

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

NOVEMBER ANALYSIS AREA

USDA Forest Service
San Juan-Rio Grande National Forests
Conejos Peak Ranger District
Conejos County, Colorado

Introduction:

The November Analysis Area is approximately 15 miles west of the community of Antonito, Colorado. It is located primarily west of the Fox Creek drainage and it contains approximately 6,776 acres. The legal description is Township 33N, Range 6E, portions of Sections 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, and 26; and Range 7E, portions of Sections 7, 18, 19, 20, 29, and 30.

A Final Environmental Assessment (EA) has been completed for the November Analysis Area and it documents the analysis of three Alternatives. The EA is on file at the San Juan-Rio Grande National Forest Supervisor's office in Monte Vista, Colorado and at the Conejos Peak Ranger District's office in La Jara, Colorado.

The Decision and Reasons for the Decision:

It is my decision to select the Proposed Action (Alternative 2) from the Final EA, which best accomplishes the following:

- a) restores the project area to a forest which is more resistant to the effects of western spruce budworm,
- b) favors ponderosa pine regeneration,
- c) reduces the potential spread of western spruce budworm into surrounding forest lands in the vicinity of the project area,
- d) improves habitat conditions for bighorn sheep by creating a more open ponderosa pine forest, and
- e) by reducing the potential for catastrophic wildfire in the area.

This Alternative provides for salvage of western spruce budworm impacted timber stands on approximately 950 acres of National Forest land. In addition, this decision provides for prescribed fire on these salvaged stands. Prescribed fire would also be used on an additional 150 acres. Thus, a total of approximately 1,100 acres would be burned. The Forest staff have estimated that approximately 1.7 million board feet (mmbf) of commercial sawtimber would be produced.

My decision also amends the 1996 Land and Resource Management Plan (Forest Plan) for the Rio Grande National Forest. The amendment reduces the acreage of Management-area Prescription (MAP) 3.1 (Special Interest Area) by 1,166 acres and increases MAP 5.42 (Special Wildlife Areas -- Bighorn sheep) by 1,166 acres in the Analysis Area.

The Special Interest Area was originally designated for Ripley milkvetch -- a Forest Service designated Sensitive plant. The original boundary for the Special Interest Area was designated much larger than was actually Ripley milkvetch habitat (see Final EA, Chapter 1, section 1.11 and Appendix 3). Ripley milkvetch typically does not grow above the 9,200 feet elevation band within the Analysis Area. Mitigation in Chapter 2, section 2.5.2 further protects this plant and states:

Avoid timber harvest and prescribed fire in potential *Astragalus ripleyi* [Ripley milkvetch] habitat (i.e., open ponderosa pine / Arizona fescue stands with some Douglas-fir where canopy coverage by trees is less than 25%). Keep timber harvest and prescribed fire above the 9,200 feet contour line in the Analysis Area to protect *Astragalus ripleyi*.

I believe increasing MAP 5.42 in this area is the appropriate land allocation. It will allow us to better manage the area for bighorn sheep habitat while at the same time still protecting Ripley milkvetch. This is a non-significant amendment to the Forest Plan and the analysis for the significance determination was documented in Appendix 3 of the Final EA. I believe this amendment is necessary in order to conduct the restoration that is needed in this Analysis Area.

My decisions above are based on the analysis described in the Final EA, the many comments received from interested individuals, other government agencies, and organizations, and on the Forest Service response to these comments as documented in Appendix 12 of the Final EA. I believe Alternative 2 best fulfills the purpose of and need for action as described in the Final EA, Chapter 1, section 1.2. It best addresses the key issues described in the Final EA in Chapter 1, section 1.7. Finally, all adverse environmental impacts can be successfully mitigated. Mitigation is shown in Chapter 2, section 2.5.

Key Issues and Alternatives Considered:

The Interdisciplinary Team (IDT) identified three key issues as follows: 1) Forest Health, 2) Bighorn sheep habitat, and 3) Special Interest Areas (Final EA, Chapter 1, section 1.7). The IDT discussed the merits of even-aged versus uneven-age management in this Analysis Area. The IDT believed that a strategy of timber harvesting (sanitation/salvage) and/or burning would best accomplish the purpose of and need for action. Because of that, the IDT judged that the Alternatives below represent a reasonable range of alternatives given the key issues for the proposed action. Three Alternatives were considered in the analysis as follows:

Alternative 1: No Action.

Alternative 2: Sanitation/salvage harvest and prescribed fire.

Alternative 3: Prescribed fire only.

Alternatives and mitigation are introduced in Chapter 2 of the EA. Alternative 1 is described in section 2.3.1, Alternative 2 in section 2.3.2, and Alternative 3 in section 2.3.3.

Alternative 1 was not selected because it does not successfully address key issues -- especially forest health and bighorn sheep habitat improvement. This Alternative does not restore the project area to a forest which is more resistant to the effects of western spruce budworm. This Alternative has the greatest potential for allowing the western spruce budworm to spread into surrounding forest lands in the vicinity of the project area. It does not reduce the potential for catastrophic wildfire in this area. It does not favor ponderosa pine regeneration. Finally, it does the least to improve bighorn sheep habitat.

Alternative 3 was not selected because prescribed fire by itself was only expected to be partially effective in addressing the severe western spruce budworm impacted forest. It was felt that prescribed burning would be patchy and incomplete, thus not effectively addressing the key issues of improving forest health and bighorn sheep habitat as well as Alternative 2.

Public Involvement:

The initial scoping for the November Analysis Area was done using the Forest's Quarterly Scoping document, which is mailed out four times each year and by mailing letters to potentially concerned citizens and organizations. Responses were received from one forest products business, one environmental organization, and one private citizen. A formal 30-day public comment period corresponding with the release of the Pre-decisional EA for the November Analysis Area was completed between April 8 and May 8, 1999. A legal notice was published in the Valley Courier April 8, 1999 outlining the proposed actions and offered the availability of the Pre-decisional EA for review and comment. The Final EA, Appendix 8 lists everyone on this project's mailing list, what mailings they received, and it identifies who responded.

Six timely letters were received during the formal 30-day comment period. The comments from these letters were evaluated by the interdisciplinary team and each comment was responded to in Appendix 12 of the Final EA. The Interdisciplinary Team reviewed all letters and comments and determined that they did not introduce vital information that would require a new analysis. However, the comments that were provided were used to improve the Final EA.

Native American consultation was done for the November Analysis Area by notification in the *June, 1998 American Indian Consultation Bulletin, San Juan/Rio Grande National Forest & Bureau of Land Management San Juan and San Luis Resource Areas*. A letter dated August 24, 1998 was received from Steven Begay, Navajo Culture Specialist, stating that there were no projects of concern listed in the June 1998 American Indian Consultation Bulletin.

Finding of No Significant Impact (FONSI):

I have reviewed the Final EA for the November Analysis Area and I have determined through the Final EA that the proposed actions under Alternative 2 are not a major federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not required. This finding of no significant impact is based on the following:

1. There are no significant impacts to land, air, or water resources. Any effects to these resources will be effectively mitigated. Environmental effects are presented in the Final EA throughout Chapter 3. Mitigation is presented in Chapter 2, section 2.5.
2. Public health and safety will be protected and effectively mitigated (see Final EA, Chapter 2, section 2.5).
3. There are no significant effects on unique characteristics such as historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas. Any effects to these resources will be effectively mitigated (see Final EA, Chapter 3; Chapter 2, section 2.5).
4. The effects on the human environment are not highly uncertain, are very unlikely to involve unique or unknown risks, and are not likely to be highly controversial because there is no scientific controversy on the impacts of the project. The proposed actions are not highly controversial. The Forest received six letters during the 30-day pre-decisional public comment period. None of the letters brought up issues that the interdisciplinary team identified as highly controversial or were crucial issues that had not already been addressed in the pre-decisional document (see Final EA, Appendix 12).
5. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see Final EA, Chapter 3).
6. The actions do not establish a precedent for future actions with significant effects. The proposed actions do not represent a decision in principle about a future consideration (see Final EA, Chapter 2, section 2.3.2).
7. The actions do not create significant cumulative effects (see Final EA, Chapter 3).
8. There are no significant environmental effects on districts, sites, highways, structures, or objects listed in or eligible for the National Register of Historic Places. There will be no loss or destruction of significant scientific, cultural, or historical resources. Any effects to these resources will be effectively mitigated (see Final EA, Chapter 3, section 3.14; Chapter 2, section 2.5.7).
9. Threatened, Endangered, Proposed, and Sensitive species have been appropriately analyzed in the respective Biological Assessment/Biological Evaluation for plants and animals. There will be no adverse affect on any Threatened, Endangered, Proposed or Sensitive species. There will be no adverse affect on any of these species' critical habitat (see Final EA, Appendices 4 and 5).
10. There will be no violation of Federal, State, or local law or requirement imposed for the protection of the environment. The actions are consistent with the Forest Plan for the Rio Grande National Forest, as amended in this decision (see Final EA, Chapter 1, section 1.3; Appendix 7).

Conformance with Legal Requirements:

This analysis and process has conformed with the legal requirements of the National Environmental Policy Act (NEPA). The action was properly scoped, alternatives properly developed and analyzed, and environmental consequences appropriately described.

The environmental consequences of the November Analysis Area can be effectively mitigated by the mitigation measures shown in Chapter 2, section 2.5 of the Final EA. The environmental effects have been appropriately disclosed in the Final EA for the November Analysis Area.

I have determined that this proposed action is consistent with the various requirements of the National Forest Management Act (NFMA) and the Forest Plan for the Rio Grande National Forest, as amended in this decision. Timber harvest in MAP 5.42 (Special Wildlife Areas -- Bighorn sheep) is appropriate for enhancing bighorn sheep habitat.

Responsible Official, Decision Date, Appeal Information, and Civil Rights:

This decision is subject to administrative review pursuant to 36 CFR 215.7. Contents of the appeal must meet the requirements of 36 CFR 215.14. A written appeal must be postmarked or received by the Appeal Deciding Officer, Lyle Lavery, Regional Forester, Rocky Mountain Region, PO Box 25127, Lakewood, CO 80225-0127, within 45 days following the day after publication of this notice of decision in the Valley Courier. Appellants are requested to simultaneously send a copy of the Notice of Appeal to Acting Forest Supervisor, 1803 West Hwy. 160, Monte Vista, CO 81144.

Recommended By:

/s/ Carlos Pinto
CARLOS PINTO
District Ranger

June 16, 1999
Date

Approved By:

/s/ Greg Thompson
GREG THOMPSON
Acting Forest Supervisor

June 18, 1999
Date

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For additional information, contact: Dean Erhard, 1803 West Hwy. 160, Monte Vista, CO 81144 or at (719) 852-5941.