APPENDIX Q

National Forests in Mississippi
Land and Resource Management Plan

Amendments #7 & #8

Red-cockaded Woodpecker (RCW) Management Interim Guidelines

National Forests in Mississippi
Land and Resource Management Plan

Amendment #7

This amendment incorporates the Regional Forester's letter (with attachments 1-5) of June 26, 1989. This package outlines a 3-phase process for developing new direction for the management of the Red-cockaded Woodpecker (RCW) and continues the immediate actions taken by the policy issued on March 27, 1989. These documents, and this amendment, are a part of phase 1; immediate and short-term actions to avoid adverse effects on RCW populations and preserve future management options.

United States Department of Agriculture | Forest Service | Regional Office | 1720 Peachtree Road, NW Atlanta, GA 30367

Reply to: 1920
2600

Date: June 26, 1989

Dear Reader:

I am writing to provide you with information (Attachments 1-5) and let you know about our plans and process for revising our policy for red-cockaded woodpecker (RCW) habitat management on the National Forests in the Southern Region. RCW is listed as a threatened and endangered species and we are obligated to protect and manage its habitat to increase its populations to recovery status. Unfortunately, our latest intensive population survey indicated that smaller RCW populations are declining. We are therefore taking steps to reverse this decline immediately and develop long-range management objectives for RCW. We are taking a 3-phase approach to this process.

Phase 1 - On March 27, 1989, I issued a new policy (enclosed as Attachment 1) on cutting within 3/4 mile of RCW colonies on existing timber sale contracts. In the cover letter for this policy, I instructed the Forest Supervisors for National Forests in Alabama, Florida, Mississippi and North Carolina as well as the Kisatchie National Forest in Louisiana, Ouachita National Forest in Arkansas, Chattahoochee-Oconee National Forest in Georgia, Cherokee National Forest in Tennessee, and Daniel Boone National Forest in Kentucky to implement this policy effective March 27, 1989. It is now in effect on these National Forests within active RCW populations with less than 250 active RCW colonies. This policy establishes new protection measures for RCW necessary to insure that any action authorized, funded or carried out by the Forest Service is not likely to jeopardize the continued existence of RCW.

In order to comply with the National Environmental Policy Act (NEPA) for this action I issued an Environmental Assessment, Finding of No Significant Impact and Decision Notice on June 22, 1989 (enclosed as attachment 2).

We prepared a biological evaluation of the proposed action (enclosed as attachment 3) and determined this action is not likely to adversely affect the RCW. We then informally consulted with the F&WS for their concurrence in our evaluation. They concurred with our determination (enclosed as Attachment 4) and provided recommendations. Our response to their concurrence letter and recommendations is also attached (Attachment 5).

The March 27, 1989 Policy will be in effect until Phase 2 is completed. Phase 2 - During this phase, we will develop and implement an interim policy on cutting within 3/4 mile of RCW colonies. We anticipate that this

ATTACHMENT 1

POLICY ON CUTTING WITHIN 3/4 MILE OF RCW COLONIES ON EXISTING TIMER SALE CONTRACTS

MARCH 27, 1989

The purpose of this document is to describe the policy on cutting on existing timber sale contracts within 3/4 mile of active and inactive RCW colonies. Existing sale contracts are defined as those which have been awarded or those with award pending. This policy will be implemented within active populations less than 250 active colonies. Active populations which are not affected by this policy are:

1. Francis Marion population
2. Apalachicola population
3. Vernon-Kisatchie-Evangeline population on the Kisatchie NF

This policy establishes new protection measures for the endangered red-cockaded woodpecker determined necessary to insure that any action authorized, funded or carried out by the Forest Service is not likely to jeopardize its continued existence. This policy supplements the Wildlife Habitat Management Handbook (2609.23R FSH) and is based on the most current biological research on the red-cockaded woodpecker. It has been developed in coordination with the Sierra Club Legal Defense Fund and the Region 8 Forest Service Timber Purchasers' Council.

These actions may or may not be consistent with the Forest Plans of the Forests affected. However, the directive will take precedence over standards and guidelines in Forest Plans until such time as the Plans are amended to comply.

Following are the immediate actions which must be completed to implement this policy on existing sales. This policy only pertains to sales involved with suitable RCW habitat (pine and pine-hardwood forest types). Refer to the Comprehensive Plan for Management of Red-Cockaded Woodpeckers on the National Forests in Texas for definitions of RCW terms used in this policy.

Interim RCW Guidelines are being developed which will supersede the existing RCW Handbook direction for those areas within 3/4 mile of RCW Colonies in populations with less than 250 active colonies. The Interim Guidelines for RCW will not be finalized until we consult with USDI, Fish and Wildlife Service, and other interested publics and organizations. When finalized, the Interim Guidelines will apply to future sales and currently advertised or proposed sales that have been withdrawn and will remain in effect until the Region 8 Regional Guide is amended. The amendment of the Regional Guide will start as soon as possible and could take 18 to 36 months to complete.

(a) Relict Trees
(b) Potential cavity trees.
(c) Trees 10 DBH+ which are not potential cavity trees
(d) Trees less than 10 inches DBH

(2) PU BETWEEN 1/4 AND 3/4 MILE OF GOMETRIC CENTER OF COLONY SITE:

a. PU not in compliance with existing handbook direction - delete the PU.

If in compliance with existing handbook direction see (2)b or (2)c.

b. PU involves a stand that is at or above the applicable RCW rotation (see Table I below) - Delete the PU or change the method of cut to thinning, retaining at least 60 square feet of pine basal area per acre. If the method of cut is changed to a thinning, the following priorities will be used to select trees for retention.

Relict Trees
Potential cavity trees
Trees 10 inches and greater DBH which are not potential cavity trees
Trees less than 10 inches DBH

c. PU does not involve stand at or above the applicable RCW rotation (see Table- 1 below). Proceed with planned regeneration if an analysis shows that proceeding is not likely to adversely affect RCW habitat. Regional Forester approval will be required in all cases before regeneration harvest may continue. This approval will be based, in each case, on data furnished by Forests as per the attached document entitled "Timber Sale/RCW Analysis". This data will be considered in light of the following:

Fragmentation
Colony Isolation
Foraging Habitat Continuity
Foraging Habitat Amount
Isolation of Recruitment or Replacement Stands
Age Class Distribution

Prompt notice of any determinations to proceed with regeneration harvest, made under this part, will be sent to the Sierra Club Legal Defense Fund and the R-8 Timber Purchasers' Council by the Regional Forester.

These claims should be handled under the Contract Disputes Act by the Contracting Officer.

G. It is highly preferable to modify the contract by mutual agreement under BT8.3 to delete individual payment units. Contracting Officers should strive, to the maximum extent practicable, to modify existing contracts under authority of BT8.3.

H. Some purchasers may choose not to accept the contract modification as proposed. It is acceptable to cancel the contract if the modification changes the sale conditions significantly and the purchaser is unable to recover the original profit margin.

3. AWARD PENDING CONTRACTS

A small number of "award pending" contracts exist. There are two options available for consideration.

a. The preferred alternative is to discuss with the apparent high bidder, the potential to award the sale. If the high bidder, after being presented the alternatives, agrees to a proposed modification, the sale should be awarded and modified to conform to the guidelines in this policy.

b. Or, reject all bids, redesign the sale to conform to the policy in this document and advertise the redesigned sale at a later date.

4. ADVERTISED TIMBER SALES

Effective immediately, withdraw all sales currently advertised if they have regeneration cutting within 3/4 mile of an active or inactive RCW colony.

5. PROPOSED SALES

The emphasis in all proposed sales within 3/4 mile of all active and inactive RCW colonies will be thinning pine and pine-hardwood stands to a Basal Area range of at least 60 square feet if a high risk of SPB infestation exists. We anticipate an aggressive program in the next few years to achieve this desired condition.

Until the Interim RCW Guidelines are final, only thinning cutting (does not include Virginia and sand pine) will occur within the 3/4 mile zones. Thinning prescriptions will emphasize the retention of those trees most suitable as future RCW nesting habitat. The following priorities will be used to select trees for retention while retaining at least 60 square feet of pine basal area per acre:

Decision

It is my decision to continue the "Policy on Cutting within 3/4 mile of RCW Colonies on existing timber sale contracts" issued on March 27, 1989.

This policy is hereby an amendment to the LRMPs for those National Forests covered by it. Because of the temporary nature of this policy and the limited number of instances affected these are determined to be non-significant amendments for the purpose of compliance with the amendment provisions of NFMA. This determination is based on the fact that this policy is limited to existing advertised and proposed sales for the limited period until new direction is issued.

A copy of this decision document is being distributed to individuals or groups on the mailing list for each Forest Plan involved. This decision is subject to administrative review pursuant to 36 CFR 217.

Continuing Discussions

The Region conducted discussions with the National Forest Products Association, the Region 8 Forest Service Timber Purchasers Council and Sierra Club Legal Defense Fund, in development of the March 27, 1989 Policy. We will continue to discuss the implementation of the March 27, 1989 Policy and any changes that may be made to it, other interim RCW measures, and amendment to the Regional Guide with these groups and other interested persons and groups.

John E. Alcock
Regional Forester

6/26/89
Date

ATTACHMENT 2

ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT AND DECISION NOTICE

In response to the letter of April 14, 1989 from Deputy Chief James C. Overbay to Mr. Huey Long I hereby document the rationale and environmental consideration for the “Policy on Cutting within 3/4 mile of RCW Colonies on existing timber sale contracts" that was issued and became effective March 27, 1989. The biological evaluation prepared by the Forest Service on the expected effects of the policy on the RCW and the concurrence in the action by U.S. Fish and Wildlife Service, both of which are attached, supplement this analysis and are incorporated by reference.

Environmental Assessment

Through up-dated inventories, the Forest Service has recently documented a decline in the numbers of red-cockaded woodpecker (RCW) colonies in RCW populations of less than 250 active colonies. The Forest Service, acting on new information, immediately began formulating a policy to protect the RCW in the short-term while revision of the direction in its Wildlife Management Handbook for Management of the RCW, in form of an amendment to the Regional Guide, was being conducted. A Notice of Intent to prepare an EIS and amend the Regional Guide for the RCW was published in the Federal Register on May 5, 1989.

On December 8, 1988, the Sierra Club Legal Defense Fund (SCLDF) filed a Notice of Intent to sue the Forest Service for violation of the Endangered Species Act (ESA) regarding the RCW, on 14 forests in Region 8. In the following weeks, the Region held discussions with Sierra Club Legal Defense Fund, the National Forest Products Association and the Region 8 Forest Service Timber Purchasers Council.

The Forest Service thereafter issued its Policy of March 27, 1989, to “insure that any action authorized, funded, or carried out by [the Forest Service] is not likely to jeopardize the continued existence of ... “the red-cockaded woodpecker, (ESA Sec. 7 (a) (2); 16 U. S. C. 1536 (a) (2)). The March 27 Policy was issued as a temporary measure of limited scope. It covers only cutting practices within 3/4 mile of active and inactive RCW colonies in populations of less than 250 colonies. It applies only to existing, advertised and proposed sales until new direction is issued. The policy was intentionally created to be flexible in dealing with "on the ground" situations and new information so as to maximize the Forest Service's ability to quickly comply with ESA and other laws. Because of the temporary and flexible nature of the March 27 Policy, it is likely that changes will be made to it before completion of the amendment to the Regional Guide for RCW management. This likelihood is referred to in the Policy as “interim RCW guidelines”.

It was recognized that the timber sales affected by the Policy had already been prepared with NEPA/NFMA compliance and had been determined to be in compliance with the direction for RCW management contained in the RCW chapter in the Wildlife Habitat Management Handbook (FSH 2609.23R Chapter 420). The

ATTACHMENT 3

BIOLOGICAL EVALUATION
Policy on Cutting Within 3/4 Mile of RCW Colonies
on Existing Timber Sale Contracts
May 3, 1989

I. INTRODUCTION

This biological evaluation (BE) will determine if the Southern Region's “Policy on Cutting Within 3/4 Mile of RCW Colonies on Existing Timber Sale Contracts” (Policy) will likely adversely affect proposed, endangered or threatened species.

The Forest Service is evaluating its red-cockaded woodpecker (RCW) management direction in light of the recent survey information showing evidence of RCW declines over most of the smaller populations on Forest Service lands. The Southern Region will be conducting an environmental analysis of possible RCW management strategies and options for future RCW management in the Region. This analysis will be documented in an EIS and should be completed in 18 to 36 months and will likely result in amendment of the Regional Guide.

The Policy being evaluated in this BE supplements the existing handbook direction (FSH 2609.23R) and implements immediate steps needed to maximize the probability of successfully stopping the declines in our smaller RCW populations. This Policy will be in effect until amended or superseded. The Forest Service is considering developing Interim Guidelines to supersede this Policy until completion of the EIS on RCW management and amendment of the Regional Guide. However, it is possible that this Policy will continue in place, with amendments as necessary, until amendment of the Regional Guide, without development of separate Interim Guidelines. We will keep the USDI, Fish and Wildlife Service (FWS) apprised of our intentions so that there is appropriate consultation (informal or formal) on any proposed management changes.

The existing timber sales covered in this Policy have already gone through project level environmental analysis and BE process, and are designed to meet existing RCW direction (FSH 2609.23R) and are in compliance with the non-jeopardy opinion rendered on the RCW chapter (Fish and Wildlife Service, February 15, 1985). Modified existing sales, advertised and proposed sales will be evaluated to ensure compliance with NEPA, NFMA and the Endangered Species Act (ESA).

II. THE ACTION

Within those RCW populations with a high risk of extirpation or showing signs of decline we are implementing special emergency measures to try and stabilize these populations and protect elements of RCW habitat to ensure that options for long term management are not foregone. This Policy restricts the method of cut within existing timber sales under contract within 3/4 mile of RCW colonies in those active populations with less than 250 active colonies (based on 1988 Forest survey results) outside the

Between 1/4 and 3/4 mile of a RCW colony site can proceed with planned regeneration if (1) does not involve stands at or above RCW rotation age, (2) analysis shows that proceeding with planned regeneration is not likely to adversely affect the RCW and (3) has Regional Forester approval to ensure compliance with ESA.

Planned clearcuts to convert off site pine (slash, loblolly or sand pine) back to longleaf pine can occur within 3/4 mile of a RCW colony site if RCW habitat would be improved by this conversion.

Regeneration cutting is on hold in advertised and proposed sales until this Policy is amended or superseded. Emphasis within 3/4 mile of a RCW colony with these sales is thinning to reduce risk of southern pine beetle (SPB) infestation and maintenance of nesting and foraging habitat values.

The basic direction in the RCW chapter of the Wildlife Habitat Management Handbook (FSH 2609-23R) has not changed; e.g., population objectives, colony site establishment and protection, foraging habitat guides, rotation ages, and recruitment/replacement stand guides.

III. EVALUATION OF EFFECTS

The RCW is the only threatened, endangered or proposed species that may be affected by this Policy. The following is a discussion of the effects of the elements of this Policy on the RCW in relation to the existing handbook direction.

The elimination of planned regeneration within 1/4 mile of a RCW colony site will ensure that potential effects on habitat fragmentation and colony isolation will not occur. Foraging habitat will be favored close to the colony site. This provision is just a short term protection measure that, if included as permanent direction, would have the long term impact of creating a boom and bust flow of habitat close to colony sites.

The elimination of planned regeneration of stands at or above RCW rotation age will ensure that the best potential nesting habitat is maintained. The time lag until stands can start providing a flow of potential nest trees is minimized.

The requirement of further analysis and Regional Forester approval ensures that any planned regeneration will not adversely affect the RCW and habitat options are not foregone.

The clearcut conversion of off site pine back to longleaf is not new under this Policy. The existing handbook identifies the need to re-establish longleaf pine stands within RCW habitat. These conversions will have a long term beneficial effect for the RCW; i.e., stands less susceptible to SPB, trees exhibit better nest tree characteristics, trees are longer lived and it is easier to manage midstory encroachment. The special provisions included in the Policy

ATTACHMENT 4

United States Department of the Interior
FISH AND WILDLIFE SERVICE
75 SPRING STREET, S.W.
ATLANTA, GEORGIA 30303

June 15, 1989

Mr. John E. Alcock
Regional Forester
U.S. Forest Service
1720 Peachtree Road, N.W.
Atlanta, Georgia 30367

Dear Jack:

This responds to your request for concurrence on a determination that the "Policy on Cutting Within 3/4 Mile of RCW Colonies on Existing Timber Sale Contracts" (Policy) is not likely to adversely affect the red-cockaded woodpecker (RCW). This Policy implements immediate steps to attempt to maximize the probability of successfully stopping the declines in small RCW populations on national forests.

The Fish and Wildlife Service (Service) has reviewed the Policy and biological evaluation. Based on this review, the Service concurs that the Policy is not likely to adversely affect the RCW and commends the Forest Service for taking the initiative to reevaluate existing RCW management direction and for taking immediate steps in an attempt to rectify possible problems.

While we do concur in the determination of "not likely to adversely affect," we do have some concerns with statements in the Policy and offer one conservation recommendation in response to one of our concerns.

The first concern is the statement on page 2 of the Biological Evaluation to "…delete any planned cutting not in compliance with existing handbook direction." This statement is in direct conflict with the statement under "Determination of Effect" that all projects covered under this Policy are already in compliance with Section 7. If planned cutting is not in compliance with existing handbook direction, it is also not in compliance with Section 7, unless a separate formal consultation has been conducted on the cutting. We are aware of no past or present cutting that has had an individual formal consultation. The statement in the Policy on deleting cutting not in compliance with the handbook direction is disturbing in that it indicates that noncompliance has and is occurring on other national forests, in addition to those in Texas.

The second concern is the directive on page 2 of the Policy to "…not proceed with planned regeneration of any stand at or above the applicable RCW rotation age" between 1/4 and 3/4 mile of a colony site. While this is a positive conservation measure for the RCW, it could be improved. In areas around RCW colony sites that do not contain stands at or above the rotation age, this directive would allow regeneration of the

United States Department of Agriculture | Forest Service | Regional Office | 1720 Peachtree Rd., NW Atlanta, Ga. 30367

Reply to: 2670

Date: June 22, 1989

ATTACHMENT 5

Mr. James W. Pulliam, Jr.
Regional Director
USDI Fish and Wildlife Service
75 Spring Street, S.W.
Atlanta, GA 30303

Dear Tim:

This is in response to your June 15, 1989 letter of concurrence on our March 27, 1989 Existing Sale Policy involving the endangered red-cockaded woodpecker (RCW). You identified two concerns in the letter of concurrence we would like to respond to.

Your first concern was the statement in the policy about deleting any planned cutting not in compliance with the existing handbook direction. This implied that noncompliance with existing handbook direction has and is occurring. We do not believe this to be true. The statement was included in the policy to emphasize the fact that existing handbook direction is still the basic bench mark for evaluation of compliance with Section 7. We did not anticipate any payment units being deleted because of noncompliance, and as expected all the sale packages reviewed by this office to date (about 50) have been in compliance with existing handbook direction.

The second concern involves the protection of the older pine stands. We share your concern that the situation could occur where the oldest stand available to the RCW is less than the RCW rotation age and would not be automatically deleted. This is one of the reasons our review evaluates the age class distribution of all the stands within 3/4 mile of a colony site. This evaluation ensures that the availability of older stands is maintained, that the cutting is occurring in the age class bulge, and a flow of habitat through time is planned for. This situation has occurred twice during our evaluations to date and in both cases the payment units involved were deleted. We will use your conservation recommendation as a guideline in our evaluations.

We appreciate your help in our attempt to maximize the probability of successfully stopping the declines in our smaller RCW populations.

JOHN E. ALCOCK
Regional Forester

National Forests In Mississippi
Land and Resource Management Plan

Amendment No. 8
May 1990

This amendment adds the Interim Standards and Guidelines for the protection and Management of RCW Habitat Within 3/4 Mile of Colony Sites as described in the Decision Notice of May 1990, as supplemental direction to the RCW Protection and Management Standards and Guidelines of this plan with the following exceptions:

1. The guidelines for cutting within colony sites have not been supplemented.
2. The guidelines for cavity tree cutting have not been supplemented.
3. The guidelines for SPB suppression have not been supplemented.

Supplement the Forest Plan with the Interim Standards and Guidelines as follows:

Record of Decision - RCW rotations, Page 3.

Chapter IV Forest Wide Standards and Guidelines, Page 4-7

Prescriptions for Analysis Areas Not Suitable For Timber Production, Pages 4-95, 4-96, Special Use Permits.

Appendix I Compartments Affected By RCW, Pages 1-1, 1-2.

This amendment is not a significant change in the National Forests in Mississippi Plan. The determination that this is a non-significant amendment is made in accordance with 36 CFR 219.10(f) and the Forest Service Manual Chapter 1920 (53 Fed. Reg. 26807, July 15, 1988) and the Forest Service Handbook 1909.12 ch. 5.32 (53 Fed. Reg. 26836, July 15, 1988). Due to the temporary nature of these interim standards and guidelines, this amendment does not significantly alter the multiple use goals and objectives for long-term land and resource management, (FSM 1922.51.) Nor does it significantly alter the long-term relationship between levels of multiple-use goods and services originally projected. (FSM 1922.52 1.) This amendment simply adds more direction and standards and guidelines for managing the endangered RCW to that already contemplated in the Forest Plan until more long-term management direction is approved. The amendment does not involve an increase or decrease in resource demands.

The Forest Service Handbook (FSH 1909 at 5.32 a-d) provided the following factors which were used to determine that this amendment is not significant:

a. Timing. As discussed above this is a short-term change in standards and guidelines for RCW management for this Forest Plan that has already been in effect for several years. The amendment will remain in place only until long-term management direction is implemented. It is expected that the new direction will be ready for implementation in approximately two years. These standards and

guidelines will not be kept in place for the remainder of the planning period, and therefore the timing of the amendment does not make it significant for the current plan.

b. Location and Size. The location and size of the area involved in the change is small. The areas within 3/4 mile of RCW colonies that will be affected by these standards and guidelines are on just a part of the total forest area. Further, only a fraction of these acres within 3/4 mile of RCW colonies will actually be subject to regeneration timber cutting within the short period that these interim guidelines will be in effect.

c. Goals, Objectives, and Outputs. The change in standards and guidelines will not alter the long-term relationship between the levels of goods and services projected by the forest plan. Even if the standards and guidelines might result in a change in timber outputs during the life of these standards and guidelines, it is not possible at this time to predict whether any such changes would forego the opportunity to achieve an output in later years. Timber that might not be harvested now because of the interim standards and guidelines would still be available in the future, when long-term management direction is in place. Further, timber outside the 3/4 mile areas may make up for sales that would have otherwise occurred within these areas. Furthermore, the emphasis on thinning may provide additional volume.

d. Management Prescription. This amendment does not change the desired future condition for the land and resources from that contemplated by the management for recovery of the RCW that is already in the Forest Plan. This amendment only adds to and clarifies standards and guidelines for RCW management that are already contained in this Forest Plan. It does not affect the whole planning area but only those places were timber harvesting is contemplated within 3/4 mile of an RCW colony during the short period that this amendment will be in effect.

United States Department of Agriculture
Forest Service
Regional Office
1720 Peachtree Road, NW
Atlanta, GA 30367

Reply to: 1920/1950/2600

Date: May 9, 1990

Dear Reader:

Enclosed for your information is a Decision Notice (DN), Finding of No Significant impact (FONSI), and the Environmental Assessment (EA) for the interim standards and guidelines for the protection and management of red-cockaded woodpecker (RCW) habitat within 3/4 mile of colony sites.

The Decision Notice documents my decision for amending affected Forest Plans with additional standards and guidelines for protecting and managing RCW during the interim period until long-range RCW protection and management strategies are developed. The Decision Notice identifies the alternative selected and states the reasons for selecting the alternative.

Please feel free to contact your local Forest Service office if you have any questions regarding this Decision Notice.

JOHN E. ALCOCK
Regional Forester

Enclosure

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PART I – DECISION NOTICE

PART I – DECISION NOTICE

A. INTRODUCTION

This decision notice identifies the alternative selected for implementation as interim standards and guidelines for protection and management of red-cockaded woodpecker (RCW) habitat within ¾ mile of RCW colony sites. The environmental assessment (EA) prepared for the interim Standards and Guidelines does not disclose site-specific environmental analysis. Site-specific analyses and the appropriate National Environmental Policy Act (NEPA) documentation will be done at the project level to insure compliance with NEPA, Endangered Species Act (ESA) and any other applicable laws. The alternative to be implemented will apply to the area within ¾ mile of active and inactive RCW colonies on National Forest System (NFS) lands with RCW populations of less than 250 active colonies. Included are RCW populations on National Forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Tennessee.

This decision notice completes Phase 2 of a 3-phase process to develop and implement new long-range RCW protection and management guidelines. To comply with all applicable laws and regulations and to gain public involvement into the endeavor, we are following the Environmental Impact Statement (EIS) process as outlined by NEPA regulations. Since this process is expected to take about two years to complete, two interim phases (Phase 1 and 2) were developed. These phases were designed to provide protection and habitat management to benefit RCW until the EIS process is complete and a new long-range RCW management strategy is implemented. The following is a brief explanation of the 3 phases:

Phase 1 – began when the *Policy on Cutting Within ¾ Mile of RCW Colonies on Existing Timber Sale Contracts* was issued on March 27, 1989. This policy established new protection measures for RCW. The Policy was urgent and temporary until additional analysis could be done and Phase 2 implemented.

Phase 2 – documented in the Decision Notice is the development and implementation of interim Standards and Guidelines for Protection and Management of RCW Habitat Within ¾ Mile of Colony Sites. Phase 1 stressed protection. Phase 2 continues the emphasis on protection, and provides additional management options. Phase 2 will be in effect until Phase 3 is implemented.

Phase 3 – is the development and implementation of long-range RCW protection and management guidelines, for which an EIS is being prepared. (Federal Register, Vol. 54, No. 86, May 5, 1989)

As stated on page 2 of the EA, the interim standards and guidelines do not apply to all RCW colonies in the Southern Region. Populations with more than 250 active colonies and colonies on the National Forests in Texas are excluded. However, these populations could be included under the interim standards and guidelines at a later date if new information becomes available indicating a need to include them. Since these populations are not within the scope of the EA, a supplement to the EA would be prepared. The supplement would disclose and analyze the environmental consequences of implementing the standards and guidelines on both the RCW and other environmental resources within the area being considered.

We currently know of two situations that may require supplementing the EA. One involves the RCW populations in Texas. Texas RCW colony and habitat management is currently following a court ordered plan. We have appealed the Court's ruling to the 5th Circuit Court of Appeals. Should the court return management of RCW habitat within ¾ mile of colony sites in Texas to the discretion of the Forest Service, we will supplement the EA to include these colonies under the interim standards and guidelines.

The second possible addition is the Vernon-Kisatchie-Evangeline population on the Kistachie National Forest in Louisiana. This population was excluded because it exceeds 250 active colonies. However, in their concurrence letter, the USDI Fish and Wildlife Service (F&WS) recommended that this population be considered 3 populations. (See F&WS letter of March 2, 1990, Appendix C.) We are taking action based on this recommendation and have begun the necessary analysis. If this population is split into three separate populations, each would have less than 250 active colonies and, therefore, fall under the interim standards and guidelines. Because this area is currently excluded from the EA, a supplement would be prepared to include the Vernon-Kisatchie-Evangeline RCW population area.

B. ALTERNATIVES CONSIDERED

Seven alternatives were developed on public issues, management concerns, and existing RCW information.

Two alternatives were eliminated from detailed analysis (see EA, item II., EA-6). They were:

1. No cutting within ¾ mile of RCW colonies during the interim period. (This alternative responded to issue 3.)

   Implementing this alternative would likely contribute to the continued decline of the small RCW populations. Management of RCW habitat, including cutting is critical in enhancing existing habitat through the removal of mid-story encroachment in the colony site. It is also necessary to provide future suitable habitat and protect the existing habitat from insect and disease.

2. Implement an uneven-aged management silvicultural system within ¾ mile of RCW colonies.

   Changing to an uneven-aged silvicultural system during the time the interim standards and guidelines will be in effect, would not be feasible. Major changes in stand inventory, regeneration, treatments and monitoring would be required to ensure that overall forest productivity and viability remains high. The time it would take to develop and implement these changes would likely be longer than the interim standards and guidelines would be in effect. We will consider uneven-aged management as we analyze the long term direction in the upcoming months.

Five alternatives were analyzed in detail in the EA. All alternatives are consistent with the direction in Chapter 420 – Red-Cockaded Woodpecker, of the Forest Service Wildlife Habitat Management Handbook (FSH 2609.23R). Mitigating measures were developed and incorporated into each description of the alternatives based on the management options available under that alternative rather than having a separate listing of mitigating measures. A brief summary of each alternative follows (EA, item II., pages EA-7-17, for detailed description):

Alternative 1 – No action. Management direction and mitigating measures follow Chapter 420 of the Forest Service Wildlife Habitat Management Handbook, FSH 2609.23R. Direction is the same as that prior to the issuance of the March 27, 1989, Policy on Cutting Within ¾ Mile of RCW Colonies. Timber harvest is allowed through thinning, clearcutting and shelterwood/seed-tree harvest in both the ¼ mile and ¼ - ¾ mile zones provided adequate foraging habitat is provided and colony sites are not isolated. Cutting for management other than timber, i.e., recreation, oil/gas exploration, etc., requiring clearings less than and larger than 10 acres is not specifically addressed and will be coordinated at the project level. Retention of relict trees and/or potential cavity trees is not addressed. Management objectives for foraging habitat is tied to acres by providing 125 acres of pine or pine-hardwood forest which are 30 years old or older, 40% (50 acres) of which must be 60 years old or older, within ½ mile of and contiguous with the colony site.

Alternative 2 – Management and mitigation follow the "Proposed Action-Interim Policy on Cutting Within ¾ Mile of RCW Colonies", that was distributed with the July 7, 1989, scoping letter for this EA. Thinning of timber stands is emphasized with provisions to protect potential nesting habitat. Within the ¼ mile zone, clearcutting is allowed, with mitigation, only to convert off-site pine species back to longleaf pine. In the ¼ - ¾ mile zone, clearcutting can also be used to regenerate slash pine or wet sites and understocked or damaged stands not identified as foraging habitat, i.e., less than 24 stems 10 inches or greater diameter at breast height per acre.

Shelterwood/seed-tree cutting is not silviculturally appropriate for stand conditions where regeneration is allowed in the ¼ mile zone, but is allowed with mitigation in the ¼ - ¾ zone if 50% or more of the suitable habitat remains in the 60 year or older age classes. Clearings less than 10 acres for resource management other than timber are allowed in the ¼ mile zone if criteria for clearcutting within that zone are met. Such clearings greater than 10 acres are not allowed in the ¼ mile zone. In the ¼ - ¾ mile zone, clearings less than and larger than 10 acres are allowed if mitigation outlined in FSH 2609.23R is met. Under all cutting methods, future nesting habitat is provided through retention of relict trees and potential cavity trees. Foraging habitat management objectives are tied to availability of suitable foraging substrate, ensured by identifying enough acreage to provide at least 6350 pine stems greater than or equal to 10 inches DBH and 8490 square feet of pine basal area (BA) within ½ mile of and contiguous with the colony site.

Alternative 3 – This alternative is based upon Alternative 2 as modified by public, other agency, and internal Forest Service input. This is the preferred alternative.

Within the ¼ mile zone, thinning is emphasized with provisions to protect potential nesting habitat. Regeneration utilizing the clearcut method is allowed only to convert sites occupied by offsite species back to longleaf pine. No more than 25% of the area can be less than 30 years old and no more than 8.5% can be in the 0-10 year age class. This converts to a maximum clearcut size of 10.6 acres, assuming the entire ¼ mile zone (approximately 125 acres) is suitable habitat and there are no other non-stand size temporary openings due to

insect, disease, or other resource management activities. There are also additional guidelines to ensure adequate foraging, prevent habitat fragmentation and prevent isolation of recruitment/replacement (R/R) stands. There are also provisions to retain potential cavity trees. No regeneration using the seed-tree/shelterwood methods will occur within ¼ mile zone. Existing seed-trees or shelterwood will not be cut during the interim period. Clearings less than 10 acres for resource management other than timber should be located outside the ¼ mile zone if possible. If such clearings must be located within this zone, the criteria for clearcutting will be followed. No clearings greater than 10 acres for other resource management will be allowed. No regeneration or clearing for any purpose is to occur in the oldest 1/3 of the suitable habitat acreage. One third of the acres within ¾ mile of RCW colonies containing the oldest stands will be retained for potential nesting habitat.

In the area between ¼ and ¾ mile from the colony thinning criteria are the same as in the ¼ mile zone. Use of the clearcut method for regeneration is expanded to include other stand conditions where natural regeneration is not feasible. These conditions are limited to slash pine on very wet sites, sparse stands or damaged stands with 24 or less stems per acre greater than 10 inches DBH that are unsuitable or not needed for foraging habitat. Mitigation is the same as in the ¼ mile zone. In addition, regeneration areas will average no more than 25 acres. Retention of the oldest stands totaling at least 1/3 of the suitable habitat within ¾ mile criteria applies.

Stand regeneration using the shelterwood and seed-tree methods are allowed within the ¼ to ¾ mile zone to provide long-term RCW benefits. A sustained flow of habitat into the future for RCW requires that a portion of the habitat in excess of the current population needs to be regenerated. Mitigation measures are the same as for clearcutting with the exception that the 25 acres limitation is not applicable because of the residual trees remaining on the regeneration area. Seed-trees will not be removed during the interim period. The minimum leave basal area for seed-trees vary by species. For loblolly and shortleaf pine, it is 30 sq. ft./ac. For longleaf and slash pine, it is a range of 25-40 sq. ft./ac. with direction to use the highest possible BA for each specific site to benefit the bird and still achieve seedling establishment and development. It is important to use the highest BA possible of offset natural mortality due to insects, wind or lightening. This higher BA also reduces forest fragmentation which is an important factor in the smaller populations that have relatively isolated colonies.

Clearings for non-timber management purposes in the ¼ - ¾ mile zone, both less and greater than 10 acres, are permitted, but must meet the same criteria as for clearcuts in this zone.

Within the entire ¾ mile zone foraging habitat is tied to the availability of suitable foraging substrate. A minimum of 6350 pine stems greater than or equal to 10 inches DBH and 8490 square feet of pine BA within ½ mile of and contiguous with the colony site should be provided.

This alternative also allows for the selection and management of corridors to maintain habitat continuity between colonies, even though these areas are outside the specified ¾ mile zones.

Alternative 4 - This alternative follows the criteria for management activities with appropriate mitigation identified in item 5, “Proposed Sales” on page 5 of the Policy for Cutting Within ¾ Mile of RCW Colonies issued March 27, 1989. Thinning is allowed following criteria

described in Alternative 2. Clearcutting is allowed, with mitigation, in both the ¼ mile and ¼ - ¾ mile zones to convert off-site pine back to longleaf pine and to regenerate understocked and damaged stands not needed for foraging habitat. Shelterwood/seed-tree regeneration cutting is not allowed. Criteria for cutting for resource management other than timber management is the same as Alternative 1 in both zones. Future cavity trees will be retained as described under Alternative 2. Foraging habitat would be managed as described under Alternative 1.

Alternative 5 – This alternative will allow only thinning as described under Alternative 2. No clearings will be allowed. Retention of future cavity trees when thinning and management of foraging habitat will follow the direction under Alternative 2.

C. DECISION

My decision is to amend the affected forest plans with the standards and guidelines as described in Alternative 3 with two minor modifications from the description of Alternative 3 in the EA of January 1990. These modifications are:

1. The maximum amount of temporary openings with trees less than 10 years of age within ¾ mile of RCW colonies is reduced from 10% to 8/5% of the suitable habitat acreage.

2. The leave basal area for regenerating longleaf pine using the shelterwood method is changed from a minimum of 40 sq. ft./ac. to a range of 25-40 sq. ft./ac.

The following discussion explains the changes to Alternative 3 and provides reasons why they were made:

Change 1 – In the EA of January 1990, Alternative 3 allowed a maximum of 10% of suitable habitat to be in the regeneration stage (0-10 year age class) within ¼ mile and between ¼ and ¾ mile of RCW colonies. We inventory and prescribe needed management in each of our forest stands at lest every 10 years. Theoretically, we could regenerate 1/10 of the acreage every 10 years. This equates to a rotation age of 100 years. The F&WS recommends in their concurrence letter (Appendix C, March 2, 1990 letter) that the maximum allowable amount in regeneration be reduced to 8.5 percent or approximately 1/12 of the suitable habitat. Therefore, the change equates to extending the rotation age to 120 years. F&WS recommend this rotation length during the interim period in order to preserve future options for rotation length that will be developed and analyzed in the EIS for long-term management options. In addition, this lengthening of rotation will reduce the probability of habitat fragmentation or colony isolation. Because long-term management options will consider rotation lengths by tree species and site quality, I agree with F&WS that this change to Alternative 3 would be prudent during the interim period.

Change 2 – When we regenerate forest stands naturally using the seed-tree method, some of the mature trees are left on site to provide seed for seedlings that will make up the new stand of trees. In the EA of January 1990, Alternative 3 required a minimum of 40 square feet of basal area per acre to be left when longleaf pine stands are regenerated naturally. If the average diameter of the stand is 14” in diameter at breast height (dbh), approximately 37 trees per acre would be left on site at the 40 acre square feet per acre density. We now have information indicating that leaving 40 square feet of basal area per acre on some sites will hamper longleaf seedling establishment and development. This would occur because the mature trees would compete with the seedlings for sunlight and their roots for soil nutrients

and moisture. In addition, the needles dropped by the greater number of mature trees will make prescribed burning difficult to manage at intensity levels that will not damage the seedlings. A basal area range will provide more flexibility for the diversity in longleaf sites, however, it will also be utilized for the benefit of the bird and the highest possible BA for each specific site will be retained. This will insure quality foraging habitat while also producing viable seedlings for regeneration of the stand. It would be possible to leave 40 sq. ft. BA on all sites and re-enter the stands following the interim to remove additional trees if seedlings were not being established. However, studies indicate that the damage to seedlings just getting established from logging equipment can be significant. Therefore, I believe we can best enhance our seedling establishment opportunities by cutting to a basal area initially that would limit the number of times logging equipment disturbs the site.

During the interim period, we will only regenerate stands within ¾ mile of RCW colonies if two primary criteria are both met by the proposed action. These criteria are: (1) the current population of RCW will not be adversely affected by the action, and (2) future RCW colonies will benefit. If we can meet the first criteria, but adequate natural regeneration is not established as a result of the number of mature trees left on site, then we would not meet our second objective. Therefore, in order to increase our chances of meeting the second objective while still adhering to the first, I have modified the leave basal area for the shelterwood method in longleaf to a range of 25-40 square feet per acre. The effects of this basal area range were analyzed under Alternative 2 in the EA. Using the example again of a stand with trees averaging 14" dbh, this basal area range would result in leaving approximately 24 to 37 trees per acre. This range of basal areas provides the land manager more flexibility to adapt these guidelines to a greater variety of sites where longleaf stands occur and reduce crown and root competition from the mature trees. Even if the low end of the range (in the example, approximately 24 trees per acre) is necessary, the stand will still provide foraging and potential nesting habitat for RCW while seedlings are being established underneath. The mature trees will not be removed during the interim period, therefore, this change will not increase the potential for habitat fragmentation or colony isolation. This is particularly important in the small RCW populations that have relatively isolated colonies. In the past, RCW have colonized the seed-tree/shelterwood trees. If this occurs, that portion of the regeneration area will be designated as a RCW colony site and managed and protected as such. There are concerns that if colonized, the fewer number of trees per acre left under these basal area guidelines may cause long-term adverse affects on the RCW because of natural tree mortality. Long term observations of mature pine mortality in the southeast have shown that we can expect a mortality rate of 0.2 trees per acre per year. This translates to an average loss of one tree per acre every five years. Even at the low end of the basal area range, we will have ample time to establish and maintain a recruitment stand adjacent to the colony site before natural mortality significantly affects the colony site.

D. REASONS FOR THE DECISION

I selected alternative 3 as modified because I believe it provides the best opportunity among the alternatives analyzed, to protect and manage RCW and its habitat during the interim period while still allowing for multiple use resource management on the National Forests.

In making this decision, I carefully considered the analysis in the EA and the determination in the EA biological evaluation that Alternative 1 (no action), "will likely adversely affect the RCW in those populations with less than 50 active colonies and may adversely affect those popula-

tions with 50-250 active colonies." (Appendix B, pg. B-15, section V. Determination of Effect.) Although Alternative 1 would implement our current handbook direction for which we have a non-jeopardy opinion rendered in 1985, new information has come to light that indicates the protection and management provisions in the handbook may need supplementation to address present circumstances in those populations with 250 active colonies or less. As you see from the population trend graphs, generated from the new information presented on pages B-5 through B-7 of Appendix B, all but one of these smaller populations appear to be declining.

Although monitoring and studies are continuing, preliminary indications point to two primary reasons for this decline. The first primary reason for the decline is mid-story encroachment. The second is the shortage of potential cavity trees. Other potentially significant problems include population fragmentation, foraging habitat fragmentation, colony isolation, and genetic and demographic problems. (Biological Evaluation, pgs. B-13-15 Appendix B). Alternatives 2-5 use the current handbook as a foundation but add additional protection and management direction to address each of the possible reasons for the decline. I believe Alternative 3 provides the best mix of provisions that can be used as standards and guidelines on the National Forests during the interim period until the long-range protection and management direction can be developed and set in place. The handbook direction was designed several years ago to maintain and increase RCW. Since the handbook was not designed to address declines in the RCW populations, additional measures are needed. Alternative 3 supplements the handbook direction with short-term protection and management needed to stabilize declining populations under current habitat and population conditions. This is our first and primary objective for the interim standards and guidelines. Second, where the bird's habitat needs are known, we can begin the long-range management necessary to meet future needs of the RCW, and achieve and maintain our population objectives.

I want to emphasize that our commitment to protecting and managing RCW and its habitat has not changed under this alternative. The first two questions our land managers will ask when considering any proposed action, be it a timber harvest or constructing a new hiking trail within ¾ mile of a RCW colony under Alternative 3 will be:

1. Can we implement this proposed action without adversely affecting a RCW colony?
2. Will there be a short or long-range benefit to RCW as a result of this action?

An affirmative answer is mandatory for the first question. If the proposed action is likely to adversely affect RCW, it will not be considered further. However, since we manage on the National Forest for multiple uses, there will be occasions when we can answer the first question "yes", but since the primary benefit is aimed at another resource management objective. Therefore, question 2 may have a negative reply. A hiking trail within ¾ mile of but outside a colony would be an example.

However, a proposed action relating to thinning or stand regeneration is considered, an affirmative response is required for both questions. We must be able to implement the action without adversely affecting RCW and the action must provide either short or long-range benefits. Regeneration cutting primarily falls in the long-range benefit category. In analyzing significant amounts of RCW habitat during the development of the EA, it became apparent that there are opportunities where stand regeneration could be accomplished without affecting current RCW's to enhance future RCW habitat. There has been considerable concern associated with regeneration cutting, especially clearcutting, during the interim. Clearcutting is necessary for converting stands back to longleaf pine and for regenerating stands that are

severely damaged or sparse. However, these conditions are relatively rare. In fact, clearcutting for these purposes was also an option of the March 27, 1989, Policy but has yet to be used. We are maintaining our schedule of examining our forest stands and to date we have not identified any stands and habitat conditions that meet all the criteria for regeneration within ¾ mile of RCW colonies. It's anticipated that there will be very few identified during the interim period. However, because significant long-term benefits could be obtained without adverse effects to the current populations of RCW if the criteria are met, I think it is necessary to continue this management option.

Much of the National Forest land throughout the south was acquired in the 1920's and 30's after having been heavily cut by their previous owners. These cut-over lands were soon reforested, and consequently, a large percentage of this area is now occupied by stands in the 60 and 70 year age classes. Although these stands are just now reaching an age of suitability for RCW nesting habitat, our knowledge of tree physiology indicates that attempts to retain these large acreages of basically even-aged trees will eventually spell disaster for the RCW. When these stands reach physiological rotation, i.e., begin to die of old age, the loss of suitable RCW habitat could be quite widespread and rapid and, thus disastrous to the bird. This phenomenon could be especially pronounced where the health of the forest is not good because other pine species occupy longleaf sites. Unfortunately, this condition encompasses much of the RCW's range.

Our inventory and analysis data indicates this phenomenon is already occurring. We have identified stands within ¾ mile of RCW colonies that are occupied by off-site pine species, in which tree mortality is accelerating at a very rapid pace. When site-specific analyses are done at the project level, we anticipate more areas in this condition to be identified. In addition, there are damaged and/or sparse stands providing little or no suitable RCW habitat. Regeneration of such stands during the interim period can speed up their return to a condition suitable for the RCW. Therefore, I believe it behooves us to plan now for the future in these situations and maintain the management options to ensure there is enough suitable habitat available to not only meet our RCW population objectives but support them through time.

I selected Alternative 3 over Alternative 1 because our analysis in the EA and BE indicates that under current population and habitat conditions more protection and intensity of RCW management is needed than what is provided by the RCW handbook chapter, in order to stop the current declines in populations with less than 250 active RCW colonies. The most significant shortcoming of Alternative 1 is the lack of protection of relict trees and other potential cavity trees (BE, Appendix B, pg. B-13, 2nd paragraph under item B). Also, under Alternative 1, clearcutting may be more widely used within ¾ mile of colony sites which could fragment foraging habitat (BE, Appendix B, pg. B-14, item E).

I selected Alternative 3 over Alternative 2 because Alternative 3 provides more protection for potential nesting habitat within ¾ mile of RCW colonies. Alternative 3 protects the oldest 1/3 of the suitable habitat within ¾ mile. Alternative 2 requires that 50% of the suitable habitat remain in the 60 year or older age class after any treatment. It also requires that regeneration occur in the predominant and not necessarily the oldest age class. However, under Alternative 2, there are circumstances where the oldest stands could be cut and the 50% criteria will be met. For example, if there were 30% of the suitable habitat within ¾ mile in the 71-80 year age class; 25% in the 81-90 year age class; and 10% in the 91-100 year age class; then provided other criteria are met, regeneration cutting could be planned in any one of these age classes as long as 50% of the 60+ age classes are retained. Under Alternative 3, a major portion of the 81-90 year age class and all of the 91-100 year age class would be protected.

I selected Alternative 3 over Alternative 4 because Alternative 3 offers more protection and management measures than Alternative 4. Under Alternative 4, colony site protection measures, foraging habitat management and RCW monitoring guidelines would follow the existing Forest Service Handbook Direction (FSH 2609.23R). As stated in my reasons for selecting Alternative 3 over Alternative 1, I feel additional protection and management measures are now needed to ensure the declining trends of our smaller RCW populations is stopped. The protection and management guidelines under Alternative 3 are much more comprehensive due to additional information and input from the public, individuals from our agency, and other public agencies. Alternative 3 also allows us to take advantage of opportunities to provide suitable habitat for future RCW populations if the current populations are unaffected by such actions. Alternative 4 was primarily designed as an immediate action to afford protection to the RCW until we could do further analysis, get additional input, and develop a short-term management policy that would more comprehensively protect current populations.

I selected Alternative 3 over Alternative 5 because Alternative 5 does not allow any habitat regeneration for future RCW colonies to occur during the interim period. Alternative 5 was developed from public input that wanted no regeneration of habitat within ¾ mile of colonies. However, significant input was also received concerning the need to enhance and increase the longleaf ecosystem where possible that is preferred by RCW. One of the primary ways of accomplishing this is by converting longleaf sites that were cut and planted years ago with another pine species, back to longleaf. Because of the difficulty and length of time involved in establishing longleaf regeneration past forest management practices often substituted another pine species such as slash pine for longleaf after the stand was harvested. Sites were often classified for management according to the predominant species growing there. For instance, if a stand was predominantly loblolly, then it was classified as a loblolly site, if predominantly slash pine, then it was classified as a slash pine site, etc. In the last 10 years, however, our foresters have been utilizing available advanced technology and looking at other site characteristics such as soil type and topography when classifying site. Consequently, in the last five years, we have experienced a 10% increase in sites classified for longleaf management. This acreage is expected to continue increasing as more stands are examined through the compartment prescription process. These sites may have another species of pine growing on them now but the soils, topography and other characteristics indicate that it was once a longleaf pine site and, with the longleaf classification, will be returned or converted back to longleaf pine following scheduled harvest of the off-site pine. Another indication of our efforts to increase or reclaim longleaf sites is the amount of longleaf pine planted annually. This acreage has increased each year since 1980 when 3,890 acres of longleaf pine were planted to 1988 when 11,780 acres were planted. Selection of Alternative 5, would forego the opportunity to convert these longleaf sites back to longleaf where it is needed the most, within ¾ mile of RCW colonies. Alternative 5 would also not allow for the regeneration of pine stands that are unsuitable conditions as RCW habitat. These are pine and pine-hardwood stands that are damaged and/or extremely sparse due to natural factors such as insects, wind, and fire. Finally, Alternative 5 foregoes the opportunity for natural regeneration where it can be accomplished without adversely affecting existing RCW.

Finally, I selected Alternative 3 because I believe it best meets the intent of the laws and regulations governing Forest Service operations including:

1. The Endangered Species Act. 16 U.S.C. 1531, et seq.

2. The National Environmental Policy Act. 42 U.S.C. 4321, et seq.

3. The National Forest Management Act. 16 U.S.C. 1600, et seq.

4. The Multiple-Use Sustained Yield Act, 16 U.S.C. 528, et seq.

E. PUBLIC INVOLVEMENT

A. Response to issues and concerns in the EA

In July of 1989, scoping letters were sent to approximately 14,500 interested and affected individuals and organizations throughout the Southern Region. They were invited to submit their issues and concerns on the proposed RCW management changes within Region 8. In addition, news articles informing and inviting the public to participate in the process, were distributed Region-wide. We received 124 letters during the 45-day comment period and from the analysis of the comments, 6 Major Issues and 5 Management Concerns were identified (Appendix B, EA pages B-5 & 6). The Major Issues and Management Concerns and a response to each follows:

ISSUE 1 – Include all RCW populations on National Forests under interim policy

RESPONSE: When the information regarding the declining trend of the smaller RCW populations came to light, there was an immediate concern for all RCW populations. Survey and monitoring activities were stepped up for all populations. While it was determined that populations with less than 250 active colonies were declining, the larger populations (greater than 250 active colonies) were either stable or increasing. We therefore, are concentrating our efforts and resources, during the interim period, on the smaller populations. The intensified surveying and monitoring efforts will continue to apply to all populations to ensure that this stable or increasing trend exhibited by the larger populations continues.

Subissue a – New studies indicate 250 clans may be insufficient to maintain a viable population.

RESPONSE: Given the short period of time the interim guidelines will be in effect, this issue was not addressed in the EA. It will, however, be considered as we develop long-term direction. At present, the Fish and Wildlife Service's RCW recovery plan identifies 250 active colonies as a viable population.

Subissue b – Birds will be removed from larger populations to support the declining populations. Therefore, these larger populations should be given the additional protection provided by the interim guidelines.

RESPONSE: Granted, these are the populations which will be supporting augmentation efforts, but in no instance, will enough sub-adult females be removed from a population to negatively impact it. I am confident that for the short duration of the interim guidelines the larger populations can continue to sustain our augmentation efforts as they have in the past.

ISSUE 2 – Consider the adverse socio-economic effects of reducing timber cut on the National Forests.

Subissue a - Economic impacts to timber industry.

RESPONSE: Alternative 3 will provide for the needs of the smaller RCW populations and, as indicated in the EA, impact the projected timber harvest volumes (pg. EA-49 & 50) the least of the other alternatives considered, except the no action alternative (Alternative 1). In most instances, the majority of the timber used by industry is harvested from industry lands or private lands. National Forest Systems land make up less than 4 percent of the commercial forest lands in the Southern Region and the area within ¾ mile of RCW colonies is only 5.3 percent of the National Forest System lands. It is anticipated, therefore, that the overall impacts to the timber industry in the Southern Region will be minimal as a result of implementing Alternative 3. However, there are a small number of communities which may be impacted by the reduced timber harvest in their radius of operation if substitute timber is not provided. Such areas will be identified and every effort made to provide the needed raw materials from suitable National Forest lands outside the RCW management areas. In addition to providing timber outside RCW management areas to mitigate impacts to these communities, our thinning program within the management area will be increased and should further mitigate possible economic impacts.

Subissue b – Regional and local socio-economic impacts to timber industry related to employment.

RESPONSE: The effects of implementing Alternative 3 on local communities in the Southern Region dependent on a forest products industry could be greater than the overall effects discussed under Subissue a, above. There could be instances within the Region where employment in small rural communities largely dependent on the flow of raw materials from the National Forest adjacent to the community, could be affected if the interim standards and guidelines disrupt the flow of raw materials. We will look closely at these areas at the project level in the site-specific analysis. Every effort will be made in the short term to provide the needed raw materials from suitable National Forest lands outside the ¾ mile boundary from RCW colonies or from thinning volume within ¾ mile of colony sites.

Subissue c – Reduction of 25% fund payment to the States

RESPONSE: Since the 25% fund payment to States is tied to the amount of timber sold from National Forest system lands, there could be a reduction in these payments if there is a reduction in the amount of timber sold as a result of implementing Alternative 3 as interim standards and guidelines. However, as discussed under Subissue b., above, efforts will be made to avoid any significant reductions in the 25% fund payment to States by locating opportunities to sell and harvest National Forest timber outside the ¾ mile boundary from RCW colonies and stepping up our thinning activities where possible within ¾ mile of colony sites.

Subissue d – ¾ mile zone around colonies is excessive and wastes taxpayers' money.

RESPONSE: The input we have received has been divided. Some individuals believe the provisions to protect RCW is excessive and wastes taxpayers money while

others believe we should do more. We are bound by law to protect this and other threatened or endangered species regardless of cost. Alternative 3 provides this protection while providing for multiple resource management during the interim period. Suitable nesting habitat within ¾ mile of each colony is recommended by the Forest Service Wildlife Habitat Management Handbook (FSH 2609.23R) and the Fish and Wildlife Service RCW Recovery Plan to enhance colonization and provide for recruitment.

Issue 3 – Prohibit all cutting and protect existing habitat until EIS is completed.

RESPONSE: This was an alternative that was considered but eliminated from further analysis. It was eliminated because this alternative would not allow implementation of habitat management enhancement techniques that are necessary for stopping the RCW population decline. (See EA, pg. EA-7, no. 1 under the Alternatives Considered But Eliminated From Further Analysis)

Issue 4 – Modify existing timber management within ¾ mile of RCW colonies.

Subissue a – Change from clearcutting and even-aged management to selection cutting and uneven-aged management.

RESPONSE: This was an alternative that was considered but eliminated from further analysis. It was eliminated because it is not feasible to implement this alternative in the limited time the interim standards and guidelines will be in effect. (See EA, pg. EA-7 no. 2 under the Alternatives Considered But Eliminated From Further Analysis)

Subissue b – Change basal area (BA) guidelines to lower thinning BA's and raise shelterwood regeneration BA's.

RESPONSE: The basal area ranges were determined by the silvics of specific tree species, site quality, and the biological needs of RCW. Basal area recommendations were expressed as a range so they can be appropriately implemented over the diverse sites found in the Southern Region. As stated in the second change to Alternative 3, (pg DN-5), the seed-tree/shelterwood basal areas for longleaf pine were changed to a range in order to ensure seedling establishment and development on some of our sites.

Subissue c – Extend rotation ages.

RESPONSE: Alternative 3 provides for retaining the oldest 1/3 of the suitable habitat within ¾ mile of colony sites during the interim period, regardless of age. Change 1 to Alternative 3 (pg DN-5) reduces the amount of suitable habitat acres that can be regenerated (0-10 year age class) from 10% to 8.5% of the total. This effectively extends the rotation age in the suitable habitat to 120 years during the interim period.

Subissue d – Re-establish more longleaf and associated species ecosystems and protect existing ones.

RESPONSE: Alternative 3 provides the opportunity to convert stands of pine occupying longleaf sites back to longleaf during the interim period if it is determined that

existing RCW would not be adversely affected and this conversion would benefit RCW. In addition, there are provisions under Alternative 3 for protecting and retaining the longleaf pine component when cutting is proposed within ¾ mile of RCW colony sites.

Subissue e – Remove mid-story gradually or not at all.

RESPONSE: The effects of mid-story encroachment in the colony site on the RCW is well documented. Responses to the scoping request covered a wide spectrum, from those desiring no midstory removal to those preferring total removal. Although the RCW experts all agree that mid-story control is necessary, there is disagreement on how it should be accomplished. Some researchers feel that total removal over a short period of time can cause colony abandonment; however, our experience with such short term removals have indicated a strong positive response by the birds. Alternative 3 calls for more intensive mid-story control over a larger area than does Alternative 1.

Subissue f – No southern pine beetle (SPB) control.

RESPONSE: The analysis in the SPB EIS and the information/data we have available indicates the Integrated Pest Management program, being implemented by the Forest Service, can protect and preserve RCW habitat. The direction in the SPB FEIS and ROD will be followed to ensure SPB spot suppression is necessary and can be carried out without adversely affecting RCW.

Subissue g – Do not follow existing handbook direction for any aspect of interim guidelines.

RESPONSE: The handbook was prepared in compliance with F&WS's RCW Recovery Plan. F&WS rendered a biological opinion that implementation of the handbook would not jeopardize the continued existence of RCW. Given the new information available concerning declines in our RCW populations with less than 250 active colonies, Alternative 3 establishes standards and guidelines that supplement the handbook (FSH 2609.23R). This additional specific direction for protecting and managing RCW habitat within ¾ mile of the colony sites is needed for these smaller populations. The handbook direction is suitable for the larger populations and with the supplemental direction provided by Alternative 3 will be suitable for all populations during the interim period.

Subissue h – Clearcut areas should be reduced in size.

RESPONSE: Alternative 3, as modified, restricts the size of clearcut areas within ¼ mile of the colony site by limiting the amount of suitable habitat that can be in the 0-10 age class to 8.5% of the area. For instance, the area within ¼ mile of a colony site is approximately 125 acres. Therefore, the maximum size of regeneration area within ¼ mile of a colony site would be 10.6 acres assuming that all the 125 acres is suitable habitat, and there were no other stands or temporary openings in the 0-10 year age class. However, it is unlikely that the maximum would be cut. Not all the 125 acres may be suitable habitat and other stand or non-stand size openings that are in the 0-10 year age class caused by SPB, for instance, would be considered in the 8.5% limitation. For example, if only 120 acres were in suitable habitat

due to hardwood inclusions or stream courses, and there were a total of 10 acres of SPB spots scattered throughout the ¼ mile zone, then no regeneration would be allowed because of the 8.5% limitation in the 0-10 year age class was taken up by the SPB spots.

Between ¼ and ¾ mile of the colony site, the 8.5% limitation still applies plus maximum clearcut area size will average about 25 acres. This limitation on clearcut size will also reduce the potential for habitat fragmentation while allowing the local manager the flexibility to delineate stands along recognizable on-the-ground boundaries.

Subissue i – Don't manage circles, manage blocks identifiable on the ground.

RESPONSE: Designation of management areas for RCW habitat that have recognizable boundaries on the ground will take considerable survey and analysis and, therefore, was not feasible during the interim period. However, the need for doing this has been recognized and will be addressed in the EIS.

Subissue j – Manage according to site and condition of RCW and its habitat.

RESPONSE: Where applicable, the specific guidelines, such as basal areas for thinning, are expressed in ranges that will allow the flexibility to adapt to the varying site conditions and tree species. This flexibility will allow for the maintenance of a healthy forest habitat for RCW which in turn will increase the health of the RCW population.

Subissue k – Specify foraging needs in trees per acre and diameter class rather than basal area.

RESPONSE: Alternative 3 specifically states a minimum of 6,350 pine trees equal to or greater than 10 inches DBH and a total pine BA of 8,490 square feet are needed within ½ mile and contiguous to the colony site (see EA, Table 2, item IV, page EA-29).

ISSUE 5 – Increase survey so National Forest RCW colonies are located and protected. Increase monitoring so various forest management practices can be adequately evaluated.

RESPONSE: Survey methods have been intensified. A 100% transect will be done in compartments entered each year for the preparation of a silvicultural prescription. A 100% transect will also be done in the sample compartments used to predict population trends in the populations with over 100 active colonies. Emphasis will be placed on completing surveys on unsurveyed suitable habitat. Monitoring will be increased so that each colony will be checked annually to determine colony status and the presence of birds.

ISSUE 6 – Impacts to non-timber and non-RCW resources.

RESPONSE: Although no significant impacts were identified in the EA, additional analysis at the project level will be required to assess the potential environmental impacts including non-timber and non-RCW resources. This will be done through a site-specific analysis

with appropriate NEPA documentation and a Biological Evaluation before any action is taken.

MANAGEMENT CONCERN 1 – The alternative would not likely adversely affect RCW or violate the Endangered Species Act.

RESPONSE: The biological evaluation attached to the EA as Appendix A also states that "Alternatives 2 through 5 are not likely to adversely affect the RCW and will actually benefit it." It indicates that the 5 alternatives considered are not likely to adversely affect any of the other 6 threatened or endangered species found in RCW habitat. (Appendix B, Section V. Determination of Effect, pg. B-15) The Fish and Wildlife Service has concurred that Alternative 3 is not likely to adversely affect the RCW. (See Appendix C, FWS letter of concurrence.)

MANAGEMENT CONCERN 2 – The alternative would not affect the overall character of the area surrounding RCW colonies to the extent that other management for RCW cannot be considered in the amendment process for the Regional Guide.

RESPONSE: Because of the limited amount of area that could possibly be cut within ¾ mile of RCW colonies due to the requirements imposed by Alternative 3, the overall character of the area surrounding RCW colonies will not change appreciably during the interim period (approximately 2 years). Therefore, other types of management considered during the amendment process for the Regional Guide will not be foregone as a result of implementing Alternative 3 during the interim period.

MANAGEMENT CONCERN 3 – The alternative would consider the zone within ¼ mile of the colony center to be the most sensitive to potential impacts such as habitat fragmentation, colony isolation, and foraging habitat depletion.

RESPONSE: Alternative 3 specifically addresses each of these potentially impacting concerns and provides criteria against which all proposals involving cutting of suitable habitat will be evaluated to ensure the RCW will not be adversely affected. (EA, item b., pg. EA-14; item b., pg. EA-15; item c., pg. EA-16; item d., pg. EA-16)

MANAGEMENT CONCERN 4 – The alternative would consider the zone within ¾ mile of the colony center important for future colonization and population recruitment.

RESPONSE: Alternative 3 provides specific direction to provide suitable nesting habitat critical to enhance future colonization and population recruitment within ¾ mile of RCW colonies. The order of priority for tree retention when stands are thinned is: (1) relict trees; (2) potential cavity trees; (3) trees 10 inches and greater DBH that are not potential cavity trees and; (4) trees less than 10 inches DBH. (EA, item a., pg. EA-14)

Alternative 3 contains numerous provisions or mitigating measures to consider when stand regeneration is considered within ¾ mile of colony sites. Those described under Management Concern 3 apply. In addition, others such as limiting the size of clearcuts, excluding cutting in the oldest stands, limiting the amount of non-foraging habitat by limiting the area that can be in regeneration, and the retention of relict trees, potential cavity trees, and pine inclusions within areas to be cut, are all measures that will enhance future colonization and population recruitment. (EA, pgs. EA-14-17)

MANAGEMENT CONCERNT 5 – The alternative would be consistent with the direction in the RCW Chapter of the Wildlife Habitat Management Handbook (FSH 2609.23R), while providing additional protection and management guidelines as identified in the EA.

> **RESPONSE:** Alternatives 2-5 are consistent with the direction in the Forest Service Handbook (FSH 2609.23R) and offer additional management measures for the smaller RCW populations in order to prevent any further population decline during the interim period. (EA, para. 4, pg. EA-10)

B. Response to Public Comments on the EA

In January 1990, the EA was sent out for public review and comment. Notices of the EA's availability for a 30-day comment period was published in the Federal Register and in newspapers across the Region. We received 165 comment letters, all of which were analyzed. Based on pertinent recommendations, I have modified the alternative for which I had expressed a preference prior to the public review. We have also made minor changes in the EA for clarity or added additional information to enhance understanding. (See errata sheet, Appendix A, for listing of changes that were made to the EA of January 1990).

These concerns were raised as a result of the public review of the EA.

Concern 1: Clearcutting should be halted.

> This method of stand regeneration is included as an option in Alternatives 1-4, for converting "off-site pine" on longleaf sites back to longleaf pine provided the specific protection criteria are met. Conversions will occur, during the interim period, only when the site-specific analysis indicates that long-term benefits can be gained without adversely affecting the current RCW population. The March 27, 1989, Policy (Atl.4), now in effect, also contains the option to convert stands back to longleaf pine using the clearcut method. However, our schedule of forest stand examinations has not identified any stands meeting the criteria for regeneration using the clearcut method since the March 27, 1989, Policy has been in effect and I anticipate that there will be a limited amount of stand conversion during the interim period.

Concern 2: Uneven-aged management should be used.

> This silvicultural system will likely be analyzed as an alternative for the EIS. (See page DN-2 under II, Alternatives Considered, for reasons why uneven-aged management was not considered for the interim policy.)

Concern 3: Retain the leave trees on shelterwoods or seed-tree cuts indefinitely.

> During the interim, all leave trees will be retained.

Concern 4: Rotation ages of foraging stands should be lengthened.

As stated on page DN-12, under Issue 3, Subissue c, Alternative 3 requires 1/3 of the acreage containing the oldest suitable habitat within ¾ mile of colony sites be retained, regardless of age. This alternative has also been modified to reduce the amount of acreage that can be regenerated which effectively extending the rotation age in the suitable habitat to 120 years during the interim period. Additional changes brought about through Section 7 consultation with the U.S. Fish and Wildlife Service has further reduced the amount of regeneration permissible within ¾ mile of the colony site from 10% to 8.5 %.

Concern 5: Habitat linkages should be provided between colonies.

Alternative 3 provides for corridors or linkages between colonies. (See EA description of Alternative 3, pages EA-14-17)

PART II. – FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A. FINDINGS

I have determined that overall, the actions allowed under alternative 3 (as modified), are not a major federal action and will not significantly affect, either individually or cumulatively, the quality of human environment. This decision makes no irreversible or irretrievable commitments of resources. Further site-specific analysis with appropriate NEPA documentation is required at the project level for each proposed action within ¾ mile of RCW colonies. Any known irreversible or irretrievable commitment of resources and the significance of the potential impacts will be identified and assessed at that time.

I considered the following factors in making the determination that implementing the modified Alternative 3 as the interim standards and guidelines to protect and manage RCW colony sites will have no significant impact:

1. Public health and safety will not be significantly affected by any of the activities that could occur under alternative 3 provided the appropriate guidelines are followed.

2. No unique characteristics of the geographic area will be affected by any of the actions allowed under alternative 3.

3. The effects from the actions allowed under alternative 3 are not like to be highly controversial. Controversy exists for some options allowed under alternative 3 such as regeneration cutting or midstory removal. However, the activities allowed under the interim standards and guidelines are based on the biology of the bird and its habitat needs and are designed with appropriate mitigating measures to stabilize the declining populations. The management activities for which there is controversy will not be allowed unless the site-specific analysis clearly shows that the existing RCW will not be adversely affected. If this determination can not be made, then the action will not be implemented.

4. Implementing Alternative 3 will not involve highly uncertain, unique, or unknown environmental risks. A site-specific analysis will be conducted for all proposed projects. Any proposed activity, which could adversely impact the RCW, will require a determination of "not likely to adversely affect" in a documented biological evaluation, and concurrence by the USDI Fish and Wildlife Service with this determination prior to implementation to insure minimal environmental risks to RCW.

5. Selection of alternative 3 will not set precedent for future actions with significant effects. The actions allowed under alternative 3 were designed to be temporary, implemented only until long-term directions can be developed. It is possible that particular protective measures or management actions effective in protecting the RCW or its habitat during the interim period may be adopted in the long-term management strategy. However, in developing the long-term direction, additional analyses will be done. Any actions or mitigating measures carried over from the interim guidelines will be based on the latest research literature and field data recorded during the interim and will not be based on a precedent established during the interim period.

6. The potential cumulative effects were evaluated in the Environmental Assessment and it was determined that by limiting time and space where actions could occur during the interim period

and by increasing monitoring to evaluate the actions and their effects, that the cumulative effects would be significant.

7. No adverse effects to any historic places or loss of scientific, cultural, or historic resources will occur due to implementing this alternative.

8. Implementing this alternative will not adversely affect endangered, threatened, or sensitive species, wildlife habitat, or unique natural plant communities. (Appendix B, pg. BE-8)

9. If the guidelines are followed, none of the protection or management activities allowed for RCW under alternative 3 will result in or threaten a violation of Federal, State, or local law protecting the environment.

B – IMPLEMENTATION

This decision may be implemented no sooner than 7 days, beginning the day after the legal notice of this decision is published in a newspaper of general circulation. (36 CFR 217.10) It should be pointed out that this decision is only the first step of a two step decision making process and does not involve ground disturbing activities or an irreversible or irretrievable commitment of resources. The second step decision will be made at the project level based on a site-specific environmental analysis and appropriate NEPA documentation.

C – FOREST PLAN

This decision amends the forest-wide standards and guidelines for those Forest Plans that were included within the scope of the environmental analysis. (See Appendix D) The interim standards and guidelines set out in this decision notice are direction for the protection of the RCW. These standards and guidelines do not change the suitable timber lands on the affected Forests, as harvest for timber production purposes may continue in the areas where these standards and guidelines apply. These standards and guidelines also do not alter the allowable sale quantities of the Forests, as we cannot determine that these short-term standards and guidelines will cause shortfalls in the timber output expected over this short portion of the planning periods of the Forests.

Pursuant to 36 CFR 219.10(f) I have determined that these interim standards and guidelines do not significantly amend the affected Forest Plans. I have based this determination on the criteria for determining significance of change to Forest Plans found in the Forest Service Manual at 1922.5 and in Section 5.32 of Forest Service Handbook 1909.12.

The effects of this decision, including both environmental consequences and the effect on the timber sale program, on each affected National Forest will be monitored and evaluated during project level planning and decision making as required by the Forest Plan. For each forest, if monitoring and evaluation show that changes to the suitable lands, allowable sale quantity or any other resource management are necessary, further amendment or revision of the Forest Plan will be required.

D – RIGHT TO ADMINISTRATIVE APPEAL

This decision is subject to appeal pursuant to 36 CFR 217. Any written notice of appeal of this decision must be fully consistent with 36 CFR 217.9, “Content of Notice of Appeal”, including

the reasons for appeal and must be filed with the Chief of the Forest Service, F. Dale Robertson, U.S. Department of Agriculture, South Building, 12th and Independence Ave., S.W., Washington, D.C., 20250, no later than 45 days, beginning the day after the legal notice of this decision is published. Simultaneously send a copy of the notice of appeal to my office: Regional Forester, Region 8, 1720 Peachtree Rd., N.W., Atlanta, GA 30367-9102.

For additional information concerning this decision or the Forest Service appeals process, contact David P. Smith, 1720 Peachtree Rd, N.W., Atlanta, GA 30367-9102; phone: 404-347-4338.

for **JOHN E. ALCOCK**
Regional Forester

5/9/90
Date