.pdf
Notice of Proposed Action 9/30/22	WRF FP Amendment NOPA 093022.pdf
Mailing List of Agencies, Organizations, and Individuals Contacted 9/27/22	wrfn plan amendment opportunity to comment list 092722.csv



Resource Participation in Environmental Analysis Review

The line officer or responsible official has requested the following resource areas to review the project to determine compliance with the legal and regulatory considerations:

Table 2. Documentation of review completion

Resource	Review Complete	
Aquatics	8/31/2022 Justin Anderson	Programmatic, no further review needed
Botany	8/31/2022 Liz Roberts	Programmatic, no further review needed
Cultural/Heritage	8/31/2022 Tom Fuller	Programmatic, no further review needed
Engineering	8/31/2022 Doug Leyva	Programmatic, no further review needed
Fisheries	8/31/2022 Melvin Woody	Programmatic, no further review needed
Fuels	8/31/2022 Doug Leyva	Programmatic, no further review needed
Hydro	8/31/2022 Mark Weinhold	Programmatic, no further review needed
Lands/Special Uses	8/31/2022 Roger Poirier	Programmatic, no further review needed
Minerals	8/31/2022 Roger Poirier	Programmatic, no further review needed
Range	8/31/2022 Curtis Keetch	Programmatic, no further review needed
Recreation	8/31/2022 Sam Massman	Programmatic, no further review needed
Scenic Resources	N/A	N/A
Soils	8/31/2022 Ryan Sparhawk	Programmatic, no further review needed
Special Management Areas	8/31/2022 Sam Massman	Programmatic, no further review needed
Silviculture	8/31/2022 Doug Leyva	Programmatic, no further review needed
Wildlife	8/31/2022 Natasha Goedert	Programmatic, no further review needed
District Rangers and Deputy District Rangers	8/31/2022 Curtis Keetch, Kelsha Anderson, Kevin Warner, Jennifer Schuller, Leanne Veldhuis, Adam Bianchi, Christopher Stewart	Programmatic, no further review needed
Planning	8/31/2022 Cary Green, Charles Burley	Programmatic, no further review needed



Environmental Analysis Review: How would our management actions affect the environment?

National Forest Management Act (NFMA) - Land Management Plan Consistency

The pertinent specialist has reviewed the proposed action including design features and provided supporting analysis and rationale for determinations in the project record. The following are specialist determinations regarding project consistency with applicable land management plan direction, standards, and guidelines:

Botany: N/A

Range: N/A

Cultural/Heritage: N/A

Recreation: N/A

Engineering: N/A

Scenic Resources: N/A

Fisheries: N/A

Soils: N/A

Fuels: N/A

Silviculture: N/A

Hydrology: N/A

Special Management Areas: N/A

Lands and Special Uses: N/A

Wildlife: N/A

Minerals: N/A

The addition of a forest plan standard sets broad guidance for future on the ground projects which would be analyzed independently at the site-specific project level. The resources listed above have reviewed this water and riparian resource standard and determined it to be beneficial for implementing future restoration projects identified on the forest during the life of this forest plan.

Supporting Project Documentation

Table 3. Applicable project file documentation to support analysis

Documentation Type	File Name (if applicable/needed)
Preliminary Project Proposal, Forest Service Specialists	PPP Forest Plan Amendment Water and Riparian Resources.docx

Other Law, Regulation and Policy Consistency

Substantive Requirements of the 2012 Planning Rule

Meeting Substantive Requirements of the Rule

Meeting Substantive Requirements of the Rule

In conducting a plan amendment, the specific substantive planning rule requirements within 36 CFR 219.8 through 219.11 that are "directly related" to the plan direction being amended need to be identified and applied. (Conversely, any substantive rule requirements that are not directly related do not need to be applied to the amendment.) (See 36 CFR 219.13(b)(5).)



For this amendment, I have identified that the planning rule requirements found in 36 CFR 219.8(a)(1-4) (Ecological Sustainability) and 36 CFR 219.9 Diversity of Plan and Animal Communities, 219.9 (a)(1) (Ecosystem Integrity) to apply.

This amendment meets the planning rule requirements in 36 CFR 219.8 and 219.9 as follows:

36 CFR 219.8(a)(1) – Contributes to Ecological Sustainability - Ecosystem Integrity. Maintaining or restoring terrestrial and aquatic ecosystems and watersheds within the plan area directly applies to this plan amendment. The plan area has portions of aquatic ecosystems that are in need of restoration. The addition of this amendment will provide a framework for which restoration work can be accelerated through partnerships and source funding. Where this amendment is applied, long-term site protection for all stream, wetland and riparian areas established, restored or enhanced will contribute to maintaining or improving the ecosystem integrity in the plan area by restoring aquatic ecosystems and watershed structure, function, composition, and connectivity in the plan area. This would be beneficial to maintaining or restoring ecosystem integrity in the plan area. Areas restored will be protected from future management actions that may degrade the resource. This amendment is compatible with Water and Riparian Resource standards and guidelines in the Forest Plan (p .2-6). This considers the Interdependence of terrestrial and aquatic ecosystems in the plan area, contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area and conditions in the broader landscape that may influence the sustainability of resources and ecosystems within the plan area. This amendment will be beneficial in maintaining and restoring ecological sustainability and ecosystem integrity across the plan area.

36 CFR 219.8(a)(2) – Contributes to Ecological Sustainability - Air, Soil and Water. Maintaining or restoring water quality and water resources directly applies to this plan amendment. Aquatic ecosystems are an integral part of water quality and water resources (lakes, streams, wetlands, ground water, public drinking supplies) in the plan area. This amendment will add flexibility to maintaining and restoring aquatic ecosystems in the plan area through partnerships and outside funding sources. This will have a beneficial effect in maintaining or improving water quality and water resources through the restoration and protection of streams, wetlands or riparian areas in the plan area. Areas restored will be protected from future management actions that may degrade the resource. This amendment is compatible with Water and Riparian Resource standards and guidelines in the Forest Plan (p .2-6). This amendment will be beneficial in maintaining and restoring ecological sustainability to air, soil and water resources across the plan area.

36 CFR 219.8(a)(3) – Contributes to Ecological Sustainability – Riparian Areas. Maintaining or restoring the ecological integrity of riparian areas directly applies to this plan amendment. Riparian areas within aquatic ecosystems are an integral component that maintain or restore structure, function, composition, and connectivity of ecosystem integrity. This amendment focuses on restoration and enhancement aspects of riparian habitat through partnerships and other funding sources. Areas restored will be protected from future management actions that may degrade the resource. This amendment is consistent in meeting plan components such as water temperature and chemical composition; blockages (uncharacteristic and characteristic) of water courses; Deposits of sediment; Aquatic and terrestrial habitats; Ecological connectivity; Restoration needs; and Floodplain values and risk of flood loss. This amendment is compatible with Water and Riparian Resource standards and guidelines in the Forest Plan (p .2-6). This amendment will be beneficial in maintaining and restoring ecological sustainability to riparian areas across the plan area.

36 CFR 219.8(a)(4) – Contributes to Ecological Sustainability – Best Management Practices for water quality. Implementation of best management practices during implementation of stream, wetland and riparian area is integral in the management of water quality and directly applies to this plan amendment. Forest Service Water Conservation Practices Handbook serves as the baseline for protecting water quality. In addition, other more stringent standards may be applied at the project level. This amendment is compatible with Water and Riparian Resource standards and guidelines in the Forest Plan (p .2-6) and Forest Service Water Conservation Practices Handbook direction. This amendment will complement



existing water quality best management practices and will be beneficial in protecting water quality across the plan area

36 CFR 219.9(a)(1) – Contributes to Diversity of Plant and Animal Communities - Ecosystem Integrity. Maintaining or restoring terrestrial and aquatic ecosystems and watersheds within the plan area directly applies to this plan amendment. The plan area has portions of aquatic ecosystems that are in need of restoration. The addition of this amendment will provide a framework for which restoration work can be accelerated through partnerships and source funding. Where this amendment is applied, long-term site protection for all stream, wetland and riparian areas established, restored or enhanced will contribute to maintaining or improving the ecosystem integrity in the plan area by restoring aquatic ecosystems and watershed structure, function, composition, and connectivity in the plan area. Areas restored will be protected from future management actions that may degrade the resource. This amendment is compatible with Water and Riparian Resource standards and guidelines in the Forest Plan (p .2-6). This amendment will be beneficial in maintaining and restoring terrestrial, aquatic ecosystems and watersheds; and their ecological integrity across the plan area.

36 CFR 219.4 Requirements for public participation. Public participation for the Water and Riparian Resources Forest Plan Amendment complied with the requirements. The public was made aware of the proposed amendments and given opportunity to participate. This proposal was originally scoped in August 2022 for a 30-day comment period. A legal notice was placed in the newspaper of record and a letter describing the proposed amendments and how to provide comments was sent to 51 individuals and organizations, and the local tribes. The project was posted the Schedule of Proposed Actions (SOPA) and on the White River National Forest's website. Responses from 3 organizations were received and considered.

The proposal was scoped again in September 2022 and a legal notice was published in the newspaper of record for another 30-day comment period. An updated letter was sent to 51 individuals and organizations including the local tribes. The September 2020 letter included disclosure of the substantive requirements (§219.8 - §219.11) that were considered in the analysis. The September 2022 scoping letter was posted to the website. During this comment period, no additional comments were received.

CFR 219.13 Plan amendment and administrative changes. This requirement states that the responsible official must base the need for change on new information or changed conditions. There is a demonstrated need for a programmatic amendment because the plan had been amended at the project level 6 times in the last 10 years. Additionally, new information or requirements have become available since 2002 when the Forest Plan was written with these standards and guidelines.

CFR 219.14(2) and §219.15 Project and activity consistency with the plan. This plan amendment will not affect approved projects or activities. Previously approved projects that will be implemented in as wetland, stream or riparian areas will follow standards and guidelines as analyzed. This amendment will be consistent with the forest plan.

CFR 219.16 Public notifications. Notice of this plan amendment was first published in the newspaper of record and posted on the White River National Forest website in August 2022. A letter was mailed to 51 individuals and organizations, including two Indian tribes. The proposal was scoped and published in the newspaper of record in September 2022 disclosing the substantive requirements (§219.8 - §219.11) that were considered in the analysis. The comment periods were both 30-days.

CFR 219.17 Effective dates. If approved, these amendments will be effective immediately after a decision has been signed.

CFR 219 Subpart B Pre-decisional administrative review process (Objections). The responsible official determined that the objection period was not necessary since all substantive comments were supportive of the proposed action. Additionally, after contacting the commenters pre-decision, none had concerns and indicated they would were not planning to object to the proposal



Endangered Species Act

Threatened, Endangered, Proposed and Candidate Species and Critical Habitat

The pertinent specialists reviewed the proposed action and made the following determinations for threatened, endangered and/or proposed species:

No review needed. There will be No Impact to Threatened, Endangered, Proposed and Candidate Species and Critical Habitat because there are no specific, on the ground actions being authorized and all future projects will be subject to analysis through the NEPA process.

Sensitive Species (FSM 2670)

The pertinent specialists reviewed the proposed action and made the following determinations for sensitive species:

No review needed. There will be Sensitive Species no specific, on the ground actions being authorized and all future projects will be subject to analysis through the NEPA process.

National Historic Preservation Act – Section 106 Review

The pertinent specialist has reviewed the proposed action and made the following determination regarding Section 106 compliance:

Other - See explanation of other determination in comments section.

Comments

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of a project on sites, districts, or buildings that are included or eligible for the National Historic Register. Section 106 of NHPA also requires that the State Historic Preservation Office (SHPO) be given sufficient time to comment on the project proposals. The Archaeological Resources Protection Act (ARPA) requires that historic and prehistoric properties or objects be protected on federal lands. All future wetland restoration projects proposed and associated use of this Water and Riparian Resources Forest Plan Amendment will comply with the NHPA and ARPA.

Because no on the ground action is proposed with this Forest Plan Amendment, there will be No Effect to historic properties. The amendment has been determined to comply with Section 106 of the National Historic Preservation Act.

Consultation with Federally Recognized Tribes

Consultation with federally recognized tribes was conducted as follows:

A letter requesting input about the proposed amendment was sent via email to the Ute Mountain Ute and Ute Indian Tribe of the Uintah & Ouray Reservation for both comment periods. The Southern Ute Indian Tribe submitted a letter requesting a meeting regarding the proposed action.



Supporting Project Documentation

Table 4. Applicable project file documentation to support analysis

Documentation Type	File Name (if applicable/needed)
Scoping Letter 8/12/22 and 9/30/22	Email with letter attached to Tribal Contacts
Southern Ute Comment Letter during Scoping	4Response Letter - 2002 White River National Forest Land and Resource Management Plan - 09-28-2022.pdf

Clean Air Act

The pertinent specialist has reviewed the proposed action and made the following determinations regarding the Clean Air Act:

There will be no measurable impact on air quality because there are no on the ground actions associated with this decision.

Clean Water Act

The pertinent specialist has reviewed the proposed action and made the following determination:

There will be no impacts to water quality. This amendment will not degrade or improve water quality because the decision does not approve on the ground actions. Therefore, there will be no measurable impact on water quality.

Pertinent Executive Orders

The responsible official and/or applicable specialist(s) have determined the proposed action is in compliance with the following Executive Orders (EO), which were deemed pertinent based on the nature of the proposal:

National Forest Management Act-This decision is consistent with the requirements of the 2012 Planning Rule as set forth in 36 CFR 219 subparts A and B (see Appendix D).

The proposed amendments will be consistent with the White River National Forest (2002) Land and Resource Management Plan. The addition of the in lieu fee standard will continue to meet the overall goals and objectives of Water and Riparian resources across the forest.

EO 13175, Consultation and Coordination with Indian Tribal Governments - agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.

The Ute Mountain Ute and Ute Indian Tribe of the Uintah & Ouray Reservation were invited to comment on the proposed Forest Plan Amendment during both comment periods. The Southern Ute Indian Tribe submitted a letter requesting a meeting regarding the proposed action.



Supporting Project Documentation

Table 5. Applicable project file documentation to support analysis

Documentation Type	File Name (if applicable/needed)
Scoping Letter	Email and attached letter to Tribal Contacts
Southern Ute Comment Letter during scoping	4Response Letter - 2002 White River National Forest Land and Resource Management Plan - 09-28-2022.pdf

NEPA: Extraordinary Circumstance Determinations

Pertinent specialists have reviewed the proposed action and made the following determinations with regards to degree of potential effects for the resource conditions considered:

Table 6. Resource conditions considered for extraordinary circumstance determinations

Resource Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain.
Federally listed threatened or endangered species, designated critical habitat, and Forest Service sensitive species	<p>Botany: N/A, not present Rationale for yes/no: There will be No Effect to any threatened, endangered, or R2 sensitive plant species because there are no specific, on the ground actions being authorized and all future projects will be subject to analysis through the NEPA process</p>
	<p>Fisheries: N/A, not present Rationale for yes/no: There will be No Impact to the R2 Sensitive Species and No Effect to any threatened or endangered fish species because there are no specific, on the ground actions being authorized and all future projects will be subject to analysis through the NEPA process</p>
	<p>Wildlife: N/A, not present Rationale for yes/no: here will be No Impact and No Effect to any threatened, endangered, R2 sensitive, or management indicator species because there are no specific, on the ground actions being authorized and all future projects will be subject to analysis through the NEPA process</p>
Floodplains, wetlands, or municipal watersheds	<p>N/A, not present Rationale for yes/no: Flood plains: This decision does not approve any on the ground action so it will have no effect on the floodplain in accordance with Executive Order 11988.</p>
	<p>Wetlands: This decision does not approve any on the ground action so there will be no effect on wetlands in accordance with Executive Order 11990.</p>
	<p>Municipal Watersheds: This decision does not approve any on the ground action so there will be no impact to municipal watersheds.</p>



Resource Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain.
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	N/A, not present Rationale for yes/no: This decision does not approve any on the ground action so it will have No Effect on the congressionally designated areas such as wilderness, national monuments, or wild and scenic river corridors.
Inventoried roadless areas	N/A, not present Rationale for yes/no: This decision does not approve any on the ground action so it will have No Effect to the quality or characteristics of any roadless areas.
Research natural areas	N/A, not present Rationale for yes/no: This decision does not approve any on the ground action so it will have no impact on the quality or characteristics of research natural areas.
American Indians and Alaska Native religious or cultural sites	N/A, not present Rationale for yes/no: This decision does not approve any on the ground action so it will have no impact on American Indians and Alaska Native religious or cultural sites
Archaeological sites, or historic properties or areas	N/A, not present Rationale for yes/no: This decision does not approve any on the ground action so it will have no impact on Archaeological sites, or historic properties or areas

Supporting Project Documentation

Table 7. Applicable project file documentation to support analysis

Documentation Type	File Name (if applicable/needed)
Preliminary Project Proposal, Forest Service Specialists	PPP Forest Plan Amendment Water and Riparian Resources.docx

