

Decision Notice
and
Finding of No Significant Impact
for the
Perfecto Creek Timber Sale Project (supplement)

USDA Forest Service
Grand Mesa, Uncompahgre and Gunnison
National Forests
Gunnison Ranger District
Gunnison, Colorado

Introduction

The purpose of this Decision Notice is to document the supplemental management decision I have made for implementation of the Perfecto Creek Timber Sale and the rationale for my choice. My decision is based on an environmental assessment (EA) prepared for the Perfecto Creek Timber Sale. The Perfecto Creek Timber Sale EA describes the effects of two alternative ways to treat vegetation, close roads, maintain wildlife habitat, maintain recreational values, protect soil and water quality, protect threatened, endangered, and sensitive species, and protect heritage resources. In accordance with the National Forest Management Act (NFMA), an interdisciplinary team of Forest Service resource specialists (ID Team) conducted the analysis and documented the results in the EA. The document on which I have based my decision is available for review at the Gunnison Ranger District office in Gunnison, Colorado, or on our web site: <http://www.fs.fed.us/r2/gmug/policy/#veg>.

This decision is a supplemental action, and is related to a previous decision regarding the Perfecto Creek Timber sale that was signed on March 28th 2007. The decision issued here will be in addition to the original decision and all the actions contained in both of these decisions will be implemented together.

The Perfecto Creek Timber Sale project is located near Stewart Peak approximately 32 air miles south of Gunnison, Colorado, and is within the Gunnison Ranger District of the Gunnison National Forest.

Purpose of and Need for Action

The purpose and need of this initiative is to apply silvicultural treatment to stands in the Perfecto Creek Project Area moving them toward a healthy, more vigorous and diversified condition. There is a need to decrease the risk of insect and disease

infestation to provide improved stand health both now and in the future. There is a need to follow-up on silvicultural treatments previously initiated in the Perfecto Creek area to continue long-term improvements in stand health and vigor. There is a need to promote diversity on sites within the Project Area to provide a balance of species and habitat. There is also a need to provide commercial forest products from National Forest lands suitable for such purpose to local dependent industries. The Gunnison Ranger District proposes to utilize the commercial timber sales program to accomplish these goals as stated on pages III-1 through III-5 of the Forest Plan. The Perfecto Creek proposal would also provide opportunities to accomplish or improve upon several other goals stated in the Forest Plan. The project will help create a supply of personal-use firewood for local residents. It will help provide economic stability for local timber industry dependent on forest outputs. Improvements of livestock forage conditions will be accomplished in a portion of the forest that emphasizes livestock grazing. Enhancement of wildlife habitat diversity will be accomplished. An inventory of old growth stands was completed providing an opportunity to implement silvicultural practices that will maintain or establish an appropriate balance of old growth values. The local transportation system was analyzed to evaluate opportunities to provide the most efficient, economical, and environmentally sound system serving management needs in the area. Water quality and soil productivity will be protected and recreation opportunities will be maintained at current levels.

Scoping and Public Involvement

The scoping process described on page 6 of the EA, was used to gather information regarding the potential environmental effects and issues surrounding the proposal. For this proposal, scoping was done concurrently with the 30 day comment period. This was done in accordance with the requirements of NEPA, and 36 CFR 215.3. The Forest Service ID Team, other resource specialists, and members of the public provided input into the process. News releases were distributed on March 31st 2005, and public notification was provided through the GMUG NF Schedule of Proposed Actions. Scoping letters were also mailed to individuals, groups and organizations during that time. Comments were received, and response to those comments has been appended to the EA (Appendix B).

Additionally, a second 30 day scoping and comment period was initiated on May 25th 2007 regarding a non-significant Forest Plan amendment to allow the full implementation of Alternative 2 as outlined and analyzed in the Perfecto Creek Timber Sale EA. The intention to amend the GMUG Forest Plan was stated in the first Decision Notice for the Perfecto Creek Timber sale issued on March 28th 2007. There were four parties that commented during this scoping period. Based on our consideration of the comments received, our evaluation of the potential impacts, and the applicable laws, regulations and policy, I have concluded that the analysis provided in the Perfecto Creek Timber Sale EA has fully addressed the requirements of the National Environmental Policy Act regarding the decision to amend the GMUG Forest Plan.

Decision

Based on careful consideration of the analysis documented in the EA and the comments received regarding the non-significant Forest Plan amendment, it is my decision to amend the GMUG Forest Plan to allow habitat capability index levels (HABCAP model) to fall below Plan standards for the Three Toed Woodpecker and the Brown Creeper for Alternative 2 of the Perfecto Creek Timber Sale project. This change will only apply for this harvest entry of the Perfecto Creek Timber Sale. It is also my decision to include cutting Unit 5 in the Perfecto Creek Timber Sale. This decision is a supplement to the first decision I issued for this project on March 28th 2007. Taken together, the effect of these decisions will be the full implementation of Alternative 2 as described in the Perfecto Creek Timber Sale EA.

The addition of cutting Unit 5 (see attached map DN-2) will add 197 acres of group selection treatment, yielding an estimated 2,050 CCF of commercial wood volume.

Also incorporated within this decision is the inclusion of all design criteria and mitigation measures described on pages 11-15 of the EA relative to Alternative 2.

My decision is documented in 1) this document (including map), and 2) the Perfecto Creek Timber Sale EA, including all appendices. These documents, taken together, represent my decision. In the event of any contradiction among these documents, this listing is the order of precedence for determining which shall prevail.

Rationale for the Decision

During the scoping process, issues surfaced that formed the basis for the development, analysis and comparison of alternatives. These issues included potential effects the proposal would have on forest health, wildlife/TES species, transportation safety and opportunities, the supply of wood fiber to local markets, timber production, spread of invasive species, potential soil impacts and road closure effectiveness. In the context of these issues and the resulting analysis, it is my judgment that the full implementation of Alternative 2 will allow us to meet the goals of the project in the most efficient and effective manner, as compared to both Alternatives 1 or 3.

It is also my judgment that the non-significant Forest Plan amendment to allow standards for the Three Toed Woodpecker and the Brown Creeper to be modified for this harvest entry is justified. The assessment of habitat impacts to Brown Creeper (p 55, 75 & 76) and Three Toed Woodpecker (p. 55 & 85) populations are provided in the EA. This analysis concluded that the population viability for these two species would not be threatened by the implementation of Alternative 2. There were no significant issues identified during our scoping and evaluation related to this Forest Plan amendment, and the benefits of making the amendment are greater than the potential negative impacts.

Benefits of the full implementation of Alternative 2 include: 1) treatment, planning and economic efficiency will all be maximized; 2) the full area will be treated, thereby

eliminating the need for an intermediate re-entry into the area that would result in increased disturbance; 3) provide an additional 2,050 CCF of timber to local dependent markets; 4) improve stand health and productivity for a larger portion of the landscape.

A determination of significance was made for this Forest Plan amendment according to the FSM 1926.51. It was determined that the amendment meets conditions for non-significance. This document is available in the project file at the Gunnison Ranger District office.

Given the results of this analysis, I have determined that the addition of Unit 5 to the Perfecto Creek Timber Sale will be effective in meeting the Forest Plan goals, objectives, and requirements. It complies with the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act. In summary, this supplemental decision will:

1. Provide about 2,050 CCF of timber to local dependent markets.
2. Improve forest health in the treated stand by increasing resistance to insects and disease, improving growth and vigor of residual trees, and establishing regeneration on treated sites.
3. Reduce road related resource damage that is occurring in the project area and improve the cost effectiveness of road management.
4. Maintain the quality of wildlife habitat.
5. Maintain recreation opportunities and visual quality.
6. Maintain or improve the quality of soil and water resources.
7. Protect cultural resources.

In contrast to the No Action alternative, objectives for improving forest health, providing wood fiber to society, reducing the impact of roads, improving the cost effectiveness and the efficiency of road management will all be satisfied with the implementation of Alternative 2.

Other Alternatives Considered

Alternative 1: No Action. This alternative provides a baseline on which the action alternatives can be compared. Under this alternative no vegetation management, road reconstruction, or road closures would occur. Recreation opportunities, grazing, personal-use firewood cutting and road use would continue under current direction.

Alternative 3: Commercial Vegetation Management with Old Growth Retention and Aspen Stand Improvement. This alternative proposed to accomplish vegetation management on 780 acres. This alternative was designed to retain a larger percentage of forest cover in the old growth structural stage, and treat 107 acres for aspen retention.

Activities related to road reconstruction and decommissioning are the same as Alternative 2.

Public Response to Alternatives

The ID Team received two comment letters during the initial public comment period. Comments included questions about the purpose and need for the project, the depth of analysis, and if procedural requirements were met. Comments also included concerns about the analysis area considered, reforestation success, impacts to water quality, the adequacy of the MIS assessment, and invasion by noxious weeds. Appendix B of the EA includes the text of our response to these public comments.

Additionally, a second public scoping/comment period was opened to scope for issues and collect comments related to amending the GMUG Forest Plan. During this period three letters and a phone message were received. Two of the parties expressed support for amending the Forest Plan, one comment expressed concerns about the timing, process and potential precedence of the amendment, and the final comment expressed that the individual did not support the amendment and requested that it not be implemented. The agency response to these comments has been documented in Appendix C of the Perfecto Creek EA.

Compliance with the National Forest Management Act (NFMA)

The National Forest Management Act requires documentation of several specific findings at the project level. These findings concerning my selected alternative are described below.

Forest Plan Consistency

All resource plans are to be consistent with the Forest Plan (16 U.S.C. 1640(i)). The Forest Plan guides all natural resource management activities (36 CFR 219.1(b)). All administrative activity must be based on the current Forest Plan (36 CFR 210.10(E)).

The EA lists Forest Plan management area prescriptions and desired condition goals. My selected action is consistent with current Forest Plan management direction.

Clearcutting and Even-aged Management

My decision involves the use of the group shelterwood silvicultural method on a total of 197 acres of the spruce-fir forest type. Based on forest condition and the objectives of this project, this system is the best method of treatment for these stands.

Vegetative Manipulation

The seven requirements in 36 CFR 219.27(b) for management prescriptions that involve vegetative manipulation are:

1. **Be best suited to the multiple-use goals for the area.** *This is addressed in Rationale for my decision. It is also referenced in the EA, under Purpose and Need for Action.*
2. **Assure that lands can be adequately stocked.** *Evidence from past similar treatments on similar sites indicates that regeneration objectives will be easily obtained.*
3. **Do not choose an alternative primarily because it provides the greatest dollar return or the greatest output of timber.** *My selected alternative provides the opportunity to combine vegetation management and resource improvement to satisfy Forest Plan objectives for the area.*
4. **Be chosen after considering potential effects on residual trees and adjacent stands.** *These considerations are reflected in my decision. Forest health is improved through treatment to reduce the potential spread of insects and disease, and increasing growth and vigor of residual trees. I have not precluded any future management options within the analysis area.*
5. **Avoid permanent impairment of site productivity and insure conservation of soil and water resources.** *This unit does not lie on unstable soil. No riparian areas will be directly affected. My selected alternative provides for long-term improvement of soil and water resources. Site productivity should be enhanced through implementation of the selected action.*
6. **Provide desired effects on...wildlife habitat, regeneration of desired tree species, forage production, and other resource yields.** *The Environmental Consequences section of the EA details the desired effects on the above. The chosen alternative will enhance forage production and maintain wildlife habitat capabilities in both the short term and long term.*
7. **Be practical in terms of transportation and harvesting requirements.** *Proposed road improvement will increase the long-term economic efficiency of road management in the area and closure roads will improve soil and water resources without compromising transportation needs in the area. No major harvesting, sale preparation or administration problems were evident during site visits by the ID Team.*

Finding of No Significant Impact

Analysis of the environmental consequences indicates this is not a major federal action with significant effects on the quality of the human environment. Therefore, an Environmental Impact Statement is not required for this proposal. This determination was made considering the following factors:

1. The proposal conforms to the direction provided in the 1991 Amended Land and Resource Management Plan for the Grand Mesa, Uncompahgre and Gunnison National Forests (see Purpose and Need section of the EA).
2. No irreversible or irretrievable commitment of resources will occur (see the Environmental Consequences and Cumulative Effects sections of the EA).
3. The proposed action will not have a significant effect on the quality of the human environment, either as an individual action or as part of the cumulative effects of other past, present, and planned actions within treatment areas (see the Environmental Consequences and Cumulative Effects sections of the EA).
4. The proposed action does not affect public health and safety (see the Environmental Consequences and Cumulative Effects sections of the EA).
5. The effects of the proposed action on the human environment are not highly uncertain, nor do they involve unique or unknown risks (see the Environmental Consequences and Cumulative Effects sections of the EA).
6. The proposed action is not precedent setting. It does not establish a precedent for future actions that may have a significant effect on the environment. It does not represent a decision in principle about a future consideration (see Chapter 1 and Chapter 2 of the EA).
7. The proposed action will not adversely affect districts, sites, highways, structures, or objects listed in, or eligible for listing in, the National Register of Historic Places. The proposed action will not cause loss or destruction of significant cultural or historic resources.
8. The proposed action was determined to “may affect but not likely to adversely affect” (NLAA) the Canadian lynx, a species listed as Threatened under the Endangered Species Act. The Canada Lynx Conservation Assessment and Strategy (Ruediger et al. 2000) and the Southern Rocky Mountain Lynx Project Decision Tree (Wahl and Patton 2000, last updated June 2004) were used to make the determination of effect for the Canada lynx as per the USFWS Programmatic Concurrence, 7/1/2004.
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. The Forest Service prepared a Biological Assessment (BA) and a Biological Evaluations (BE) and made the determination of: “no adverse effect”

or “not likely to adversely affect” for listed species within the project area. No effect determinations do not require Section 7 consultation with the US Fish and Wildlife Service.

The BA and BE process also determined there would be no impact to the majority of Forest Service sensitive species. There are some impacts to individuals anticipated from the project, but there will be no loss of species viability or trend toward federal listing.

10. This action complies with other federal, state, and local laws and requirements imposed for the protection of the environment.

Implementation Date

If there is no appeal of my decision, implementation of the selected alternative may begin 50 days after publication of the Legal Notice for this decision appears in the Grand Junction Daily Sentinel.

Administrative Review or Appeal Opportunities

All past and any potential future decisions related to this project and the analysis in the Perfecto Creek Timber Sale EA are independent of the decision stated in this document, and as such this decision stands alone as a separate action. Consequently, **the decision to amend the Forest Plan and add cutting Unit 5 are the only actions eligible for the appeal process at this time.**

A notice of appeal must be in writing and clearly state that it is a Notice of Appeal being filed in pursuant to 36 CFR 215.7, and must meet all requirements of 36 CFR 215.14 Appeals must be filed within 45 days of the date of legal notice of this decision in the Grand Junction Daily Sentinel. To be eligible to appeal this decision issued here, an individual or group must have provided a comment or otherwise expressed interest in this project during the formal comment period in June of 2007.

The publication date of the legal notice in the Grand Junction Daily Sentinel is the exclusive means for calculating the time to file an appeal (36 CFR 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals may be delivered by the following means:

For delivery services or hand delivery to a physical street address, and for U.S. Postal Service delivery:

Appeals Deciding Officer
U.S.D.A., Forest Service
Rocky Mountain Region
740 Simms
Golden, Colorado 80401

Office hours are 8:00 to 4:30.

For Fax delivery: 303-275-5134

For email delivery of an appeal: appeals-rocky-mountain-gmug@fs.fed.us.

Electronic appeals must be in Microsoft Word, Word Perfect or plain text file format.

Contact Person(s)

For additional information concerning this decision or the environmental analysis, contact Matt Etzenhouser, Gunnison Ranger District, 216 N. Colorado, Gunnison, Colorado, 81230, or call (970) 642-4422.

/s/ Charles S. Richmond

Charles S. Richmond
Forest Supervisor

02/27/2008

Date

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