

UNITED STATES
DEPARTMENT OF
AGRICULTURE

Forest Service

Intermountain

Region

Caribou-Targhee
National Forest



DECISION NOTICE

AND

FINDING OF NO SIGNIFICANT IMPACT

FOR THE

ENVIRONMENTAL ASSESSMENT

OF THE

Winter Travel Plan “Snow Season” Amendment of the Targhee Revised Forest Plan

September 2004

1.0 THE DECISION

1.1 Introduction and Background

The Revised Forest Plan for the Targhee National Forest was implemented in April 1997. It contained travel management direction in the form of winter and summer Transportation Plans (open and closed motorized roads and trails) and management prescription direction for road density and cross-country travel. Implementation dates were developed for Forest-wide standards and management prescription areas to respond to local resource and travel conditions.

A single date was established for the Forest standard to trigger the change from the Snow Free Season to Snow Season. Thanksgiving Day, triggers the change to Snow Season travel plan regulations. As of Thanksgiving Day cross-country snow machine travel is permitted except where specifically prohibited by individual management prescription. Several years of operation under this direction had day lighted a need to change the single date for this Forest standard.

Several physical factors worked against this uniform season date. The first is the variation in elevation across the Forest. Winter starts much earlier in the high country and it stays much later. Another factor is the variability of the average winter snow level across the Forest. The third factor is the season-to-season variation in snow depth. It is common for the arrival of winter to vary by as much as a month from one year to the next.

The Caribou-Targhee National Forest completed an Environmental Assessment to address these issues with a proposed action that allows each district to determine “snow season” based on the local environmental factors on each district.

1.2 My Decision

After considering the scoping comments, issues and analysis and reviewing the substantive comment received during the 30-day legal notice and comment period, I have decided to select the Proposed Action. I have determined that this alternative will meet all applicable laws, regulations, and policies.

The Forest will modify Standard 4.B of the RFP (page III-25) to say:

“B. Snow Season – The snow season takes effect yearly in the fall/winter when local conditions prevent travel on roads and trails by wheeled vehicles. If wheeled or snow machine vehicles cause unacceptable impacts to forest resources, a Special Order may be issued to eliminate the conflict. Where winter trail grooming has begun on winter-designated routes, wheeled vehicles will be restricted to plowed routes. Cross-country snow machine travel is permitted from the beginning of the snow season through June 1, except where specifically prohibited by Management Prescription.”

The following language will be deleted from this standard because it is redundant to Management Prescription 5.1.4(c) access table, RFP page III-141.

“Cross-country snow machine travel is allowed in Prescription area 5.1.4 (Big Bend Ridge) from January 1 until April 30.”

1.3 Reasons for my Decision

Issues identified during the scoping and public involvement process for this project were addressed throughout the environmental document and were used as the basis for analyzing the direct, indirect, and cumulative effects of each alternatives. I also used factors other than environmental effects to help make my decision. These included public access considerations, ease of administration and allowing the greatest number of people to access the Forest at any given time. My decision was also based on the analysis and conclusions of the Biological Assessments and/or Evaluations for Threatened and Endangered Species.

The decision to select the Proposed Action was based on several factors, including:

- Arrival of winter varying by several weeks between Districts because of elevational differences
- Variable timing and non-uniform conditions of snow across the entire Forest and the snowfall variation from year to year
- Need for a flexible, enforceable plan for managing travel during the fall to winter transition

The intent of establishing the date, described in the first paragraph of Standard 4, is “to respond to local resources and travel conditions.” The current Standard responds to neither. My decision, will meet the original intent of establishing the transition date in the Targhee RFP—“to respond to local resources and travel conditions.” (RFP, page III-25, Standard 4). As shown in the EA, the current standard does not respond to those needs. My selected alternative, on the other hand, will allow annual flexibility, with consideration of local conditions, to establish the timing of change from summer to winter travel direction. This will allow the Forest to focus and improve enforcement of the travel plan. I also believe that by being more flexible and responding to local conditions, this will further foster public understanding and acceptance of the travel plan.

My decision also continues to provide for the intent of the original Standard for protection of forest resources, such as wildlife habitat, soils and water, and capital improvements, such as roads and trail heads. The change from summer to winter travel will occur when winter conditions have arrived. Thus, the resource protection will be the same—once winter conditions are occurring, we will change to the winter travel plan.

2.0 ISSUES AND ALTERNATIVES

2.1 Public Involvement

The Forest sent a request for comments to the public on August 8, 2001. The scoping letter was sent to the combined Caribou-Targhee Travel Plan mailing list, which contains approximately 1,000 parties interested in Forest Travel Plan management. Sixteen comments were received in response to the solicitation. In addition, the scoping statement was routed to Forest personnel directly involved with resource management.

After the scoping period was over, the comments were compiled and used to develop issues specific to this proposal. This comment analysis is summarized below and located in the project file. Using comments from this scoping request, the Interdisciplinary Team (IDT) analyzed and disclosed the effects of this proposal on resources of concern. The effects of motorized travel and access management on the Caribou-Targhee have been analyzed in several NEPA documents prepared by the Forest Service, including the Targhee 1997 Revised Forest Plan, 1999 Open Road and Open Motorized Trail Analysis for the Targhee NF (Travel Plan EIS), and several site-specific NEPA documents.

On March 31, 2004 the Forest requested legal notice and comment on the proposed action. The environmental assessment (EA) was mailed to the parties who commented during the original scoping period and was routed to Forest personnel directly involved with resource management. A legal notice was published in the Idaho Falls Post Register. One internal comment was received and one substantive public comment was received.

2.2 Issues and Concerns

After analyzing the public comments and the available information, the IDT determined that there were no significant issues to drive the formulation of additional alternatives. All of the resource concerns are mitigated by the proposed action; addressed in the proposed action; out of the scope of the analysis; and/or outside of the decision authority of the Forest Service. Specific resource concerns identified by the public and Forest Service personnel are discussed briefly in this decision.

WILDLIFE CONCERNS

Some members of the public were concerned with the potential effects of snow machine travel on wildlife during the fall and early winter and how the varied opening date would impact big game. Concerns were also noted about the ability of hunters to travel on snow machines during some years. All of these interactions could contribute to wildlife disturbance. This was considered in the EA and the effects analysis determined that there would be little to no discernible change in disturbance levels. The impacts of motorized travel on wildlife during winter conditions were disclosed in the 1997 RFP FEIS and 1999 Travel Plan FEIS.

RECREATION

Recreation concerns centered around allowing users to access the Forest by the most practical method or vehicle. My decision addresses this concern by allowing District Rangers to make decisions based on their local conditions. This allows flexibility while retaining Forest Service jurisdiction over management of the roads. I believe the standard date reduces the availability of the Forest for recreational activities.

PUBLIC CONFUSION AND ENFORCEMENT

Some of the public are concerned that the variable dates will be confusing, particularly where districts implement the snow season at different times. While this may true, it is necessary to allow flexibility. Forest users generally check on local conditions prior to venturing out on the Forest, especially during the fall when conditions change rapidly. I believe it will not be an

undue hardship or inconvenience to check with the local Ranger Districts regarding which travel plan is applicable.

RESOURCE DAMAGE

Cross country motorized travel at the wrong time of year could impact resources. To protect forest resources and capital improvements, I have considered the potential of motorized recreation to damage those resources. If there is not enough snow on the ground to safely operate snowmachines, cross country travel could disturb soil and vegetation. Likewise, travel on roads when conditions are not appropriate can damage the road surface, cause rutting and erosion. My decision will address this potential problem better than the current management.

2.3 Alternatives Considered

ALTERNATIVES CONSIDERED IN DETAIL

In addition to the Proposed Action, there was one other alternative that I considered in detail: the No Action Alternative. In the No Action alternative, the Targhee National Forest would retain the existing Standard 4.B. in the Revised Forest Plan. Snow season would continue to be implemented on all Districts on Thanksgiving Day. This results in no change from current management.

ALTERNATIVES CONSIDERED BUT ELIMINATED

As described in the Environmental Analysis, there were no issues that would drive the formulation of alternatives. Thus, no alternatives to the proposed action were developed for detailed analysis. Several alternatives were suggested during the initial scoping period. NO alternatives other than the no action were suggested during the 30-day legal notice and comment period. Those suggestions are listed below. For more details on the proposal and our reasons for not considering them further, see pages 6-8 of the EA and the Scoping Comment Analysis (Project File).

- Adoption of a different set closure dates
- Adoption of snow machine travel based on a snow depth of 24 inches

2.4 Comparison of Alternatives

The following table, from the EA, succinctly compares effects of the proposed action and no action alternatives on the resources concerns identified in the analysis. For additional information, see pages 9 to 31 of the EA.

Resource Concern	No Action Alternative	Proposed Action
Effects of snow machine travel on wildlife during hunting season	Both alternatives will have no effect on T & E species and no impact on sensitive species. Potential impacts to MIS are minimal and immeasurable.	
Effects of a varied opening date of winter travel on the disturbance/displacement of big game	The alternatives will not alter open motorized road and trail densities and hiding cover (EV and EHE components). There will be no changes in winter range designation, open motorized road/trail densities or vegetation.	

Resource Concern	No Action Alternative	Proposed Action
Impacts to recreationists using the National Forest	On the majority of Forest in most years snow levels are not adequate to allow snowmachine travel by Thanksgiving. At that time, however, wheeled vehicle use on roads is not allowed. This prevents access to the Forest.	The most appropriate vehicle for the conditions could be used. This will allow continued access to the Forest for Christmas tree cutting, late hunts, etc.
Potential for confusion caused by variable dates	Standard dates does not cause confusion	Variable dates will require that the public check local conditions to determine which travel methods are legal.
Potential for impacts to resources from cross-country motorized vehicles	Impacts could occur in the majority of the years due to low snow at Thanksgiving.	Impacts are less likely with the variable dates.

3.0 FINDINGS

3.1 Finding Of No Significant Impact

According to NEPA, an environmental impact statement must be prepared if the Proposed Action will have a significant effect on the environment. In NEPA, the significance of an action must be measured in terms of context and intensity (40 CFR 1508.27). For the resource concerns involved in this amendment, significance depends largely on the effects to the Targhee NF. Since this action is an amendment to the RFP, it will apply to the 1.8 million acres of the Targhee NF. This action does not change or limit access to the National Forest. It changes the timing of when wheeled or over snow access may occur so that access is allowed when weather conditions and environmental conditions are most appropriate for each travel type when the season is changing from summer travel conditions to winter.

Intensity refers to the severity of impact of an action. NEPA lists ten items to consider when evaluating the intensity of the effects. Using the ten tests of intensity, I have determined that this action is not a major Federal action, individually or cumulatively, and will not significantly affect the quality of the human environment (40 CFR 1508.27(b)). An environmental impact statement will not be prepared. My reasoning is as follows:

1. Neither the beneficial nor adverse effects of this action, as detailed in Chapter 3 of the EA, are significant. This determination is substantiated by the lack of significant effects of WS activities on a state-wide scale, according to their NEPA analyses. (EA, Sections 3.1-3.4, pages 9-31)
2. Public health and safety are not jeopardized or negatively impacted by this action.
3. No unique geographic characteristics will be affected since the proposed amendment does not authorize any ground or vegetation-disturbing activities or direct changes to the environmental status quo.
4. Impacts to the quality of the human environment, while not significant, are somewhat controversial. Controversy in this context refers to cases where there is substantial dispute as to the size, nature or effect of the Federal action, rather than to opposition to its

adoption. This decision does not alter current planning direction for overall resource management. The basic controversy is when and what type of access should be allowed on public lands. That controversy is outside of the scope of this decision and would not be alleviated by evaluation in an EIS. (EA, Section 3.2 and 3.3, pages 26-30)

5. Effects of this action on the human environment are not anticipated to be highly uncertain or involve unique or unknown risks given the current status of our knowledge (EA, Section 3.2 and 3.3, pages 26-30).
6. The action does not set a precedent for future actions that in themselves would be potentially significant.
7. This action, when related to other actions, will not cumulatively produce any significant impacts. The direct and indirect effects of this proposal are minimal and will not significantly affect the resources of concern. (EA, Section 3.5, pages 31-37)
8. There are no adverse effects on cultural resources since there will be no ground disturbing activities. The proposed management direction does not alter the environmental protection afforded unique lands.
9. There are no adverse effects to threatened or endangered species. (EA, Section 3.1, pages 9-26; Analysis File: Yellowstone Cutthroat Trout Biological Evaluation (6-23-2004), Utah valvata snail Biological Assessment (6-23-2004), Biological Evaluation for Sensitive Wildlife Species (6-07-2004), Biological Assessment for Threatened, Endangered and Proposed Species (5-28-2004) and Threatened, Endangered & Proposed Species Biological Assessment Summary of Conclusion of Effects Table 3, page 20 and Summary of Determination of Effects on Sensitive Species Table 4, page 22 in the Environmental Assessment.
10. The proposal is in compliance with all Federal, State, and Regional laws and regulations. Adoption of the selected alternative would not significantly affect the following elements of the human environment, which are specified in statute, regulation, or executive order: Air Quality, Cultural Resources, Farm Lands (prime or unique), Floodplains, Native American Religious Concerns, Hazardous or Solid Wastes, Water Quality, Wild and Scenic Rivers, and Wilderness. (EA, Section 3.6, pages 37- 39)

3.2 Compliance with Other Laws

FEDERAL TRIBAL TRUST RESPONSIBILITIES

The Shoshone-Bannock Tribe has ancestral Treaty Rights to uses of the Forest. The relationship of the United States government with American Indian tribes is based on legal agreements between sovereign nations. The Fort Bridger Treaty of July 3, 1868 provided for the establishment of the Fort Hall Indian Reservation. It also granted hunting and fishing rights to tribal members on "all unoccupied lands of the United States." This right applies to all public domain lands reserved for National Forest purposes that are presently administered by the Caribou-Targhee National Forest. These rights are still in effect, and management actions recognize these rights. This amendment will not impact tribal trust responsibilities and will not change the ability of tribal members to exercise their treaty rights.

ENDANGERED SPECIES ACT (ESA)

This act provides for the protection, conservation and recovery of threatened and endangered wildlife, fish, and plant species. Contact with the United States Department of the Interior's Fish and Wildlife Service (U.S. Fish and Wildlife Service) was initiated through the scoping process

and annual meetings. The Forest has habitat for the grizzly bear, gray wolf, Canada lynx, and bald eagle. One threatened plant species for the Caribou-Targhee National Forest Ute ladies'-tresses (*Spiranthes diluvialis*) has been identified. A biological assessment was prepared for listed species. As previously displayed, there will be no effect to threatened and endangered species from this project.

NATIONAL HISTORIC PRESERVATION ACT

This Act establishes a requirement for consideration of potential impacts to historic properties. Because there are no ground disturbing activities with this amendment, there will be no impacts to historic properties.

MIGRATORY BIRD TREATY ACT

This act provides for the protection of migratory birds. Many migratory bird species utilize the Caribou-Targhee National Forest. The project meets the requirements of the act because it does not involve "take" of migratory birds nor will it modify habitat. Migratory birds will not be present on the Forest during the time period covered by this amendment.

NONPOINT SOURCE WATER QUALITY PROGRAM FOR THE STATE OF IDAHO

This program provides for the protection of Idaho's waters from nonpoint source pollutants. A Federal Consistency Checklist provides for compliance with the nonpoint source water quality provisions of the Federal Clean Water Act for the State of Idaho as agreed to in a Memorandum of Understanding (MOU) between the responsible State of Idaho and Federal land management agencies. This project will not impact water quality because no ground disturbing activities are associated with it.

CLEAN AIR ACT

This act defines National Ambient Air Quality Standards (NAAQS) for various sources of pollutants, which must be met to protect human health, visibility and welfare. This project complies with these air quality standards.

NATIONAL FOREST MANAGEMENT ACT

This proposal will amend one standard of the 1997 Targhee Revised Forest Plan. It is consistent with all other direction in the RFP. The significance of the amendment will be displayed in the Decision Notice and Finding of No Significant Impact.

PRIME RANGELAND, FARMLAND, AND FOREST LAND

No prime rangeland or farmland is contained within the area. Federal land would be managed with sensitivity to the effects on adjacent lands.

ENERGY REQUIREMENTS AND CONSERVATION POTENTIAL OF ALTERNATIVES

In relation to national and global petroleum reserves, the energy consumption associated with the alternatives is insignificant.

WETLANDS AND FLOODPLAINS

No significant effects would result on wetlands and floodplains from any alternative. Stream protection zones (aquatic influence zones) in the RFP comply with Executive Order 11990.

EFFECTS OF ALTERNATIVES ON SOCIAL GROUPS

The alternatives do not differ with one another in their affects on minorities, Native American Indians, women, or Civil Liberties of any American Citizen. This is in accordance with Executive Order 12898, Environmental Justice.

ROADLESS AREAS

No Inventoried Roadless Areas (IRA) or unroaded areas would be affected by this proposal. This proposal does not change motorized route locations, only time of use. Thus, it is consistent with the Roadless Area analysis in the Targhee RFP FEIS and Targhee Travel Plan FEIS and with the Forest Service's current IRA management policy.

3.3 Finding of Non Significant Amendment

Under the National Forest Management Act (NFMA, 16 USC 1604(f)(4), forest plans may "be amended in any manner whatsoever after final adoption and after public notice, and, if such amendment would result in a significant change in such plan, in accordance with subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section." The NFMA regulations at 36 CFR §219.10(f) state: "Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan." The Forest Service Land and Resource Management Planning Handbook (Forest Service Handbook 1909.12) provides a framework for this analysis. Section 5.32 of FSH 1909.12 lists four factors to be used when determining whether a proposed change to a forest plan is significant or not significant: (a) timing; (b) location and size; (c) goals, objectives and outputs; and (d) management prescriptions. I have evaluated the proposed management direction and concluded that it does not constitute a significant amendment of the 1997 Targhee National Forest Revised Forest Plan for the reasons described below:

TIMING

The timing factor examines at what point, over the course of the forest plan period, the Plan is amended. Both the age of the underlying documents and the duration of the amendment are relevant considerations. The handbook indicates that the later in the time period, the less significant the change is likely to be. The Targhee RFP was signed in the spring of 1997 and is mid way through the planning period. The amendment, however, is needed to resolve difficulties in on the ground implementation of the snow season standard. For this reason, the timing of the amendment is offset by the more immediate need to adopt a standard that provides the needed flexibility across the Forest to allow the most appropriate means of access while minimizing resource damage.

LOCATION AND SIZE

The key to the location and size is context, or "the relationship of the affected area to the overall planning area, the smaller the area affected, the less likely the change is to be a significant change in the forest plan." As discussed in Section 1.1 of this Decision, the amendment would apply to the entire Targhee NF. The change occurring on the Forest is not the access itself but the timing of when "snow season" takes effect. Impacts to the Forest will be reduced because this amendment will allow for each District to change to "snow season" when it is most

appropriate. Thus, although the amendment applies to a large geographic area, it result in better resource conditions.

GOALS, OBJECTIVES, AND OUTPUTS

The goals, objectives, and outputs factor involves the determination of "whether the change alters the long-term relationship between the level of goods and services in the overall planning area" (Forest Service Handbook 1909.12, section 5.32(c)). This criterion concerns analysis of the overall forest plan and the various multiple-use resources that may be affected. This amendment will not decrease the level of goods and services available on the Targhee.

The guidance in Forest Service Handbook 1909.12, section 5.32(c) explains: "In most cases, changes in outputs are not likely to be a significant change in the forest plan unless the change would forego the opportunity to achieve an output in later years." The proposed management direction will better meet the goals and objectives in the RFP. It will better meet the intent of Standard 4 (RFP, page III-25) to respond to local conditions.

MANAGEMENT PRESCRIPTIONS

The management prescriptions factor involves the determination of (1), "whether the change in a management prescription is only for a specific situation or whether it would apply to future decisions throughout the planning area" and (2), "whether or not the change alters the desired future condition of the land and resources or the anticipated goods and services to be produced" (Forest Service Handbook 1909.12, section 5.32(d)).

Implementation of the amendment will provide for needed flexibility, with consideration of local conditions, to establish the timing of change from summer travel direction to winter travel direction on the Targhee National Forest. The desired future conditions and long-term levels of goods and services projected in the RFP will not change. The amendment will not alter access management on the Targhee.

FINDING

On the basis of the information and analysis contained in the EA and all other information available as summarized above, it is my determination that the change in management direction reflected in the Proposed Action does not result in a significant amendment to the Targhee Revised Forest Plan. This amendment will be consistent with the desired future condition and goals described in the Targhee RFP.

4.0 CONCLUSION

4.1 Implementation

If no appeal is filed, this project may be implemented five days following the end of the appeal period. If an appeal is filed, implementation may begin 15 days following the disposition of the appeal.

4.2 Appeal Opportunities

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215.11 (2003 Appeal Regulations). Only those entities providing substantive comments during the 30-day Notice and Comment period are eligible for appeal (36 CFR 215.13). An appeal, including attachments must be filed with the Appeal Deciding Officer, within 45 days following the date of publication of the legal notice of this decision in the *Idaho Falls Post Register*. This is the exclusive means for calculating the time to file an appeal. Appeals may be filed by regular mail, facsimile, e-mail (Microsoft Word (.doc) or rich text (.rtf) format), hand delivery, express delivery, or messenger service.

Appeal filing information:

USDA Forest Service
Appeal Deciding Officer
C/o Planning, Appeals and Litigation
324 25th Street
Ogden, UT 84401
Facsimile: (801) 625-5277
Electronic mail: appeals-intermtn-regional-office@fs.fed.us
Office Hours: Monday through Friday 8:00 am through 4:30 pm.

For more information on the appeal process, contact Cheryl Probert, Forest Planner at (208) 557-5821. For further information on this decision, contact Lisa Klinger, Recreation Program Manager, at (208) 557-5790.

/s/ Jerry B. Reese
JERRY B. REESE
Forest Supervisor

October 4, 2004
Date

Equal Employment Opportunity Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital and family status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.