

UTAH NORTHERN GOSHAWK PROJECT
Finding Of No Significant Impact (FONSI)
(October 1999 DRAFT)

Note: Based on Alternative F, the identified preferred alternative.

Background

The Regional Forester for the Intermountain Region of the Forest Service has analyzed a proposed change in programmatic management direction for the period between the present and when the six affected national forest plans are revised; projected to be 4 years. The proposed direction only addresses forested habitat on National Forest System (NFS) lands on the six affected national forests, and is prospective only. These lands are located primarily in Utah, with small portions in Wyoming and Colorado (Chapter 1, section 1.4.1). This direction would maintain options for goshawk habitat management by reducing the risk of potential negative impacts to habitat.

Proposed direction would provide programmatic mitigation measures for potential environmental effects which may result from future projects and activities. However, the selected strategy makes no irretrievable or irreversible commitment of resources (Chapter 1, section 1.6), and it is not permanent direction. Additional mitigation measures may be added to particular projects as a result of site-specific conditions during project-level analysis, or refinements made to measures in this proposal. Because this action would mitigate future environmental effects, the indirect physical consequences are expected to be beneficial. No adverse indirect physical effects would occur. There may be indirect adverse social and economic effects (Chapter 4, sections 4.4 and 4.5). However, these social and economic effects are not significant and therefore do not require the preparation of an environmental impact statement (40 CFR 1508.8).

Other related environmental documents were taken into account including: the Intermountain Regional Guide and Land and Resource Management Plans (Forest Plans) and associated National Environmental Policy Act (NEPA) documents for the six affected national forests.

Reasons for the Finding of No Significant Impact (FONSI)

The selected programmatic direction, Alternative F, has a relatively broad context by applying management direction to an estimated 8.1 million acres of National Forest System lands within the six Utah National Forests; approximately 7.98 million acres in Utah; 90,000 acres in Wyoming; and, 30,000 acres in Colorado. The alternatives (Chapter 2), affected environment (Chapter 3), and consequences (Chapter 4) are disclosed in the Environmental Assessment. In consideration of the analysis documented in the Environmental Assessment and in light of the reasons set forth below, we find that adoption of Alternative F as the proposed management direction would not significantly impact the human environment.

1. *The proposed management direction would be limited in geographic application (40 CFR 1508.27(a)).*

The proposed management direction would apply to projects affecting acres that are forested within the estimated 8.1 million acres of National Forest System lands of the six affected national forests. The amount of land affected by the proposed direction for the remainder of this current planning period (projected to be 4 years) would be a small subset of the land since not all lands would have projects generated in that time period. The only activities that were found to affect a measurable

amount of acres at the state scale were timber harvest, wildland fire, and livestock grazing. Based on records from 1990-1997 for acres affected by commercial timber harvest activities and 1994-1998 for wildland fire, the number of acres affected annually is estimated at less than 1% of the total forested acres across the six National Forests. Over the projected 4 year life of this amendment less than 4% of the total forested acres would be affected by these activities (Chapter 4, section 4.3.1).

Livestock grazing permits may also be altered on some allotments over the interim period as a result of adopting Alternative F management direction. However, the number of allotments affected would only be those that occur within areas where landscape assessments are completed over the interim period, and only if the assessment determines that wildlife and livestock grazing is a factor putting a landscape at-risk relative to the habitat needs of the goshawk (Chapter 4, section 4.5.2). The conclusion in the analysis was that the degree of change in terms of acres or permits affected in the projected 4-year life of this amendment would not likely be measurable at the forest or state scale.

2. *The proposed management direction would be limited to certain projects and activities.*

The adopted management direction would be prospective only. That is, it would apply to proposed and new projects¹ started following this decision and implemented prior to issuance of Records of Decisions for forest plan revision on the six affected national forests (projected to be 4 years). Activities promoting goshawk habitat would be prioritized in landscapes where habitat conditions for the goshawk are at risk of dropping from optimum and high valued habitat for the goshawk, to low or moderate value (as defined by Graham et al. 1999). Projects would be designed to address problems identified as causing the at-risk condition.

Current activities in exemption areas (Chapter 2, section 2.3.2) would not be affected by direction in this proposal. Current forest plan direction would still apply in these areas. In addition to exemption areas, any valid, prior existing rights on NFS lands would not be affected by this amendment. Also, locatable, mineral material or leasable mineral activities and facilities that have been authorized for such use under existing plans, licenses or permits, or have been leased or authorized for leasing prior to the decision date of this amendment, will not be affected by this amendment.

In areas where this direction would apply (Chapter 2, section 2.3.2), the analysis identified vegetative treatment projects and livestock grazing permits as those most likely to be affected. The types of vegetative treatments that would most likely be affected are those pertaining to commercial timber harvest and wildland fire use. However, when considering the number of acres likely to be treated during the life of this amendment, the effects would only be localized and small in size (Chapter 4, section 4.3.1).

There would be limited effects to current and future grazing permits during the life of this amendment. Changes to current permits would only occur in those landscapes where grazing can be attributed as a causal factor to an at-risk condition. Annually, only 1 to 2 landscape assessments (at the 5th to 6th order watershed, or equivalent scale) are completed in sufficient detail on each forest that may identify potential problems associated with grazing. There are several 5th to 6th order watersheds (tens to hundreds of thousand acres each), in part or in whole, on the six affected national

¹ "Proposed or new projects and activities" are defined as those actions that have not been implemented or for which contracts have not been awarded.

forests. As a result, the number of allotments likely to be affected in 4 years is a small percentage of the total 539 active allotments on the six Utah National Forests (Chapter 4, section 4.5.2).

Thus, effects to resources would not be significant, given the short duration of the proposed direction and the ability of the Forest Service to relocate or adjust activities to meet habitat needs for the goshawk without adversely affecting these areas of interest. The proposed management direction would reduce the potential environmental impacts of project decisions from those allowed by current plans.

3. *The proposed management direction would not significantly affect public health or safety (40 CFR 1508.27(b)2)).*

The proposed management direction does not, on its own, authorize any ground-disturbing activities or direct changes to the environmental status quo. Instead, it provides programmatic direction and mitigation measures to be applied to site-specific projects and activities. Additional mitigation measures may be added to particular projects as a result of site-specific conditions during project-level analysis. New project decisions would be preceded by site-specific NEPA analysis. Thus, the selected alternative does not have significant effects on human health and safety beyond those already documented in existing forest plan Environmental Impact Statements and the site-specific analyses of ongoing projects and activities, or might be identified in such future analyses of proposed projects and activities. Potential environmental effects to habitat on National Forest System lands needed to support a viable population of goshawks across the state of Utah would be reduced. However, the beneficial effects would not be significant due to the short time frame involved, the limited area affected, and the limited intensity of the beneficial effects.

4. *The proposed management direction would not significantly affect any unique characteristics or the geographic area (40 CFR 1508.27(b)(3)), does not adversely affect anything listed or eligible for listing in the National Register of Historic Places, nor does it cause loss or destruction of significant scientific, cultural, or historic resources (40 CFR 1508.27(b)(8)).*

The proposed management direction does not alter the environmental protection afforded such unique lands as is already provided for in the Forest Plans and may provide improved protection for such resources if they reside within goshawk habitat areas where proposed management direction would be applied.

5. *The proposed management direction does not involve physical or biological effects that are likely to be highly controversial (40 CFR 1508.27(b)(4)).*

The scientific basis for the proposed management direction has been established within the Reynolds et al. (1992) and Graham et al. (1999) publications. However, there are differing opinions in the biological community on the importance or role of habitat attributes associated with the goshawk and its prey. These differences, described by Arizona Game and Fish Department (AGFD, 1993), Fish and Wildlife Service, Region 2 (1992), Crocker-Bedford (1988), and others (Chapter 3, section 3.3.4, pages 3-12 to 3-13) focus primarily on canopy closures, densities of understories, and the amounts of mature and old forests in some home ranges. The potential effects of one alternative over another related to this debate, would be mitigated by focusing treatments in areas that are at-risk to losing habitat attributes that would reduce goshawk habitat quality from optimum or high valued to low or moderate.

Direction in Reynolds and Graham (as represented in Alternatives B, C, D and F) is less conservative than expressed by other groups (as reflected in Alternative E). However, if activities designed to promote goshawk habitat focus on areas at-risk according to the analysis processes defined by Graham et al. (1999), they would typically also be at-risk according to assessments by these other groups. For example, if a landscape assessment determines that the mature and old forest groups within a landscape are at risk of falling below 40% of the total forested acres, projects using Alternative F direction would be designed and implemented to provide reasonable assurance that this loss does not occur. Though the other groups may look at any loss of mature and old forests as an at-risk situation over the life of this amendment, the areas emphasized in the example above would typically be common between both entities. Thus, treatment in at-risk areas should generally promote maintenance or restoration of desired habitat conditions common to both groups over the projected life of this amendment.

Even if areas are identified as at-risk through the Graham process that would not be considered at risk by the other group, or vice versa, the limited number of acres that is likely to be affected by projects using direction in this proposal would not significantly reduce management options over the projected 4-year period of this amendment. If through the continued debate between the biological communities and monitoring it is determined further modification to programmatic direction is needed, the full compliment of options now available would likely still be available for consideration during forest plan revision to address modifications to habitat management strategies for the goshawk that may be identified.

6. *The proposed management direction does not involve social or economic effects that are likely to be highly controversial (40 CFR 1508.27(b)(4)).*

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. Some individuals and groups might take exception to the proposal, see social analysis in Chapter 4, sections 4.4. For the economic effects analysis, the projection was that the adoption of the proposed direction may have localized effects on timber harvesting volume and permitted livestock grazing for the six national forests (Chapter 4, section 4.5.1 and 4.5.2, respectively). However, over the short time frame of this amendment these programmatic effects would not be measurable across a national forest or multiple forests. This is because this amendment does not alter current planning direction on "why" we need to manage (e.g. provide habitat to support viable populations of sensitive species) or "what" management actions can be taken (e.g. vegetative treatments to manage habitat). This amendment focuses on new information related to the how (e.g. how vegetative treatments will be implemented to achieve habitat conditions) and where (e.g. at-risk habitat) we need to manage habitat.

Also, forest plans do not set commodity targets, but provide a dynamic programmatic framework for future decision making. Commodity production values estimated in forest plans are projections based on best information and dependent upon budget appropriations.

In addition, any subsequent site-specific action that may change the environment, and which uses this direction to guide project design and implementation, would be subject to appropriate site-specific analyses required by NEPA, as well as any other relevant planning regulations. The public would have an opportunity to comment and appeal site specific decisions as allowed by law and regulation. Refinement or modification of management direction adopted through this amendment process may be appropriate at the time of a site-specific analysis depending on site specific considerations or in response to public comment.

Current grazing permits may be affected if upon completion of the landscape assessment process associated with an allotment it is determined that grazing is contributing to an identified at-risk condition. However, correction of the at-risk condition may or may not impact current permits. If a permit is changed the effects should be localized and not be measurable at the forest scale over the interim period of this amendment (Chapter 4, section 4.5.2). Also, if a change to a permit is necessary procedures in FSM 2230 will be followed and the affected permittee would have appeal rights under 36 CFR §251.8 prior to implementation of any permit change.

These effects are well within the level of goods and services projected by the forest plans.

7. *The proposed management direction does not establish any highly uncertain, unique, or unknown experimental risks (40 CFR 1508.28(b)(5)).*

The best available scientific information specific to forested habitats in Utah provided the foundation for designing the proposed management direction (Environmental Assessment, Chapter 1, section 1.2). Measures proposed for adoption are consistent with the management direction adopted for management of goshawk habitat on other National Forest System lands such as in the Southwestern Region of the USDA Forest Service (Region 3), and the Targhee National Forest. It is also similar to direction proposed in the Interior Columbia Basin Ecosystem Management Project and currently being developed in the Sierra Nevada Framework Project.

8. *The proposed management direction does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6), nor is it related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)).*

The proposed management direction is a short-term effort to retain the environmental status quo until forest plan revision on the six affected national forests is completed. The proposed management direction would apply for a limited time, projected to be 4 years, until forest plan revision efforts are completed. The temporary nature of the proposed management direction would limit its effects. The Environmental Assessment discloses the projected cumulative effects of adopting the proposed management direction on habitat conditions and trends on land within the forested landscapes administered by the Forest Service within the geographic area of this action.

The Environmental Impact Statements to be prepared in support of forest plan revision would address the long-term cumulative effects. Because maintenance and restoration processes within forested habitats are gradual, short term adjustments in management practices proposed in this action are unlikely to result in significant environmental effect on future actions on NFS lands. The proposed management direction is not binding on any future decisions made through forest plan revision.

This proposed management direction is not related to other strategies such as that found in the 1996 ROD supporting the Southwestern Region amendment efforts, the Interior Columbia Basin Ecosystem Management Project, the Sierra Nevada Framework Project, or revision of the Targhee National Forest Plan (1997) in such a way as to generate a significant impact requiring preparation of an Environmental Impact Statement. This is due to the findings in items 1, 5 and 6 relating to the small geographic area affected, the time frame, and limited physical, biological, social, and economics effects.

In addition, the ongoing Utah state-wide amendment for wildland fire use will work in concert with this amendment. This amendment addresses how and where habitat should be managed to provide reasonable assurance habitat for the goshawk and their prey will be sustained. The fire amendment provides programmatic direction for use of a valuable tool that, in part, can be used to achieve desired habitat conditions described in this amendment.

9. *The proposed management direction would not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)).*

Biological Evaluations and Assessment have been prepared for this project and are located in Appendix H. The Biological Evaluations have a finding of may impact individuals or habitat, but would not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species. The Biological Assessment has a finding of may effect but not likely to adversely affect for all species.

The Graham et al. 1999 assessment found that habitat in Utah is of sufficient quality, quantity and distribution to continue to support the currently viable population of goshawks. The analysis of alternatives in the environmental assessment found that none of the alternatives, including the No Action Alternative, will result in the loss of goshawk population viability in the short time frame of this amendment.

This project was initiated not because the agency was concerned that we would lose a viable population of goshawks prior to revision of Forest Plans in Utah (projected to be 4 years), but in response to identified concerns that current management strategies permitted actions that could degrade habitat and did not emphasize some actions needed to maintain or restore goshawk habitat. New direction was needed to provide greater consistency in management of habitat for the goshawk. Current direction is not sufficient to provide consistency, resulting in a variety of interpretations on how to manage goshawk habitat. For a far-ranging species such as the goshawk that spans multiple national forests and other jurisdictional boundaries, consistency in habitat management is an essential component of actions needed to provide reasonable assurances that habitat to support a viable population of goshawks in Utah can be sustained in the future.

Implementation of direction in Alternative F will provide for consistency in management of habitat on NFS lands of the affected national forests and eliminates concerns on how and where actions allowed under current forest plans are applied that could degrade habitat below that needed to support a viable population of goshawks (36 CFR 219.19).

10. *The proposed management direction does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).*

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, Threatened or Endangered Species, Hazardous or Solid Wastes, Water Quality, Wild and Scenic Rivers, and Wilderness. Biological Evaluations and Assessment have been prepared for this project and are located in Appendix H.

Finding

On the basis of the information and analysis contained in the Environmental Assessment and all other information available as summarized above, it is my determination that adoption of the proposed management direction (as reflected in Alternative F) until the six affected national forests complete forest plan revision (projected to be 4 years), does *not* constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an Environment Impact Statement is *not* needed.