

DECISION MEMO
Long Park Meadow Improvement Project

USDA FOREST SERVICE

Shoshone National Forest

North Zone/Wapiti Ranger District

Park County, Wyoming

T50N, R103W, Northeast Quarter Section 16

Decision

I have reviewed the environmental analysis and decided to implement the Proposed Action, which is to implement a watershed improvement project to reduce soil erosion. The project is in a meadow known as Long Park on Carter Mountain.

This project will benefit watershed and wildlife habitat by reducing erosion and improving the condition of the meadow in the long term. The work is a high priority because of the need for restoration to reduce resource impacts and improve meadow conditions. Installing/relocating a fence and seeding native species of grass are part of the project. No road construction is required.

Implementation of this proposed action is subject to constraints such as budget and personnel, changing priorities, impacts of severe fire seasons, etc. The project is scheduled for completion during the fall in 2002.

Background and Proposed Action

The Shoshone National Forest (SNF) is considering this improvement project to reduce erosion and restore the meadow to protect watershed values and habitat. The proposal involves the Belknap Cattle and Horse grazing allotment. Several alternatives were examined; no other alternatives or methods were identified from issues and concerns raised through scoping and public involvement.

The project is located in Park County, entirely on the Shoshone National Forest. The location is approximately 30 miles by road southwest of Cody, Wyoming. The legal description is T50N, R103W, and NE ¼ of section 16.

Implementation for the selected alternative involves:

1. Building 0.4 miles (670 yards) of new fence by Forest Service contractors. An existing high-tension electric fence with smooth wire would be extended to protect the site from grazing impacts.
2. Smoothing and contouring the grade of the existing gully with mechanical equipment.
3. Surveying the site by an archaeologist before project implementation.
4. Surveying the site by a botanist for sensitive plant species before project implementation.
5. Rehabilitation of any disturbed areas as needed, including seeding with native grasses.
6. Removing 3.8 acres from grazing (through fencing) until the site is recovered.

Resource Protection /Project Design Measures

Project design for resource protection and methods and tools for implementation to minimize any environmental effects or site enhancement include:

- A cultural resource survey was completed and no change to the historic nature of the area would result.
- Biologists were consulted for their expertise on bear/human interactions and how to best implement this action. Guidelines for reducing bear/human conflicts would be incorporated into the project, to include compliance with the requirements of the Grizzly Bear Management and Protection Plan:
 - Garbage and refuse handling and disposal procedures would be implemented.
 - Human safety awareness training, bear/human conflict prevention procedures, and encounter procedures would be conducted.
 - Enforce human activity restrictions by area, season, etc.

Alternatives

- No Action Alternative – The current situation would continue with ongoing impacts to the watershed and habitat due to declining soil productivity and water quality.
- The Proposed Action – The project would be implemented as proposed.

Purpose of and Need for Action

The purpose of and need for the action are tied to guidance set forth in the 1986 Shoshone National Forest Plan and Record of Decision for eliminating watershed improvement needs inventory (III-88):

- The project is needed in order to: 1) Maintain or improve soil productivity and water quality (III-8); 2) Ensure long-term sustained production of rangeland resources for economies, communities, and people; 3) Improve management of rangeland and forest resources for soil and watershed protection; 4) Improve habitats where vegetation conditions are significantly below biological potential-improve habitat capability through direct treatments of vegetation, soil, and water.
- The purpose of the proposed action is: The primary intent is to control soil erosion and protect long-term site productivity in Long Park to improve watershed conditions and maintain habitat. An area of gully erosion would be restored to contour and seeded with native grass species. To protect the area during restoration, an existing high-tension power fence with smooth wire would be extended to protect the site from wildlife and cattle disturbance. A total of approximately 3.8 acres would be fenced.

Scoping and Public Involvement, Issues, and the Decision Making Process

In February 2002, letters were sent to approximately 180 individuals and 28 American Indian Tribes to scope their ideas and identify issues/concerns/opportunities. The scoping was mailed February 5 and closed March 15, 2002.

Results from this scoping and public involvement effort are summarized as follows. Locally, neither strong support nor opposition for this project was identified. Issues revolving around regulations, multiple use, fees, growth and development, tourism, economics, and others could enter the discussion. However, resolution of all issues is beyond the scope of this analysis.

Issues. No significant issues relative to this project were identified. The decision rationale for implementing the proposed action is based on consideration of the concerns/issues and opportunities below and how the decision would address the issue. Letters in response to scoping identified these comments:

- The Cheyenne River Sioux Tribe commented that after reviewing the scoping information, the tribe has no cultural concerns regarding the project and that they are in favor of the project as proposed.
- The Shoshone-Bannock Tribes commented that controlling erosion is an important issue and we commend you on removing some acreage from grazing until the area is recovered.
- The Wyoming Game and Fish Department identified that since the area has a great deal of seasonal use by several big game species, the fence could entrap or injure ungulates if not designed properly. They also identified the project area as a headwaters drainage system to Marquette Creek, a Class 3 trout stream of regional importance. This system supports wild populations of both Snake River and Yellowstone cutthroat trout. Yellowstone cutthroat are listed as a sensitive species in Wyoming. Actions to improve riparian habitat quality and water quality and quantity will generally improve instream habitat conditions for these species.

This decision is being distributed to interested and potential affected parties, including those who responded during the scoping process.

Decision process. The decision and actions implemented need to be the most expeditious, cost efficient method available to address concerns. A decision-making process was followed, where: 1) the problem was defined with the help and input of the public, local government, and staff expertise; 2) possible alternative solutions were identified and evaluated; 3) the solution thought to be the best to solve the problem was selected; 4) project design measures were developed to implement the solution and provide an adequate level of resource protection; and 5) a procedure was established to evaluate progress, compliance, and need for adaptive changes

Reasons for Categorically Excluding the Proposed Action

The proposed action falls under Category 6, in Section 31.2 of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook. Based on internal and external scoping, field reviews, specialist’s input and past experience, the effects of implementing this action will be of limited context and intensity and will result in little or no adverse environmental effects to either the physical or biological components of the environment. The watershed project will have beneficial effects to the physical and biological components of the environment. The primary justification for this determination is that it involves the use of the land that does not involve significant changes in the physical environment.

Forest Plan Direction/Findings Required by Other Laws

This proposal is consistent with laws, regulations, and policy, as well as direction and standards and guidelines in the Shoshone National Forest Land and Resource Management Plan (LRMP), as required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12). The management area is 2B, where the primary management direction is rural and roaded natural recreation opportunities. This decision is in accordance with other applicable federal regulations and laws.

No inventoried roadless areas are involved in the project.

This decision was coordinated with the Wyoming State Historic Preservation Officer (SHPO). In a letter from SHPO dated May 24, 2002 to Region 2 of the Forest Service, if a cultural resource survey is completed and no sites are found then concurrence for the purpose of Section 106 compliance can be assumed and the project can proceed since no sites were found.

Finding of No Extraordinary Circumstances

Under the Forest Service Handbook definition, extraordinary circumstances exist, only when *conditions* associated with the proposed action are identified “as potentially having effects which may significantly affect the environment.” Scoping was conducted to identify any conditions associated with a normally excluded action as potentially having effects, which may significantly affect the environment.

Extraordinary circumstances include, but are not limited to, steep slopes or highly erosive soils, threatened and endangered species or their critical habitat, wetlands and flood plains, wetlands, or municipal watersheds, inventoried roadless areas, Congressionally designated areas (such as wilderness, wilderness study areas, or National Recreation Areas), Research Natural Areas, or Native American religious or cultural sites, archaeological sites, or historic properties or areas. These are summarized in the table below to describe the situation for extraordinary circumstances and the effects the project would or would not have.

Determinations for extraordinary circumstances were reviewed in the context of the Forest Service Handbook (1909.15 Chapter 30.3-30.5) and definition and the court decision below¹. Extraordinary circumstances exist, or are “present,” only when *conditions* associated with the proposed action are identified “as potentially having effects which may significantly affect the environment.”

¹ The United States District Court for the District of Utah recently reviewed the provisions of the FSH related to categorical exclusions in Utah Environmental Congress v. U.S. Forest Service, Case No. 2:01-CV-00390B. In a Memorandum Opinion and Order issued June 19, 2001, the court found the above interpretation of the FSH to be reasonable. Specifically, the court found that the phrase “presence of” referred to *conditions* that may lead to a finding of extraordinary circumstances, not to the phrase “extraordinary circumstances.”

Extraordinary Circumstances	Conditions that may lead to a finding of extraordinary circumstances (Yes or No). If needed, discussions of conditions that may lead to a finding of extraordinary circumstances are discussed in detail following the table.
a. Federally listed threatened and endangered species or their critical habitat (Attach concurrence from fisheries/wildlife biologist and botanist as needed)	Yes, discussed below. A Biological Assessment for Proposed and Listed Species and a Biological Evaluation for R-2 Sensitive Species were completed.
b. Flood plains, wetlands, or municipal watersheds	No. Flood plains or wetlands are not present; therefore, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist.
c. Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas	No. None present; therefore, no effects from the project on Congressionally designated areas.
d. Inventoried roadless areas	No. None present; therefore, no effects from the project on inventoried roadless areas.
e. Research Natural Areas	No. None present; therefore, no effects from the project on inventoried roadless areas.
f. American Indians and Alaska native religious or cultural sites	No. None present as determined by the Forest Archaeologist and cultural survey.
g. Archaeological sites, or historic properties or areas	No. None present as determined by the Forest Archaeologist and cultural survey.

Conditions that may lead to a finding of extraordinary circumstances are discussed in detail in the following:

Threatened and Endangered Species: I have concluded that the project would have no effect on any endangered or threatened species known or suspected to occur in the project influence zone; therefore no conditions that may lead to a finding of extraordinary circumstances exists. This is based on the biological evaluation process, conclusions, and determinations made by the North Zone Wildlife Biologist that concluded:

“It is my determination that the proposed action will have no effect on any proposed or listed species known or suspected to occur in the Long Park Meadow area. I have also concluded that this proposed action would have no effect on any Region 2 sensitive species known or suspected to occur in the project area, or on any Forest Plan management indicator species (MIS) that are known or suspected to occur in the area.”

The wildlife documentation for the analysis/evaluation of this proposal relative to the following species is located in the project file:

- Proposed, Threatened, and Endangered Species
- Region 2 Designated Sensitive Species
- SNF Forest Plan Management Indicator Species (MIS)

Summary

I have reviewed the proposal and determined that no significant effects would occur from its implementation. The effects of the actions, as determined through internal scoping, are not highly controversial and are similar to other actions that have been implemented in the area. The effects on the human environment are not highly uncertain or involve unique risks. The Forest Service has been implementing watershed restoration projects for years with predictable results, including projects such as this meadow restoration. The action is not related to any actions that would result in significant cumulative impacts. The project does not represent a decision in principle about future considerations and does not violate federal, state, or local laws or requirements imposed for protection of the environment.

Implementation and Contacts

This decision can be implemented immediately and is not subject to appeal pursuant to 36 CFR 215.8 (a) (4). In order to ensure safety for employees and the public and protect infrastructure/facilities, this project would be implemented as soon as possible during the fall of 2002. For further information on this decision, contact Kent Houston, Botanist (307-527-6241), or Marty Sharp, NEPA Coordinator, 203A Yellowstone Ave., Cody, Wyoming 82414 or telephone 307-527-6921.

/s/ Brent L. Larson

9/9/02

Brent L. Larson
District Ranger

Date