

Decision Notice  
& Finding of No Significant Impact  
**Forest Plan Amendment**

**USDA Forest Service  
Caribbean National Forest  
Rio Grande, Puerto Rico**

## **Decision and Reasons for the Decision**

### **Background**

The purpose and need for the Forest Plan Amendment is to more accurately define the proposed Wilderness boundary currently in U.S. Congress legislation and to give Management Direction required by the Code of Federal Regulations (36 CFR 219.11) to newly acquired land. The need for adjusting the proposed Wilderness boundary line arose while working on the proposed Wilderness El Toro legislation language during the year 2000. Minor adjustments are needed due to the lack of Wilderness character along the west area of PR 191, road right-of-way, watershed and public safety maintenance needs, and to eliminate any possible conflicts between Wilderness designation and existing municipal water facilities. The need for giving Management Direction by assigning Management Areas as per the Revised Forest Plan arose when condemnation for El Conde tracts were final on June 10, 2002. The environmental assessment (EA) documents the analysis of the No Action alternative and the Proposed Action Alternative to meet this need.

### **Decision**

Based upon my review of all alternatives, I have decided to implement Alternative 2 which is the Proposed Action of adjusting the proposed Wilderness boundary line and assigning Management Areas to El Conde tracts acquired in 2002.

When compared to the No Action alternative this alternative will meet the purpose and need of adjusting the proposed Wilderness boundary and assigning Management Areas to newly acquired lands. The alternative selected will address incompatible use of mechanized equipment for road right-of-way, watershed, public safety maintenance, and existing municipal water facilities with the proposed Wilderness boundary. By choosing this alternative we amend the Forest Plan to ensure that the Plan remains a viable, flexible document for managing the Forest as indicated on page 5-7 of the Revised Land and Resource Management Plan (LRMP) for the Caribbean National Forest, Luquillo Experimental Forest in Puerto Rico. This alternative we also comply with the Code of Federal Regulations of giving Management Direction to federal lands. This alternative meets requirements under 36 CFR 219.11 and follow Forest Plan direction, standards and guidelines.

### **Other Alternatives Considered**

In addition to the selected alternative, I considered the No Action alternatives. A comparison of these alternatives can be found in the EA on pages 11-37.

Alternative 1

No Action

Under the No Action alternative, current management plans would continue to guide management of the project area.

Alternative 2

Alternative 2 – To adjust the proposed Wilderness boundary and the assign Management Areas.

## **Public Involvement**

As described in the background, the need for the Wilderness boundary adjustments arose in 2000 and the need for newly acquired land Management Area assignment arose in 2002. The proposal was provided to the public and other agencies for comment during scoping on January 27, 2004. In addition, as part of the public involvement process, the agency contacted two of the seven entities that responded to clarify possibly issues brought forward in their responses.

Using the comments from the public and other agencies (see *Issues* section), the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included providing and protecting the Forest's water quantity and quality, wildlife protection while conducting other Forest management activities, and providing recreation opportunities while protecting the ecological values of the Forest (see EA page 7). To address these concerns, the Forest Service created the alternatives described above.

## **Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety, because we are amending the Forest Plan by adjusting a proposed Wilderness boundary to address public safety (See EA page 3) and assigning Management Areas without proposing any specific project at this time (see EA page 8).
3. There will be no significant effects on unique characteristics of the area, because there will be an increase of 130 acres in land allocated for soil and water protection through the use of Management Area 9 (Scenic and Recreation Corridors) due to the Wild and Scenic River designation of Rio Mameyes by Congress (see EA page 5, 11, 18, and 28-31).
4. The effects on the quality of the human environment are not likely to be highly controversial. Because there is no known scientific controversy over the impacts of the project (see EA pages 26-28).

5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk because we are not proposing any ground disturbing activities at this time (see EA Environmental Consequences section).
6. The action is not likely to establish a precedent for future actions with significant effects, because this is a non-significant Forest Plan Amendment. The Forest Supervisor may amend the forest plan. Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures (36 CFR 219.10(f)).
7. The cumulative impacts are not significant because there is no proposed ground disturbing activities with this Forest Plan Amendment. (see EA pages 24, 28, 31, 34, 35, and 37).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because it involves only changes in management strategies. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because prior to any ground disturbing activity, it is necessary to determine if there are any heritage resources within the proposed project area (see EA page 28-31).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because wildlife and fish species would be protected during any type of activities by NEPA process and Forest Service Regulations (see EA pages 20-24). Based on the information of the Biological Evaluation, the proposed action will not likely to adversely affect any endangered or threatened species as per letter received from USDI Fish and Wildlife Service on August 26, 2004.
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Caribbean National Forest, Luquillo Experimental Forest Land and Resource Management Plan .

## **Findings Required by Other Laws and Regulations**

This decision to adjust the proposed Wilderness boundary and assign Management Areas to newly acquired land is consistent with the intent of the forest plan's long term goals and objectives listed in Chapter 4 (pages 4-5, 4-6, 4-10, 4-31, 4-44, and 4-47). The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for watershed health improvement and recreation experience enhancement (Land and Resource Management Plan, pages 4-5, 4-29, 4-47).

## Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

## Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 211. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at USDA, Forest Service, Southern Region, ATTN: Robert J. Jacobs, Regional Forester, 1720 Peachtree Road, NW, Suite 876S, Atlanta, GA 30367-9120.

Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [cherbster@fs.fed.us](mailto:cherbster@fs.fed.us). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of **this** notice in the El Nuevo Dia and/or San Juan Star, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the El Nuevo Dia and/or San Juan Star, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

## Contact

For additional information concerning this decision or the Forest Service appeal process, contact Carolyn Pabon, Forest Planner/Administrative Team Leader, Caribbean National Forest, HC01, Box 13490, Rio Grande, PR 00745-9625, (787)888-5665.

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Pablo Cruz  
Forest Supervisor  
Caribbean National Forest

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Date

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