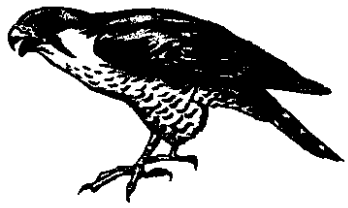
DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT



Amendment to the Ashley National Forest Land and Resource Management Plan Management Indicator Species

Uintah, Duchesne, Daggett, Wasatch, Summit, and Utah Counties, Utah
Sweetwater County, Wyoming

Prepared by:

U.S. Department of Agriculture – Forest Service
Ashley National Forest
Region 4

June 2004

I. Introduction

Management indicator species (MIS) are defined as certain vertebrate and/or invertebrate species selected because their population changes are believed to indicate the effects of management activities (36 CFR 219.19(a)(1). As the Ashley National Forest Land and Resource Management Plan (referred to as the Ashley Forest Plan) is implemented, population trends of MIS are monitored and relationships to habitat changes are determined, to assess the effects of management activities (36 CFR 219.19(a)(6)).

Important characteristics of a MIS are that they have narrow habitat associations, respond to the effects of management, and can be effectively monitored.

The designated management indicator species (MIS) in the 1986 Ashley Forest Plan were evaluated for their suitability (as indicators) and effectiveness in meeting the requirements and achieving the goals of the National Forest Management Act (NFMA) and its implementing regulations 36 CFR 219.19.

This evaluation concluded that the northern goshawk and cutthroat trout were the only species currently designated as MIS that had the potential to provide information about forest management. Two other species, beaver and snowshoe hare were proposed as additional MIS. These species are MIS on the adjacent forests (Wasatch-Cache and Uinta).

An environmental assessment (EA) was completed in June 2004, which evaluated four alternatives including no action, the proposed action and two alternatives that were developed from public comments.

II. Decision Summary

I have selected Alternative 4, which will amend the Ashley Forest Plan to have northern goshawk and cutthroat trout as designated MIS. The amendment also includes the monitoring parameters for these two species (see Attachment 1). I have been delegated the authority to make this decision by the Secretary of Agriculture and Chief of the Forest Service under 36 CFR 219.10 (f).

III. Public Involvement and Alternatives Considered

A scoping letter outlining the proposed action and purpose for the amendment was mailed December 16, 2003 to about 800 parties. Seventeen comments were received. A summary of the comments and responses to those comments is found in Appendix C of the EA. In addition to issues, many of the comments included specific references to suggested MIS. These were evaluated in Appendix D of the EA. The major issues from public comments on the proposed action included:

1. Representing the major vegetation communities and management issues on the Ashley National Forest by a MIS (especially sagebrush and aspen; livestock grazing).
2. Designating MIS that are cost-effective to monitor.
3. Waiting to review MIS until Forest Plan revision.
4. Retaining mule deer and elk due to their importance as big game species.
5. Doing an environmental impact statement (EIS) for this amendment.

In mid-April, all parties that commented on the proposed action were sent a letter that outlined four draft alternatives and provided a summary of all the public comments received on the proposed action. Three comment letters were received. A summary of the comments and responses to those comments is also found in Appendix C of the EA.

On the basis of those comments, we included specific Forest Plan direction that triggers the requirement to adjust management when MIS trend data indicates management activities negatively impact the diversity and viability of native and desirable non-native flora and fauna (EA, Appendix B).

IV. Alternatives

Two additional alternatives to the proposed action were developed based on Issues 1 and 2 above. Alternative 3 included MIS to represent sagebrush and aspen communities as well as the habitat categories in the proposed action (riparian, aquatic, forest). Alternative 4 was developed in response to the public comments that asked for MIS that are cost-effective to monitor.

Alternatives Considered in Detail

The monitoring requirements from Chapter IV of the 1986 Ashley Forest Plan for MIS are included in Appendix A of the EA. The distribution of suitable habitat for these species on the Ashley National Forest is depicted in Figures 1 through 11 in the EA.

Alternative 1 (No Action)

The No Action Alternative would retain the current list of management indicator species.

This alternative responded to the concerns brought up in scoping that a change to the MIS list should be postponed until Forest Plan revision, and also to the comments about retaining mule deer and elk as MIS due to their importance as big game species.

Existing management indicator species in the Ashley Forest Plan include:

Sagebrush: *sage grouse*
Riparian: *Lincoln's sparrow and song sparrow*
Aspen: *red-naped sapsucker and warbling vireo*
Forest: *northern goshawk*

Aquatic*: cutthroat trout and macroinvertebrates*
Other: *golden eagle, white-tailed ptarmigan, mule deer, and Rocky Mountain elk*

Alternative 2 (Proposed Action)

Alternative 2 responded to purpose and need described in Chapter 1 of the EA with a strong emphasis on adding MIS from the Uinta and Wasatch-Cache National Forests, which share management responsibility of the Uinta Mountains, so that analysis of data can include the entire ecosystem.

The proposed MIS include:

Riparian: *beaver*
Forest*: northern goshawk and snowshoe hare*
Aquatic*: Colorado River cutthroat trout*

Alternative 3 (Major Vegetation Communities)

Alternative 3 responded to the public comments regarding having a MIS to represent sagebrush and aspen communities as well as the habitat categories in the proposed action (riparian, aquatic, forest). Under this alternative, the following species would be MIS in the Ashley Forest Plan:

Sagebrush: *Brewer's sparrow*
Riparian: *song sparrow*
Aspen: *warbling vireo*
Forest*: northern goshawk*
Aquatic*: cutthroat trout*

Alternative 4 (Two Species)

Alternative 4 responded to the public comments that asked for MIS that are cost-effective to monitor. Under this alternative, the following species would be MIS in the Ashley Forest Plan:

Forest*: northern goshawk*
Aquatic*: cutthroat trout*

V. Decision and Rationale

The reason I selected Alternative 4 is that NFMA specifies that MIS "shall be selected because their population changes are believed to indicate the effects of management activities."

Every currently designated MIS on the Ashley National Forest has some useful attributes, however without exception, there are no "perfect" MIS since a wide array of variables can potentially affect population levels of any species (EA, Appendix A). Many of the other MIS in the 1986 Forest Plan were not good indicators or measures of the effects of our management for the following reasons:

- they have a limited distribution on the Ashley National Forest, or
- they are hunted species and their population trends are strongly influenced by hunting regulations and harvest levels, or
- they are migratory birds whose populations may be influenced because of activities on their winter ranges

Even though the concept of MIS has limitations, we are required by NFMA and the current regulations to have MIS and to monitor their population trends. Alternative 4 is our best option. The two species in Alternative 4 – northern goshawk and cutthroat trout (Colorado River cutthroat trout) – are both Regionally sensitive species that we track and evaluate in all our project proposals. From that perspective, they are the most cost effective MIS for us to monitor. In addition, they had high scores in our analysis of species in relation to the criteria we used to rate MIS (EA, page 11). This means that the two species in Alternative 4 have the best potential for us to get good information about management activities from the monitoring investment we make. When it comes to MIS, these two species provide the best data, which in turn will help me make informed decisions regarding the valuable resources on the Ashley National Forest.

One of the public comments suggested including specific "triggers" for adjusting management when MIS trend data indicates management activities may be negatively impacting flora or fauna. Part of my decision is to include this concept in our monitoring parameters (EA, Appendix B). The actual text changes in the 1986 Forest Plan, resulting from this amendment are included as an attachment to this Decision Notice.

I did not select Alternative 1, the No Action Alternative, because I do not want to keep investing in something that doesn't help us make better decisions. A common misconception about MIS is that more is better and that every major habitat type on a forest should have a MIS representative. The National Forest Management Act (NFMA) does not require representation of all habitats; it does require the agency to select species because their population changes are believed to indicate the effects of management activities. Unless monitoring the species can provide feedback about management activities, MIS are not the best investment of monitoring dollars. The Ashley National Forest currently has a water quality and vegetation-monitoring program that includes gathering information and evaluating management activities on the major vegetation communities (pages 20-27 in Appendix A of the EA and project file), and I feel that is a better investment for this forest than monitoring a lot of MIS that don't add to our understanding of the effects of management. Also, even though macroinvertebrates will not be monitored as MIS, the Ashley National Forest will continue to monitor macroinvertebrates as part of our water quality monitoring program.

Many people are concerned about the effects of forest management on fish and wildlife and for that reason feel that we need many MIS. Management indicator species are a requirement at the Forest Plan level; it's important to remember that a site-specific analysis of the effects of management activities will be conducted on all potentially affected species at the time that activity is proposed.

I did not select Alternative 2, the proposed action because two of the species, beaver and snowshoe hare, are new species for which we have no baseline data. There would be substantial start-up costs for monitoring and our ability to use the information would be limited until enough data was collected to determine trends. Furthermore, we have good alternatives for monitoring change in the habitats these species would have represented. We have an extensive riparian monitoring program that has documented trends in the riparian habitat type.

While the snowshoe hare is a MIS on adjacent forests, the evaluation in the EA concluded it may not tell us anything more about forest wildlife communities than the goshawk and forest vegetation monitoring programs on the Ashley already show (EA, Appendix D).

I did not select Alternative 3, which includes a representative for sage and retains existing MIS for aspen, forest, riparian, and aquatic habitats, for the same reasons that I did not select the No Action Alternative. Brewer's sparrow was proposed as the sagebrush representative under this alternative. However, like the other migratory bird species, interpretation of population trends relative to management would not be possible due to outside influences on the species. One of the comments about Brewer's sparrow from the public (on draft Alternatives) was that it didn't represent other species that use this habitat. Several public comments favored keeping sage grouse as the MIS for sagebrush.

Sage grouse use only about one-third of the sagebrush habitats on the Ashley National Forest. The forest supports about 10% of the sage grouse population in the Uintah Basin; the core range occurs at lower elevations. On the limited sage grouse range that occurs on the forest, there are published habitat conservation measures. In addition, the Utah Division of Wildlife Resources monitors all sage grouse in the Uintah Basin including the grouse that use the Ashley National Forest, to determine the threshold populations needed to maintain hunter harvest. We have the opportunity to change management practices based on their recommendations. For all these reasons, plus the fact that the Ashley National Forest has a sagebrush-monitoring program to help us determine the effects of management on that habitat type (pages 20-27 in Appendix A of the EA and project file), I did not select a MIS for the sagebrush habitat.

The reason we are moving forward with this amendment, rather than waiting to review MIS during Forest Plan Revision, is that currently we are evaluating 12 MIS species, many of which do not contribute to making informed decisions about our management activities. It does not make good sense to continue monitoring these species.

This decision doesn't adopt many of the species the public thought could be MIS on the

Ashley, nor does it agree with waiting for revision to change MIS. However, the public comments were incredibly valuable in helping us focus the analysis and discussion, and ultimately this deliberation helped me frame a decision of what to do and why to do it.

VI. Finding of No Significant Impact

After considering the analysis described in the Environmental Assessment, I have determined that Alternative 4 is not a major Federal action, either individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement (EIS) is not needed. This determination is based on the following factors (40 CFR 1508.27 (b)(1-10), known as the Council on Environmental Quality (CEQ) regulations):

Context:

This amendment will amend the 1986 Forest Plan designated MIS and their monitoring requirements to better comply with NFMA as described in the 1982 planning regulations (36 CFR 219.19).

Intensity:

1. Both beneficial and adverse effects have been considered. I find there are no significant direct, indirect, or cumulative impacts on the resources or components of the human environment associated with the decision being made (Pages 4-8 of the EA). This decision will cause no irreversible or irretrievable commitment of resources.

2. The action will not affect public health or safety.

3. Selection of MIS does not involve soil disturbance or vegetative manipulation; therefore I find the action will not significantly affect any unique characteristics of the Ashley National Forest, such as wetlands, floodplains, existing or eligible wild and scenic rivers, existing wilderness, or inventoried roadless areas.

4. The effects of this action on the human environment are not likely to be highly controversial. No new or unusual methods, tools, or quantities of activities are being approved.

5. The selected alternative does not involve highly uncertain, unique, or unknown environmental risks. The analysis shows that effects do not include impacts to the environment.

6. The action is not likely to establish a precedent for future actions with significant effects because the action is to choose species for monitoring that are best suited under the requirements in NFMA for Management Indicator Species.

7. This action is not related to other actions with individually insignificant but cumulatively significant impacts (EA, pages 7-8) because this change in MIS will result in improved compliance with 36 CFR 219, but will have no environmental effects.

8. No ground disturbance will be involved, therefore no sites listed in or eligible for the National Register of Historic Places will be affected by this decision. I find that this decision will not cause the loss or destruction of significant scientific or cultural resources.

9. The proposed action will not affect endangered or threatened species or critical habitat. This decision only applies to consideration of management indicator species and habitat. The Biological Assessment and Evaluation prepared for the EA (see project record) found no effect to any threatened or endangered species.

I find this action is consistent with other Federal, State, and local environmental laws. Applicable regulations were considered in the environmental assessment. The proposed amendment is non-significant according to the criteria discussed below.

VII. Findings Required by Other Laws and Regulations

The 1982 NFMA regulations direct that "based on an analysis of the objectives, guidelines, and other contents of the Forest Plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan. If the change resulting from the proposed amendment is determined to be significant, the Forest Supervisor shall follow the same procedure as that required for development and approval of a Forest Plan (i.e., conduct a plan revision). If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures" [36 CFR 219.10(f)]. The test for determining significance for Forest Plan amendments includes four parts listed in Forest Service Handbook 1909.12, Chapter 5.32 as follows:

1. *Timing:* Identify when the change is to take place. Determine whether the change is necessary during or after the plan period (the first decade) or whether the change is to take place after the next scheduled revision of the forest plan.

The Ashley Forest Plan has been in effect for 19 years. The scheduled revision period is 2004-2009. This amendment takes place late in the life of the plan and according to the FSH 1909.12, Chapter 5.32, "the later the change, the less likely it is to be significant for the current forest plan." Although this amendment occurs late in the lifespan of the forest plan, I see the change as necessary to get us closer to achieving the best MIS data, which in turn will help me make informed decisions regarding the valuable resources on the Ashley National Forest.

2. *Location and Size:* Determine the location and size of the area involved in the change. Define the relationship of the affected area to the overall planning area.

In reviewing the Environmental Assessment, I have concluded that although MIS species are identified for the entire forest, they really only apply to the areas that have management activities. We estimate that over the next three to five years until our plan is revised, a small percentage of acres on the Ashley National Forest will be affected by management activities (see Table 3 in the EA). Due to the relatively small amount of acres potentially involved, I have concluded that this amendment does not represent a significant change to the plan.

3. *Goals, Objectives, and Outputs:* Determine whether the change alters long-term relationships between the levels of goods and services projected by the forest plan. Consider whether an increase in one type of output would trigger an increase or decrease in another. Determine where there is a demand for goods or services not discussed in the forest plan.

Amendment of the plan to adopt the MIS in Alternative 4 will not alter the level of goods and services provided on the Ashley National Forest (EA, pages 8).

4. *Management Prescription:* Determine whether the change in a management prescription is only for a specific situation or whether it would apply to future decisions throughout the planning areas. Determine whether or not the change alters the desired future condition of the land and resources or the anticipated goods and services to be produced.

This action does not change management prescriptions or alter management area boundaries. It does not alter the desired future condition of the land and resources or the anticipated goods and services to be produced (EA, pages 7-8, 15).

My evaluation of these four factors in total leads me to conclude that this amendment is not significant under the NFMA regulations, and will be adopted based upon its Environmental Assessment, including the public involvement described in the EA on pages 5-6.

VIII. Public Notification and Appeal Process

Appeals must be postmarked or received no later than 45 days after publication of the legal notice in the *Vernal Express* (as specified in 36 CFR 215.13). The Forest Supervisor shall promptly mail the EA and decision document to those who requested the documents and to those who submitted comments on the proposed action or draft alternatives.

Implementation Date

This decision will be implemented no sooner than seven calendar days following the publication of the legal notice of decision in the Vernal Express.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 217.3. A written appeal must be in duplicate and postmarked or received within 45 days of the publication of this notice in the *Vernal Express*. Appeals must meet the content requirements of 36 CFR 217.9 and be mailed to: USDA Forest Service, Appeal Deciding Officer, Regional Forester, Intermountain Region, 324 25th St. Ogden, UT 84401 or email appeals-intermtn-regional-office@fs.fed.us. Electronic appeals must be sent in MS Word (*.doc) or richtext (*.rtf) format.

For more information, contact William Stroh at (435) 781-5179 or e-mail to wstroh@fs.fed.us.

George A. Weldon
George A. Weldon
Forest Supervisor

June 7, 2004
Date

Attachment 1.

Monitoring Requirements for MIS

This replaces page V-6 of the 1986 Forest Plan

Activity, Practice, or Effect to be Measured	Monitoring Technique/ Data Source	Sample Size	Measure-ment Frequency	Reporting Frequency	Variation which would cause further evaluation and/or change in management direction
Cutthroat Trout	Develop protocol in conjunction with UDWR and adjacent forests	As per protocol	3 years	5 years	A statistically significant downward trend in population, size class, or condition index
Goshawk	Develop protocol using the statewide conservation strategy in conjunction with current Ashley NF protocol.	As per protocol	Annual	3 years	A statistically significant decline in number of active territories over a three-year period.

Other Forest Plan Changes

On page IV-29, under Objective #2, Standard/Guideline #2: Drop reference to MIS to read as follows:

Establish and maintain thermal and security cover needs to meet the Forest's big game habitat ~~and management indicator species~~ objectives.