Record of Decision and Final Environmental Impact Statement

Rio de los Pinos Vegetation Management Project

USDA Forest Service
Rocky Mountain Region
Rio Grande National Forest
Conejos Peak Ranger District
Conejos County, Colorado
Rio de los Pinos Vegetation Management Project

Final Environmental Impact Statement

Record of Decision

Conejos Peak Ranger District, Rio Grande National Forest
Conejos County, Colorado

Lead Agency: USDA Forest Service

Responsible Official: Jack Lewis, District Ranger
Conejos Peak Ranger District
Rio Grand National Forest
15571 CR T.5
La Jara, CO 81140

For Further Information: Kevin Duda, Interdisciplinary Team Leader
Rio Grande National Forest
15571 CR T.5
La Jara, CO
(719) 274-8971

This document is available on the internet: http://www.fs.fed.us/r2/riogrande/projects/decisions/index.shtml

ABSTRACT: I have decided to implement Alternative 2, as described in the Final Environmental Impact Statement, to improve forest stand conditions (as defined by the Forest Plan for the respective Management Area Prescription) by salvaging dead and dying Engelmann spruce in the Rio de los Pinos Analysis Area. This alternative will recover the economic value of dead and dying trees that would otherwise deteriorate and lose value, and ensure all stands are adequately reforested for future generations. The removal of these trees will provide economic benefits to the local economy by providing employment opportunities and will provide wood products that can be used to benefit the American public. This alternative will reduce the open road density in the Analysis Area by ½ mile to improve the health of the Rio de los Pinos watershed and associated wildlife and fisheries habitat. Additionally, this alternative will help maintain the scenic integrity of the landscape through implementation of associated scenic resource design criteria.
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Record of Decision

Introduction

This Record of Decision documents my selection of an alternative from the Rio de los Pinos Vegetation Management Project Final Environmental Impact Statement (FEIS). The selection includes the harvest unit locations, requirements for harvesting timber, road work, noxious weed treatment, interpretive signing, and trailhead relocation and improvement. The timber proposed for harvest in this project is intended to be sold in one or two timber sales over the next one to two years. This Record of Decision contains a brief summary of the environmental analysis completed for this project, as well as my decision regarding which alternative to implement and the rationale for my decision. This document also contains certain findings required by various laws, and information concerning rights to administrative review of my decision. The Final Environmental Impact Statement completed for the Rio de los Pinos Vegetation Management Project is incorporated by reference in this decision document, and is attached.

Background

The proposed project is a component of the overall timber sale program on the Rio Grande National Forest. Timber sales are allowed by the Forest Plan, and in fact, encouraged in areas such as the Rio de los Pinos Analysis Area that are designated in the Forest Plan as a Forest Products Management Area Prescription. Timber sales are designed to achieve land management direction in the Forest Plan and to maintain a supply of timber from National Forest lands to achieve net public benefits, in accordance with governing law and policy (FEIS Section 1.6).

The Rio de los Pinos Analysis Area is located in Township 33 North, Range 4 East, Sections 22, 23, 25-27, and 34-36, NMPM. For locations of units proposed for treatment under this decision, see the Selected Alternative Map on page ROD-23.

Spruce beetle activity was first observed in areas directly to the south of the Rio de los Pinos Analysis Area during the winter of 2003. Subsequently, those areas were analyzed for salvage harvest under the County Line Vegetation Management Project FEIS and ROD signed July 18, 2005. Under the County Line analysis, the area analyzed under the Rio de los Pinos Vegetation Management Project was planned for a preventative thinning treatment, in hopes of reducing the potential impacts from the spruce beetle; this preventative thinning never took place due to increased beetle activity.

In the summer of 2007, significant spruce beetle mortality was observed in standing trees in the Rio de los Pinos Analysis Area; subsequent field reconnaissance has shown that spruce beetles are spreading through the Analysis Area at an epidemic level which is resulting in significant Engelmann spruce mortality. This wide-spread mortality and infestation of trees within the Management Area Prescription designated for timber production purposes in the Forest Plan resulted in the purpose and need for action. Though this area had been previously analyzed under the County Line analysis, the Rio de los Pinos Vegetation Management Project was not
segmented off of the County Line analysis; wide-scale salvage harvest was not foreseen or analyzed under the County Line analysis for this area – stands in this area had been previously harvested and were rated moderate to high-moderate for spruce beetle outbreak risk (FEIS, Table 3.4-1), each of the two projects has independent utility for meeting management objectives, and both projects are operationally feasible when considered independently. The Rio de los Pinos FEIS has taken into account management actions allowed under the County Line analysis, and where the scope of analysis was appropriate, these actions have been included in cumulative effects analyses (FEIS, Chapter 3).

The purpose of this project is to implement the Forest Plan to make live and dead timber available to the timber industry as part of the Rio Grande National Forest’s timber sale program. The need for this action has become evident as spruce beetle mortality has become more and more prevalent on this landscape. Currently, forest conditions in the Analysis Area vary from the Desired Conditions defined in Forest Plan Management Area Prescription 5.13 (Forest Products); this disparity indicates a need to:

- Salvage dead and dying trees before they lose economic value,
- Provide wood products to benefit the local and regional economy,
- Reforest beetle infested stands,
- Reduce long-term fuel buildup in areas severely impacted by spruce beetle, and
- Improve forest stand conditions.

**Decision**

This Record of Decision documents my decision to make timber available from the Rio de los Pinos Analysis Area and to implement travel management, in accordance with the Forest Plan. My decision includes the following:

- The location and extent of vegetation management, timber salvage harvest, project design criteria, and associated activities.
- Road access and management.
- Mitigation measures and monitoring requirements.

Based upon my thorough review of all alternatives, their associated environmental effects in the FEIS completed for this project, and comments received during our scoping process and the 45-day public review of the draft environmental impact statement, it is my decision to select, as proposed in the FEIS, Alternative 2, the Proposed Action and Preferred Alternative, and all associated project design criteria and monitoring measures, for implementation. Alternative 2 best meets the purpose and need for action, and is consistent with Forest Plan direction.
Alternative 2 will allow salvage harvest of approximately 11 to 13.1 million board feet (MMBF) of timber on approximately 878 acres (see Selected Alternative map on page ROD-23). An estimated 11.9 miles of Forest Service system road (system road) will be maintained as part of my decision, and 10.1 miles of system road will undergo some form of reconstruction to maintain and improve watershed. An estimated 62 acres will be treated for noxious weeds, and up to 75 acres will be artificially regenerated with Engelmann spruce. Exact planting area will depend on how well existing natural regeneration meets Forest Plan stocking requirements.

**Rationale for Selection**

**Project Design Criteria**

I believe the integration and implementation of the associated project design criteria (FEIS Section 2.5) is critical for the success of this project. Using the best available science, a thorough analysis of impacts to resources was performed which determined that with the implementation of the project design criteria included in Alternative 2, all applicable Forest Plan standards will be met. The project design criteria included in Alternative 2 related to aquatic and soil resources will protect watershed health by keeping harvest activities out of water influence zones, maintaining sufficient skid trail spacing, returning nutrient-rich material to the harvest site, and among other things, will identify and fix erosion and sediment concerns caused by the existing condition of system roads. Project design criteria included in Alternative 2 for wildlife will retain snags and snag recruitment within heavily impacted areas, protect big game hiding cover, provide large woody debris, protect understory vegetation, and minimize negative effects to Management Indicator Species, migratory birds, and Threatened, Endangered, and Sensitive wildlife species. This proposal is consistent with the Southern Rockies Lynx Amendment to the Forest Plan, the Migratory Bird Treaty Act, and Executive Order 13186. The project design criteria included in Alternative 2 for range resources and noxious weed management will minimize conflict between reforestation efforts and cattle use through application of adaptive management techniques, minimize potential for spread of noxious weed, and treat any noxious weed infestations in a timely manner. Timber resources project design criteria included in Alternative 2 will enhance timber production for future generations by ensuring salvage units are adequately stocked with Engelmann spruce following salvage operations, protecting soil resources, and minimizing damage to residual trees. Intensive modeling was performed to determine that adequate texture would remain on the landscape (FEIS, Section 3.11) in the correct locations and configurations to minimize impacts to the scenic resources and comply with Forest Plan standards for scenery management. I want to make sure the public is kept as safe as possible during the implementation of this project; recreation resource project design criteria included in Alternative 2 will ensure the public is aware of all logging activities, and will reduce potential for conflict between logging and recreational activities.

**Monitoring**

Monitoring is an important component of this decision that focuses on the proper implementation of the project design criteria, consistency with the Forest Plan standards, and information gathering for the betterment of future project design criteria and project analyses. Monitoring measures incorporated in this decision include the following activities. A detailed list of monitoring measures can be found in the FEIS (Section 2.6).
1. Monitoring will be performed to ensure that the wildlife resource project design criteria are understood and properly incorporated into timber sale contracts. The Forest Service will ensure that contract provisions are understood and properly implemented. During sale preparation activities, the Forest Service will survey sale areas for nest and den sites, Threatened, Endangered, and Sensitive species, and Management Indicator species. This monitoring will ensure that Forest Plan standards for wildlife are being met. If inconsistencies with the Forest Plan or project design criteria are identified, they will be corrected. If any Threatened, Endangered, or Sensitive species, bird nests, or den sites are discovered in the project area, they will be protected as indicated in the Forest Plan and FEIS for this project. If further consultation with the U.S. Fish and Wildlife Service is necessary, this will occur and timber sale contracts will be modified to provide the needed protection for these important sites.

2. Effectiveness monitoring of the range management project design criteria will be performed to ensure livestock are not impacting forest regeneration. If concerns are identified they will be corrected according to the Annual Operating Instructions and/or by implementing the range resource project design criteria described in Chapter 2 of the FEIS.

3. Monitoring of noxious weeds will be accomplished during and after project implementation to ensure that project design criteria are implemented to minimize the potential for noxious weed infestation and spread. Site inspections and periodic surveys will be conducted to monitor and detect noxious weeds. If noxious weeds are found, they will be treated as part of the Forest noxious weed treatment program.

4. Implementation and effectiveness monitoring will be performed to ensure timber resource project design criteria are included in timber sale contracts and are properly implemented during timber sale administration activities. This monitoring will ensure timber sale contracts conform with this Record of Decision prior to sale advertisement and will ensure projects are compliant with this Decision during timber sale implementation. Proper implementation of timber resource project design criteria and silvicultural prescription will assure that NFMA and Forest Plan reforestation requirements are met. Monitoring of harvested areas will be accomplished the first, third, and fifth years following completion of harvest, as described in the FEIS. If fill-in planting is required, the areas will be planted to meet the stocking requirements identified in the Forest Plan.

5. Implementation monitoring will be performed to ensure that the aquatic resource project design criteria are being properly implemented and incorporated into timber sale contracts, and to ensure Forest Plan standards and guidelines are being met with regard to stream health. During implementation, road segments that cross, or are adjacent to, streams will be inspected to evaluate and assess changes in stream condition. If additional mitigation measures are needed to protect stream health, they will be developed and implemented.

6. The Forest Service will perform implementation monitoring to ensure soil resource project design criteria are being properly implemented and that Forest Plan standards and guidelines are being met, in regard to soils. This monitoring will provide assurance that project design criteria are incorporated into timber sale contracts and are properly implemented in timber sale administration. Site inspections will be performed to assess overall cumulative soil...
impacts; if detrimentally affected sites are found, treatments will be implemented to restore soil productivity.

7. The Forest Service will perform implementation and effectiveness monitoring to ensure scenic resource project design criteria for Alternative 2 are properly implemented during timber sale preparation. Photo point comparisons will be used to determine the effectiveness of computer scenic modeling and to determine if scenic quality objectives are being met. This monitoring may result in adjustments to the use of the computer model in the scenic resource analysis to improve the design of future projects.

Comparison to Other Alternatives

When compared to other alternatives, Alternative 2 will best meet the purpose and need for action. Alternatives 2 and 3 are similar in that they both treat areas with a high mortality component due to spruce beetle activity using a salvage prescription. Alternative 2 goes beyond Alternative 3 to treat an additional 271 acres. The Río de los Pinos Vegetation Management Project was initiated due to a disparity between the existing forest condition and the Desired Conditions defined in the Forest Plan for the area analyzed. It is my opinion that Alternative 2 best addresses the purpose and need for this project, and best addresses Key Issue 2, forest condition, by salvaging and regenerating the greatest number of acres. Although Alternative 2 treats 271 acres more than Alternative 3, I believe this alternative remains sensitive to indicators of Key Issue 1, watershed health, by minimizing the length of temporary and old roads used, improving or maintaining proper road drainage on more miles of system road than Alternative 3. On the watershed level, Alternative 2 creates 0.25% more disturbance area compared to Alternative 3, on average (FEIS, Table 2.4-1), but I believe this minor increase in disturbance is heavily outweighed by the benefits to forest conditions and local economies. Both Alternative 2 and Alternative 3 will reduce the open road density within the Analysis Area by ½ mile through various travel management activities. These activities include closing 1.2 miles of FSR 118.2 and moving trailhead access to FSR 118.2G. Spruce beetle outbreak risk rating was considered as one of the indicators for Key Issue 2; spruce beetles have killed and infested the mature Engelmann spruce within the Analysis Area to a point where there is no discernable difference in spruce beetle risk rating between any of the 3 alternatives. Alternative 2 impacts an additional 5.5% of the late-successional spruce-fir forest in the Analysis Area, compared to Alternative 3, but given the dynamics and constant change that occurs in nature, the proposed salvage would only hasten this change – it would not greatly change the end result.

The implementation of either Alternative 2 or 3 would result in the salvage of 9.9 to 13.1 MMBF of relatively high-value spruce sawtimber that would otherwise continue to deteriorate and lose value. Compared to Alternative 3, Alternative 2 is estimated to net an additional $127,000 to the Government. Harvesting this timber, reforesting the heavily impacted areas, performing road reconstructive activities, and performing other associated activities will help the Forest continue to provide employment opportunities for Colorado and northern New Mexico.

All areas proposed for treatment under Alternative 2 are roaded. Implementing Alternative 2 will not require construction of any additional system roads. Only road reconstruction, road maintenance, old roads re-opening, and temporary road construction will be necessary to harvest timber from this area. The reconstruction and maintenance of existing system roads will result in
improved resource protection by correcting existing drainage concerns and reducing erosion from roads. There was concern about windthrow potential in this area due to windthrow that has occurred on the Wolf Beetle Salvage timber sale; windthrow potential was evaluated and the stands proposed for harvest are not located in areas with high windthrow risk (FEIS, Section 3.4). Numerous project design criteria are included in Alternative 2 for resource protection and to reduce environmental impacts to acceptable limits. The project design criteria are an important component of Alternative 2, I place particular emphasis on project design criteria that minimize impacts to and, in some cases, improve upon existing watershed health – one of the Key Issues in this project. In development of this proposal, all practical means to avoid or minimize environmental harm and maintain public safety have been adopted.

The analysis performed by the interdisciplinary team assigned to this project is based on an exhaustive review of literature, best available science, and professional expertise. I have based my conclusions on an in-depth review of analyses performed for this project. I considered the direct, indirect, and cumulative effects of implementing Alternative 2. All environmental effects were found to be within acceptable limits and consistent with applicable standards and guidelines in the Forest Plan.

Further, I considered internal and public concerns. I realize that my decision will not fully satisfy all concerns, which ranged from a desire to salvage timber in a more timely manner and include more flexibility and management options to disapproval of any timber harvest for various reasons. In comparison, Alternative 1 (No Action) would not meet the purpose and need for this project, or the Forest Plan goals and objectives; nor, in my opinion, would this be a course of action that represents reasonable multiple-use management of National Forest resources. Therefore, I chose the alternative that salvages dead and dying Engelmann spruce and ensures forest regeneration across the largest area. Based on all analyses, I believe Alternative 2 will provide the greatest good for the greatest number of individuals in an environmentally responsible fashion.

Providing timber is one of the primary goals of the Forest Plan for the Rio Grande National Forest. It is also one of the basic missions of the Forest Service, as set forth in the Organic Act of 1897 that created the National Forests. The Organic Act has been amended many times through the years to ensure that other products are provided, as well. However, none of those amendments have changed the basic mission of the Forest Service. Timber management of some forested areas for timber production is Forest Service policy. In making this decision, I considered applicable laws, regulation, and policy, and the information disclosed in the FEIS, Forest Plan, and the project record. I considered how the alternatives meet the purpose and need for action and address the Key Issues. I also considered public and agency comments.

**Alternatives Considered**

In addition to the selected alternative, I considered two other alternatives, which are discussed in detail in Section 2.3 of the FEIS. The three alternatives studied in detail and three alternatives considered but dropped from detailed analysis include:
Alternative 1 (No Action – Environmentally Preferable Alternative)

Under Alternative 1, the No Action, no timber harvest, artificial regeneration, road reconstruction, road maintenance, or road closure is proposed. Additionally, activities associated with the action alternatives identified in Section 1.13 of the FEIS under Opportunities also would not occur. This alternative would not meet the purpose and need for action or move the project area toward the desired future condition that is described in the Forest Plan. This alternative does address Key Issue 1, watershed health, by:

- Not treating any acres,
- Creating no additional surface disturbance in the watershed, and by
- Not constructing any new temporary roads.

This alternative also responds to Key Issue 2, forest condition by:

- Not changing any of the late-successional habitat structural class.

Alternative 2 (Full Salvage – Proposed Action, Preferred Alternative)

Alternative 2, the Proposed Action and Preferred Alternative, was designed to address the Key Issue of forest condition and proposes to conduct salvage harvest of dead and beetle-infested Engelmann spruce trees 8 inches diameter at breast height (DBH) and larger on approximately 878 acres. Small patch cuts (1/4 to 5 acres) would be spread throughout the units to maintain scenic integrity. Outside of the patch cuts, all live trees not infested with spruce beetles, and not interfering with operations would be left in the salvage areas. After harvest of the dead and dying trees, artificial regeneration would occur on all non-stocked and under-stocked areas. The exact planting area would depend on how well existing advance regeneration meets Forest Plan stocking requirements. This alternative would salvage between 11.0 and 13.1 MMBF of sawtimber. This alternative includes 11.9 miles of road maintenance, 10.1 miles of road reconstructive activities, re-opening 3.3 miles of old roads, and construction of 0.2 mile of temporary road. After harvest of the dead and dying trees, up to 75 acres would be artificial regenerated with Engelmann spruce and approximately 62 acres of noxious weed treatment would occur. Additionally, Alternative 2 would result in increasing the length of Forest Service trail 736, by decreasing the length of system road 118.2; the amount of change is 0.8 miles. Overall, open road density within the Analysis Area would be reduced by ½ mile through various travel management activities. This alternative responds to Key Issue 1, watershed health, by carefully designing harvest treatments to:

- Minimize the length of old and temporary road needed to efficiently harvest timber,
- Maintain or improve road drainage to correct existing drainage and erosion concerns, and
- Exclude areas within water influence zones and sensitive sites to minimize the amount of surface disturbance impacting these important areas.
This alternative also addresses Key Issue 2, forest condition, by:

- Broadly salvaging dead and dying trees, and
- Removing a large volume of the heavy fuels from the Analysis Area.

**Alternative 3 (Reduced Salvage)**

This alternative was designed to address the Key Issues of watershed health and forest condition. This alternative will treat less area than Alternative 2, eliminating those areas with a high stream density. It would also maintain reforestation of the salvage units through artificial regeneration if needed. This alternative proposes to conduct salvage harvest of dead and beetle-infested Engelmann spruce trees 8 inches DBH and larger on approximately 607 acres. Small patch cuts (1/4 to 5 acres) would be spread throughout the units to maintain scenic integrity. Outside of the patch cuts, all live trees not infested with spruce beetles and not interfering with operations would be left in the salvage areas. After harvest of the dead and dying trees, artificial regeneration would occur on all non-stocked and under-stocked areas. The exact planting area would depend on how well existing advance regeneration meets Forest Plan stocking requirements. This alternative would salvage between 8.0 and 9.9 MMBF of sawtimber. This alternative includes 9.9 miles of road maintenance, 8.1 miles of road reconstructive activities, re-opening 2.5 miles of old road, and no temporary road construction. After harvest of the dead and dying trees, up to 56 acres would be artificial regenerated with Engelmann spruce and approximately 43 acres of noxious weed treatment would occur. Additionally, Alternative 3 would result in increasing the length of Forest Service trail 736, by decreasing the length of system road 118.2; the amount of change is 0.8 mile. Overall, open road density within the Analysis Area would be reduced by ½ mile through various travel management activities. This alternative addresses Key Issue 1, watershed health, by carefully designing harvest treatments to:

- Reduce the acres treated,
- Further reduce the length of old road needed to harvest timber,
- Eliminate temporary road construction,
- Maintain or improve road drainage to correct existing drainage and erosion concerns, and
- Exclude areas within water influence zones, sensitive sites, and areas of high stream density to minimize the amount of surface disturbance impacting these important areas.

This alternative also addresses Key Issue 2, forest condition, by:

- Salvaging some of the dead and dying trees,
- Reducing the percent of late-successional habitat structural class changed, and
- Removing some of the heavy fuels from the Analysis Area.
Alternatives Considered but Dropped from Detailed Study

Three other alternatives were also considered by the interdisciplinary team, but were dropped from detailed study. The first alternative proposed to not harvest below the 1301005050101 7th level watershed line. This alternative was dropped because it was determined by the interdisciplinary team that system road 118.1C would be a more rational dividing line, based on operational needs, and that the proposal was otherwise incorporated within Alternative 3. The second alternative considered proposed to salvage without including small patch cuts. This alternative was dropped from detailed study because it was determined that the proposed patch cuts would provide the texture and mosaic that would match the surrounding landscape and assist in keeping a Scenic Integrity Objective of Moderate. The final alternative considered, but dropped from detailed study proposed using helicopter logging. This alternative was dropped from detailed study because the existing conventional transportation system currently in place eliminates the operational need.

Public Involvement

Public involvement was a key component in this planning effort; I would like to thank all those who took the time and effort to participate. The Rio Grande National Forest invited public comment and participation regarding this proposal with a variety of scoping methods. These included listing the project in the Schedule of Proposed Actions beginning in October 2007, an initial scoping letter, public notice in the Valley Courier (published January 15 and 16, 2008), the newspaper of record, letters, e-mails, and phone call contacts.

The Rio de los Pinos Vegetation Management Project initially began as an Environmental Assessment. A scoping letter for the environmental assessment was sent on January 11, 2008 to individuals, agencies, and organizations on the Rio Grande National Forest Schedule of Proposed Actions mailing list inviting comments on the proposed Rio de los Pinos Vegetation Management Project. The scoping letter discussed the background, purpose and need for action, and the proposed action. Eleven letters or phone calls were received in response to the scoping letter.

Based on additional analysis and the results of internal and external scoping, it was determined that an Environmental Impact Statement (EIS) would be a more appropriate level of analysis for this project, so scoping was re-initiated. A second scoping effort began on October 9, 2008 after the project became an EIS. This was done with a Notice of Intent published in the Federal Register on October 9, 2008; legal notices were published in the newspaper of record on October 8 and 9, 2008, and a scoping letter was sent out on October 9, 2008. The scoping information was also available on the Forest Service public website. The Forest Service received two additional public comments as a result of this second scoping effort.

Tribal consultation was completed in March, 2004, and concurrence from the Colorado State Historic Preservation Office was received on December 16, 2003, with a “no historic properties” determination.
Public Comments

After the Draft EIS was written, a 45-day public comment period was initiated. Three public comments from four individuals, agencies, or organizations were received in response to the Draft EIS. Comments received can be found in Appendix E of the FEIS, and Forest Service responses to these comments can be found in Chapter 6 of the FEIS. Some comments resulted in correction of minor errors in the text and figures, as well as additional discussion of the analyses conducted specific to windthrow and wetlands. Other comments were already adequately addressed within the document. I would like to specifically address some of the comments here in order to better explain my decision.

Range of Alternatives

We received comments regarding the range of alternatives and suggestions for additional alternatives. The FEIS did consider other alternatives, but these were not analyzed in detail (see Section 2.7 in the FEIS). The additional comments made were already considered as part of one or more of the evaluated alternatives. I believe that an adequate and reasonable range of alternatives was presented that responded to public comments and address the Key Issues as well as the purpose and need for action. Two action alternatives were designed to address the Key Issues differently while still meeting the purpose and need for action. My Selected Alternative best responds to the purpose and need for actions, while still addressing the Key Issues, meeting Forest Plan standards and guidelines, and considering public concern.

Watershed Impacts

Some of the comments expressed concern about watershed disturbances and impacts. The Selected Alternative incorporates all six project design criteria written specifically for protection of aquatic resources, and meets or exceeds requirements outlined in the Forest Plan and Watershed Conservation Practices Handbook (FEIS, Table 2.5-5).

I find the FEIS takes a hard look at watershed impacts by using the best high quality scientific information available. It was prepared by experienced professionals (FEIS, Chapter 4) and utilized site specific watershed analyses (FEIS, Section 3.6). I find the information presented in the FEIS allows for a meaningful analysis of the watershed impacts of each alternative. In choosing the Selected Alternative, I carefully considered the effects of the alternatives on the watersheds within the Analysis Area in relation to other resource values and in context to the purpose of and need for action.

Soil Productivity

Soil productivity was a concern discussed in some of the public comments. Concern was expressed about soil compaction or displacement exceeding soil standards. Site specific review and analysis was conducted (documented in the project record), and my emphasis is on maintaining soil impacts within accepted thresholds (see Soil Resource Project Design Criteria, FEIS, Section 2.5). The interdisciplinary team analyzed the potential impacts of the project and determined they will remain within Soil Management Handbook and Forest Plan standards (FEIS, Section 3.7). Although soil disturbance (including compaction and rutting) is expected
from the Selected Alternative, proper implementation of project design criteria and monitoring 
measures will keep impacts within the 15% soil impact standard.

In review of the FEIS, I find that concern over soil resources is fully addressed through 
implementation of project design criteria (FEIS, Section 2.5). I considered the direct, indirect, 
and cumulative effects to the soil resources and find that by implementing the Selected 
Alternative we will maintain and protect soil productivity in all harvest units.

**Wetlands/Fens**

Some of the comments expressed concern that effects to wetlands and fens were not fully 
analyzed. In response, a section was added to the FEIS (Section 3.7) to disclose the analysis that 
was conducted for this project concerning wetlands. The Forest Plan standards and guidelines 
and Watershed Conservation Practices Handbook are the first protection measures and provide 
management direction; project design criteria (FEIS, Section 2.5) were also developed to assure 
consistency with this direction and will be implemented in the Selected Alternative. I am 
satisfied that the Selected Alternative deliberately avoids and protects all wetlands.

**Threatened and Endangered Wildlife Species**

Concerns over direct effects to wildlife and potential impacts to their habitat were raised in some 
comments. The Colorado Division of Wildlife and U.S. Fish and Wildlife Service were included 
in the scoping process and did not submit significant concerns. A Biological Assessment was 
prepared for Threatened species (included in the project record) and Section 3.8 of the FEIS 
summarizes effects, rationale, and conclusions. I have thoroughly reviewed the analysis 
performed for Threatened and Endangered species, as well as the analysis pertaining to Sensitive 
species. As summarized in Tables 3.8-1 and 3.8-3, determination of effects to specific species 
are the same across all three alternatives. Specific types of effects vary between alternatives and 
have been properly disclosed. The Selected Alternative includes 11 project design criteria 
specific to wildlife, Threatened and Endangered species, and Management Indicator species. I 
have carefully considered all pertinent analyses and find that the included project design criteria 
will sufficiently minimize potential for detrimental effects to wildlife in the Analysis Area.

**Findings Required by Other Laws and Regulations**

*National Forest Management Act*

The National Forest Management Act requires the Secretary of Agriculture to “specify 
guidelines for land management plans developed to achieve the goals of the program which 
provide for diversity of plant and animal communities based on the suitability and capability of 
the specific land area in order to meet overall multiple-use objectives of a land management plan 
adopted pursuant to this section, provide, where appropriate, to the degree practical, for steps to 
be taken to preserve the diversity of tree species similar to that existing in the region controlled 
by the plan” (16 USC 1604(g)(3)(b)). In accord with this diversity provision, the 1982 planning 
regulations provided in part: “Fish and wildlife habitat shall be managed to maintain viable 
populations of existing native and desired non-native vertebrate species in the planned area” (36
CFR 219.19, 1982 ver.). This is accomplished through monitoring of management indicator species populations and habitat at the Forest Plan level.

The Forest Plan was prepared under the 1982 planning rule. The Forest Plan was amended in 2003 to include management indicator species. The National Forest Management Act and accompanying regulations under the 1982 planning rule required that specific findings be documented at the project level. Specific findings from regulations in the 1982 rule (36 CFR 219, 1982 ver.) are as follows:

36 CFR 219.27 (a) Resource Protection and 36 CFR 219.27 (g) Diversity (1982 ver.)

1. Alternative 2 conserves soil and water resources and will not result in significant or permanent impairment of the productivity of the land. Water quality is maintained through use of Best Management Practices, streamside buffers, logging systems designed for minor impacts, and additional site specific project design criteria. Soil resources are protected through minimizing erosion, compaction, and displacement; implementing post-project monitoring; eliminating activities in areas found to have high mass movement potential in site specific field soil surveys; and by maintaining coarse woody debris.

2. Activities will not affect the risk of wildfire; however, the vegetation treatments will reduce potential wildfire severity (FEIS, Section 3.20).

3. Pest-host relationships were evaluated against situation-specific prescriptions; salvage harvest was determined to be the most ecologically acceptable treatment, and most compatible with the ecosystem and the multiple-use objectives of the Forest Plan. Within management area prescription 5.13 (the entire Analysis Area), spruce beetle infestations were evaluated against the potential for loss of commercial forest resources, and management emphasis was placed on protecting the commercial resources (Forest Plan, page IV-28).

4. Water yield increases are proportional to the amount of live basal area removed from a watershed. All trees removed in the salvage areas are dead or dying and, in itself, salvage harvest will not result in increased stream flows (FEIS, Section 3.6). Streams, streambanks, wetlands, and other bodies of water will be protected by project design criteria (FEIS, Section 2.5).

5. No Threatened or Endangered plants have been reported on the Forest, nor are there any suspected occurrences within the project area (FEIS, Section 3.13). In the FEIS, it was determined that Alternative 2, the Selected Alternative, may affect individuals of certain Sensitive plant species, but is not likely to result in a loss of viability in the Analysis Area (FEIS, Table 3.13-1).

6. The activities will either not affect or will maintain sufficient habitat for viable populations of existing native trout species (FEIS, Section 3.10).

7. The FEIS assesses potential physical, biological, social, aesthetic, cultural, engineering, and economic impacts and consistency with multiple uses planned for the area. Forest
Plan consistency is located throughout Chapter 3 of the FEIS, and is also addressed in a section to follow.

8. The project will not adversely affect critical habitat for Threatened or Endangered species. The Biological Assessment prepared for this project determined that it “may affect, but is not likely to adversely affect” Canada lynx, or lynx habitat (see project record).

9. The main threat to plant communities in the areas proposed for harvest is the risk of noxious weeds spreading into areas previously uninfested. Noxious weed prevention, monitoring, and treatment (FEIS, Table 2.5-3) will help to inhibit spread and establishment of noxious weeds.

36 CFR 219.27 (b) Vegetation Management (1982 ver.)

Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall:

1. Be best suited to the multiple-use goals established for the area with potential environmental, biological, cultural resource, aesthetic, engineering, and economic impacts, as stated in the regional guides and forest plans, being considered in this determination.

These goals are stated in Chapter 1 of the FEIS. Based on review of the pertinent information from the FEIS, interdisciplinary team field review, and the project file, I have determined that Alternative 2 is best suited to meet these goals while responding to public concern.

2. Assure that lands can be adequately restocked, except where permanent openings are created for wildlife habitat improvement, vistas, recreation uses and similar practices.

All of the units proposed for harvest currently exceed Forest Plan stocking levels (FEIS, Table 3.5-2 and Forest Plan, page III-20). If post-harvest regeneration surveys indicate that Forest Plan stocking levels will not be met, timber resource project design criteria included in this project will ensure these areas will be artificially reforested to meet or exceed the Forest Plan standard (FEIS, Table 2.5-4).

3. Not be chosen primarily because they will give the greatest dollar return or the greatest output of timber, although these factors shall be considered.

Factors I considered in making my selection are discussed previously in this Record of Decision. The other factors considered resulted in the selection of Alternative 2, which also happens to provide the greatest dollar return and timber output.

4. Be chosen after considering potential effects on residual trees and adjacent stands.
The selection of Alternative 2 considers the effects on residual trees and adjacent stands, as disclosed and discussed in Sections 3.4 and 3.5 of the FEIS.

5. **Avoid permanent impairment of site productivity and ensure conservation of soil and water resources.**

For all alternatives, protection of soil resources and maintenance of long-term soil productivity will be accomplished in accordance with BMPs, Forest Plan standards, Watershed Conservation Practices Handbook standards, and project design criteria.

6. **Provide the desired effects on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, aesthetic values, and other resource yields.**

Alternative 2 provided the above desired effect as discussed previously under “Rationale for Selection,” and throughout Chapter 3 of the FEIS.

7. **Be practical in terms of transportation and harvesting requirements, and total costs of preparation, logging, and administration.**

Both of the action alternatives have positive net present values for preparation, logging, and administration (FEIS, Table 2.4-2). Harvesting and transportation requirements in this project are practical, based on past application and experience.

**36 CFR 219.27 (c) Silvicultural Practice (1982 ver.)**

The following management requirements apply to timber harvest and cultural treatments:

1. **No timber harvesting shall occur on lands classified as not suited for timber production pursuant to Sec. 219.14 except for salvage sales, sales necessary to protect other multiple-use values or activities that meet other objectives on such lands if the forest plan establishes that such actions are appropriate. These lands shall continue to be treated for reforestation purposes if necessary to achieve the multiple-use objectives of the plan.**

The proposed harvest is exempted from this requirement because it is a salvage treatment. However, it was determined that all harvest areas are mapped as suitable for timber management under the 2005 Timber Suitability Amendment to the Forest Plan, except for 3.25 acres in the southwest corner of Unit 4. Site visits were made by a soil scientist to areas proposed for harvest, including the area mapped as unsuitable. These areas were carefully evaluated for mass movement potential and suitability for timber harvest, and all proposed harvest areas were determined to be suitable for timber harvest (FEIS, Section 3.7).

2. **The selected sale schedule provides the allowable sale quantity for the first planning period. Within the planning period, the volume of timber to be sold in any one year may exceed the average annual allowable sale quantity so long as the total amount sold for the planning period does not exceed the allowable sale quantity. Nothing in**
this paragraph prohibits salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger of insect or disease attack and where such harvests are consistent with silvicultural and environmental standards. Such timber may either substitute for timber that would otherwise be sold under the plan or, if not feasible, be sold over and above the planned volume.

The timber proposed for harvesting in this project is not required to be within the allowable sale quantity (ASQ) for the Rio Grande National Forest (21 MMBF per year average over a decade) because it is salvage volume. However, this timber will be offered as part of the Rio Grande National Forest’s regular timber sale program which is well below the Forest ASQ (planned future offer of 13 MMBF/year). When this timber is offered, the ASQ will not be exceeded.

3. When trees are cut to achieve timber production objectives, the cuttings shall be made in such a way as to assure that the technology and knowledge exists to adequately restock the lands within 5 years after final harvest. Research and experience shall be the basis for determining whether the harvest and regeneration practices planned can be expected to result in adequate restocking. Adequate restocking means that the cut area will contain the minimum number, size, distribution, and species composition of regeneration as specified in regional silvicultural guides for each forest type. Five years after final harvest means 5 years after clearcutting, 5 years after final overstory removal in shelterwood cutting, 5 years after the seed tree removal cut in seed tree cutting, or 5 years after selection cutting.

In the areas planned for reforestation, the actual cause of mortality of the trees is the spruce beetle, and type of cutting is salvage. Throughout the Analysis Area, there is currently, on average, adequate advanced regeneration. If areas are determined to be lacking adequate regeneration following salvage operations, these areas will be artificially regenerated with Engelmann spruce seedlings (FEIS, Table 2.5-4). Reforestation efforts on similar sites, at similar elevations, with similar silvicultural prescriptions, and in close proximity to the Analysis Area have been artificially regenerated successfully. An example is the Grouse timber sale patch clearcuts where the survival rates of planted Engelmann spruce seedlings ranged from 60 to 84% after three years. This resulted in an average of 292 planted seedlings per acre surviving. This number far exceeds the Forest Plan minimum stocking for spruce-fir forests, which is 150 trees per acre.

4. Cultural treatments such as thinning, weeding, and other partial cutting may be included in the forest plan where they are intended to increase the rate of growth of remaining trees, favor commercially valuable tree species, favor species or age classes which are most valuable for wildlife, or achieve other multiple-use objectives.

This management requirement is not applicable to this project; the proposed project is a salvage harvest, which is not intended to increase the rate of growth of remaining trees.
5. Harvest levels based on intensified management practices shall be decreased no later than the end of each planning period if such practices cannot be completed substantially as planned.

This management requirement does not apply to this project. This management requirement, in some cases, applies to thinning treatments. The salvage harvest is not being applied as an intensified management practice.

6. Timber harvest cuts designed to regenerate an even-aged stand of timber shall be carried out in a manner consistent with the protection of soil, watershed, fish and wildlife, recreation, and aesthetic resources, and the regeneration of the timber resource.

Salvage harvest is not a regeneration harvest and is not designed to produce even-aged stands, and small patch cuts will not produce even-aged stands. Some areas heavily impacted by the spruce beetle may not meet the minimum stocking requirements following treatment. The type of stands that re-occupy the area will primarily be a function of stand composition prior to the spruce beetle infestation, the pattern and amount of mortality, and reforestation practices. Many of the areas that contain a high percentage of subalpine fir will not be even-aged stands following treatment. Some heavily infested areas that are primarily spruce will be even-aged stands following treatment. In these areas live trees will be retained wherever practical and adequate snags will be left to provide texture on the landscape to protect the aesthetic resource. The project design criteria will provide for protection of soil, watershed, fish, and wildlife habitat to the extent possible, recreation, aesthetic resources, and regeneration.

7. Timber harvest and other silvicultural treatments shall be used to prevent potentially damaging population increases of forest pest organisms. Silvicultural treatments shall not be applied where such treatments would make stands susceptible to pest-caused damage levels inconsistent with management objectives.

The spruce beetle population in the Analysis Area has impacted Engelmann spruce to the point where nearly all Engelmann spruce over 8” DBH are dead, infested, or will likely become infested and die. To this end, silvicultural treatments are designed strictly for salvage of dead and dying trees, and are not being implemented to reduce the population of spruce beetles. Project design criteria are included in Alternative 2 to minimize the amount of additional suitable beetle habitat created as a result of management activities (FEIS, Table 2.5-4). Harvest activities also would not make stands more susceptible to other insect or disease agents (FEIS Section 3.4).

36 CFR 219.27 (d) Even-aged Management (1982 ver.)

This management action is not designed to create even-aged stands; small (less than 5 acres) patch cuts have been designed to maintain some of the scenic integrity of the landscape. These openings will not create even-aged stands. Openings have been designed in relation to topography, adjacent natural openings, and operational feasibility.
The Selected Alternative includes project design criteria, best management practices, and Forest Plan standards and guidelines sufficient to protect riparian areas within the Analysis Area.

Conservation of soil and water resources is a basic objective of this project and will be attained through a number of conservation, protection, and improvement activities included in the Selected Alternative. These include, but are not limited to, avoidance of excessive soil disturbance. The project was designed to limit ground disturbance. New temporary road construction and re-opening of old road is kept to an absolute minimum to limit soil displacement. The Forest Plan standard for soil productivity states “manage land treatments to limit the sum of severely burned and detrimentally compacted, eroded, and displaced land to no more than 15% of any land unit” (Forest Plan, page III-10, standard #1). As far as ground disturbance is concerned, past harvesting in the Analysis Area has impacted between 2 and 5% of the area (FEIS, Table 3.7-2). Since existing skid trails, landings, and old roads will be reused where practical, the planned treatment is expected to increase this disturbance by only a small amount, resulting in less than 15% ground disturbance. Soil quality will be maintained by minimizing erosion, compaction, and displacement. The affected watersheds were carefully evaluated to determine the extent of disturbance following implementation of Alternative 2. Following implementation of Alternative 2, disturbance levels will increase slightly; specific values can be found in Table 2.4-1 in the FEIS. The levels of soil and watershed disturbances are acceptable and all Forest Plan standards and Watershed Conservation Practices Handbook standards will be met.

The cutting of live trees to create an even-aged system (inclusive of clearcutting) is not proposed. Patch cuts designed for scenic integrity objectives range from ¼ to 5 acres in size; these will not create even-aged stands due to their size. The spruce beetle infestation, in areas, may create even-aged stand conditions. Under Alternative 2, where the removal of dead and dying trees is proposed (followed by planting), the end result may be even-aged stands.

The harvest of live trees prior to reaching the culmination of mean annual increment does not preclude the use of sound silvicultural practices such as salvage harvesting of stands that have been substantially damaged by insects or small patch cuts, that have gone through the public participation process, and are proposed for the benefit of the scenic resource.

I have evaluated the alternatives and compared them to the Forest Plan, as amended, to determine if Forestwide Desired Conditions, Forestwide Objectives, Forestwide Standards and Guidelines, and Desired Conditions and Standards specific to Management Area Prescription 5.13 are being met. Alternative 2, the Selected Alternative, is consistent with the Forest Plan for
the Rio Grande National Forest, including the 2008 Southern Rockies Lynx Amendment. I have determined that Alternative 2 will meet Forest Plan standards (see Chapter 1, Sections 1.6 and 1.7 of the FEIS for Forest Plan consistency), and will contribute toward reaching Forest Plan goals and objectives (FEIS, Chapters 2 and 3).

**Endangered Species Act**

Effects to Threatened and Endangered Species have been considered. In a letter dated May 30, 2001, the FWS issued a Programmatic Section 7 Concurrence statement for “may affect, not likely to adversely affect” projects that were consistent with the Southern Rocky Mountains Lynx Project Decision Tree. The Decision Tree, as amended on July 1, 2004, has been used to assist in the effects determination for this analysis. Based on the analysis, the Lynx Project Decision Tree, and the 2008 Southern Rockies Lynx Amendment, it has been determined that the project will result in insignificant and discountable effects that “may affect but are not likely to adversely affect” the Canada lynx. I have complied with all applicable federal laws and regulations by informally consulting with the US Fish and Wildlife Service on the effects of the project on Threatened and Endangered species, by considering regulations promulgated under the National Forest Management Act and applying them appropriately to wildlife populations and habitat diversity, and by complying with Forest Service regulations and policies. I have found the Decision to be compliant with the management direction within the 2008 Southern Rockies Lynx Amendment to the Forest Plan.

**National Historic Preservation Act**

Forest Service policy (FSM 2361.3) requires that all areas slated for ground-disturbing activities, or land which will leave Federal agency control through sale or exchange, be surveyed for heritage resources in order to comply with 36 CFR 800, the National Historic Preservation Act (NHPA) of 1966, as amended, the Archeological Resources Protection Act (ARPA) of 1979, and the American Indian Religious Freedom Act (AIRFA) of 1979, and the Native American Graves Protection and Repatriation Act (NAGPRA) of 1992. A detailed analysis was documented in a Section 106 National Historic Preservation Act (NHPA) report and was sent to the Colorado State Historic Preservation Office (COSHPO) for consultation.

Heritage and tribal interests are regulated by these federal laws that direct and guide the Forest Service in identifying, evaluating, and protecting heritage resources. The Selected Alternative complies with these federal laws. Heritage resources within the project area were considered during project development and Heritage resource inventories were completed on all areas where ground disturbing activities are planned. No new heritage resources were identified. This action is not expected to affect any heritage resources. Recognizing that the potential exists for unidentified sites to be encountered and disturbed during project activity, contract provision C6.24# will be included in all contracts. This provision allows the Forest Service to modify or cancel a contract unilaterally to protect cultural resources, regardless of when they are identified. This provision would be enforced if a site were discovered after an activity begins. Tribal consultation was completed in March, 2004 and concurrence from the Colorado State Historic Preservation Office was received on December 16, 2003 with a “no historic properties” determination.
Environmental Justice (Executive Order 12898)

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations,” requires that federal agencies make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority populations and low income populations. No adverse affects to minority or low income populations were identified during scoping and analysis of this project. My conclusion is that the risk of disproportionate effects on minority or low income populations from this proposal is very low. Based on the FEIS, there is no evidence that the low level of risk is disproportionately placed on low income or minority populations. Alternative 2 does not pose any significant socioeconomic risks that disproportionately affect low income or minority populations in communities where timber producing employment opportunities and workers are located.

Clean Air Act

The basic framework for controlling air pollutants in the United States is the 1970 Clean Air Act (CAA), as amended in 1990 and 1999 (42 USC 7401 et seq.) The CAA was designed to protect and enhance the quality of the nation’s air resources. Alternative 2 will generate slash piles that will be burned and this will be accomplished with the required smoke permits from the Air Pollution Control Division of the Colorado Department of Public Health and Environment which has standards more restrictive than the CAA. Alternative 2 complies with the Clean Air Act.

Environmentally Preferable Alternative

The Council on Environmental Quality defines the environmentally preferable alternative as “the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.” In this Record of Decision, I have described the Selected Alternative and given the rationale for its selection. The law requires that one or more environmentally preferable alternatives also be disclosed. The environmentally preferable alternative is not necessarily the alternative that will be implemented, and it does not have to meet the underlying need for the project. It does, however, have to cause the least damage to the biological and physical environment and best protect, preserve, and enhance historical, cultural, and natural resources [Section 101 NEPA; 40 CFR 1505.2(b)]. In the case of the Rio de los Pinos Vegetation Management Project, I have determined that the No Action alternative (Alternative 1) is the Environmentally Preferable Alternative. This alternative was identified as environmentally preferable because it causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical; cultural, and natural resources. Alternative 1 has the lowest risk of soil erosion, preserves the highest number of snags for wildlife in the short term, provides the most habitat for Threatened, Endangered and Sensitive species, and has the least risk of damaging cultural resources. However, it does not meet the purpose and need for the project.
Roadless Area Conservation Rule

The Selected Alternative complies with Roadless Area management direction included in the Forest Plan. Other law and policy are currently working their way through the court system, but are not in effect at this time.

Beneficial Use Classification

The Rio de los Pinos and tributaries have designated uses of primary contact recreation, water supply, aquatic life cold 1, and agriculture. The upper part of Rio de los Pinos within the South San Juan Wilderness area is designated within Waterbody ID CORGAL01 by the State of Colorado. That part downstream from the wilderness area is Waterbody ID CORGAL17. In the latest approved Colorado 305(b) report (Status of Water Quality Colorado-2008), that part of Rio de los Pinos in wilderness was given IR Category 1, meeting all designated uses. Rio de los Pinos and tributaries in CORGAL17 were designated IR Category 3, or lacking data to make a use support determination. However, no violations of water quality standards have been reported or are suspected at this time.

Implementation

The first timber sale resulting from this decision will be implemented as part of the fiscal year 2010 timber offer from the Rio Grande National Forest. Therefore, the first sale could be advertised as early as August, 2010. Implementation of this decision is expected to occur through one or two timber sales over the next one to two years, depending on funding and the Forest’s ability to prepare and offer the timber sales.

Right to Appeal or Administrative Review

This decision is subject to administrative review pursuant to Federal regulations at 36 CFR 215.11. Appeals (including attachments) must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or message service) with the Appeal Deciding Officer (36 CFR 215.8) within 45 days following the publication of a legal notice of this decision in the Valley Courier. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal (36 CFR 215.15 (a)). Those wishing to appeal should not rely on dates of timeframe information provided by any other source. Pursuant to 36 CFR 215.13 (b), only those individuals or organizations who submitted substantive comments during the comment period may file an appeal.

For electronically mailed comments or appeals, the sender should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of the comments, it is the sender’s responsibility to ensure timely receipt by other means.
**Where to File an Appeal**

USDA, Forest Service, Region 2  
Attn: Appeal Deciding Officer  
740 Simms Street  
Golden, CO 80401-4720  

Email: appeals-rocky-mountain-regional-office@fs.fed.us  

It is an appellant’s responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official’s decision should be reversed. At a minimum, an appeal must include the following (36 CFR 215.14):

1. Appellant’s name and address (36 CFR 215.2), with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be files with an appeal);
3. When multiple names are listed on an appeal, identification of the lead appellant (36 CFR 215.2) and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (36 CFR 215.11 (d));
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
8. Why the appellant believes the Responsible Official’s decision failed to consider the substantive comments; and
9. How the appellant believes the decision specifically violates law, regulation, or policy.

Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal filing period. If an appeal on the decision is received, implementation may not occur for 15 days following the date of the appeal disposition (36 CFR 215.10(b)).

I am the Responsible Official for the decision in this Record of Decision. Note that in many cases this Record of Decision summarizes information described more completely in the Final EIS. For more detailed information, please refer to the Final Environmental Impact Statement or
the project file. I have been briefed on the FEIS analysis and the public input, and I understand this project.

Questions regarding this decision should be directed to: Kevin Duda, Forester, Rio Grande National Forest, 15571 CR T.5, La Jara, CO 81140, telephone (719) 274-8971.

Jack Lewis, Acting District Ranger

Date

3/26/2010