

DECISION MEMO
Timber Creek Trail Maintenance and Reconstruction

USDA FOREST SERVICE
Shoshone National Forest
North Zone/Clarks Fork Ranger District
Park County, Wyoming
T56N, R107W, Portions of Section 19
T56N, R108W, Portions of Sections 23, 24, and 26

PROJECT IDENTIFICATION:

Timber Creek Trail Maintenance and Reconstruction

DECISION

I have reviewed the environmental analysis and my decision is to implement the proposed action for the Timber Creek Trail Maintenance. The proposed action falls under Category 1, in Section 31.2 of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook – Construction and Reconstruction of Trails.

Implementation of this proposed action is subject to constraints such as budget and personnel, capital improvement project funding, changing priorities, impacts of fire season, etc. The project would be completed during July and August in 2002. The trail work is a high priority to be completed because of the immediate need for maintenance and reconstruction to correct safety problems and resource impacts.

As a result of this project implementation, resource impacts caused by ongoing erosion and trail widening should be reduced. In addition, these actions will make the trail safer, but still meet wilderness experience criteria for a trail that provides a high degree of challenge, self-reliance, and risk. It is not intended or anticipated that visitor use numbers, campsite impacts or visitor encounters would increase along the trail corridor as a result of this action.

I have chosen to implement the following elements of the Proposed Actions to address the purpose and need for the project:

The trail crew would consist of a packer and 3-6 trail crewmembers. They would camp in proximity to the work site (Sec 20, T56N, R107W on the east end and Sec. 27 T56N, R108W on the west end of the project). Trail crews would be camped for approximately 60 days total in order to complete the trail work.

SPECIFICS FOR MAINTENANCE OF THE TIMBER CREEK TRAIL

Perform Heavy Trail Maintenance to:



1. Construct trail tread to standard, by relocating/reconstructing the trail tread in areas of excessive grade or where talus and/or vertical slopes exist. Widen and improve existing tread to a full bench in slide areas and talus rock areas by building into the hillside where unacceptable side slope hazards or talus slopes exist.
2. Rock areas will require use of motorized rock drills for completion of the work. Conduct a minimum tool analysis for the use of a rock drill and other methods and techniques for project completion in the wilderness.
3. Perform trail stabilization by use of rock or wood retainers in areas of unstable soils or overburden; install bumper logs or rocks in high hazard areas of near vertical side slope and in areas of ice accumulation¹.
4. Install of 20 to 40 water bars and 60 to 80 drain dips in areas and on slopes requiring drainage structures to reduce erosion, prevent muddy areas and protect water quality.
5. Remove trees, brush, and rock from the trail tread where they are forcing users off the middle of the trail tread. There is minimal need for this brushing of the trail corridor, but would be an element of heavy maintenance where needed.

The decision rationale for implementing the proposed action is based on the following issues and how the decision would address the issue:

- **Recreation/Wilderness Facilities and Experiences-** How to implement the proposal with the least impact to the wilderness resource and be the least apparent to the user?
- **Health and Safety-**How to provide for the removal of hazards and a safe experience?
- **Resource Management-** How to maintain trails used by horses and pack stock for resource protection (soil, water, wilderness) and provide for the protection and perpetuation of natural biophysical conditions?

The decision and actions implemented need to be the most expeditious, cost efficient methods available to address concerns in terms of health and safety and wilderness management. Actions would be in compliance with the minimum tool analysis.

BACKGROUND AND PROPOSED ACTION

Timber Creek Trail Reconstruction

Proposed Action- This project involves the heavy maintenance or reconstruction of approximately 2.5 miles of the Timber Creek Trail #607 on the existing alignment (**T56N, R107W, Sec. 19 and T56N, R108W, Sec. 23, 24, and 26**). Project implementation would begin the summer of 2002. The Timber Creek Trail is a mainline trail in the North Absaroka Wilderness and is used by hikers, horses and pack stock as a primary access to the Wilderness and Yellowstone National Park to the west.

Several alternatives for the project were considered, including: 1) no action; and 2) the proposed action, to reconstruct an estimated 2.5 miles of the Timber Creek Trail. Because of safety concerns, the trail work is a high priority for 2002.

The **Purpose of and Need for** the action is:

¹ Retainers provide support for the trail tread, where bumpers force users/livestock to avoid using the outer edge of the tread as well as provide a barrier to prevent slippage off the tread during icy conditions.

The need for the project is tiered to goals of the Shoshone National Forest Land and Resource Management Plan, primarily:

- **Goal-**Manage designated wilderness under the Wilderness Act of 1964 to protect and perpetuate essentially natural biophysical conditions and to provide for wilderness recreation opportunities.
- **Applicable General Direction and Standards and Guidelines-**Below is the applicable direction from the Forest Plan. Additional direction is found in the North Absaroka Wilderness Plan.

Plan General Direction	Plan Standards and Guidelines
Construct or reconstruct trails only when needed to meet objectives of the wilderness transportation system	-Follow standards specified in FSH 7709.12, FSM 2323.11c and 2323.61d w/R-2 Supplement. (6134) -Trail density will not exceed two miles per square mile. Trails are constructed and maintained for moderate to high levels of use as specified below (6162) -Trail density calculations are based on an average for the management area.
Construct bridges to only the standard necessary to accommodate the specified class of user. Construct bridges only where no safe opportunity exists to cross a stream or gorge during periods of normal stream flow. A safety hazard is a physical condition of a trail which may cause injury, is unusual or unexpected, and not readily identifiable by the trail user. It is not a condition which is easily identifiable and normally encountered for the type or location of the trail involved. Examples are found on page III-197 of the plan.	
Use corduroy and/or puncheon treads across bogs where no safe and feasible bypass opportunity exists.	

Purpose-The project is to improve the health and safety concerns currently present on-site, especially concerning the location of the trail in talus slopes. The purpose and need of the Timber Creek Trail #607 heavy maintenance and reconstruction project is to maintain the wilderness transportation system and meet these project goals: 1) reduce hazards and improve safety conditions for wilderness trail users on foot, horse and/or pack stock, 2) improve resource conditions by reducing sedimentation or relocating sections of trails where poor location, braiding or other impacts are occurring, 3) improve trail design or route location through talus slopes to maintain the effectiveness of the short and long-term maintenance and improve safety on this trail, 4) improve the visitor’s experience on the trail and provide for recreation opportunities.

The trail would be constructed to only the standard necessary to accommodate the specified class of user (horse and pack stock). Specifically:

- Construct or reconstruct trails only when needed to meet objectives of the wilderness transportation system; the purpose of the project is to maintain a mainline trail on the wilderness transportation system.
- A safety hazard is a physical condition of a trail, which may cause injury, is unusual or unexpected, and not readily identifiable by the trail user. This is the case for the Timber Creek trail, where a safety hazard is present due to the deteriorated condition and poorly located trail through the talus rock slopes. The purpose is to perform heavy maintenance or reconstruct the existing trail due to the conditions that pose a safety hazard and risk of injury or death.

Project design criteria and implementation methods to minimize any environmental effects or site enhancement would include:

- A minimal tool analysis would be completed to guide implementation (methods and techniques) of the project in the wilderness area.
- Construct the trail/tread to only the standard necessary to accommodate the specified class of user.
- A cultural resource survey would be completed and no change to the historic nature of the area would result.
- Leave No trace camping techniques would be used by the trail reconstruction crew to minimize the impacts to existing campsites and new use areas.
- The use of stock by crews on the Timber Creek trail would be limited as much as possible to minimize the formation of new impacted sites.
- Weed-free certified feed would be used for horse/pack stock.
- Bear food storage orders and other techniques for camping in bear country would be followed. All employees, contractors, and subcontractors involved in the project will comply with the following conditions in the conduct of any and all activities associated with the project in order to prevent human/bear conflicts and to minimize injuries if involved in an encounter with a bear.
 - ✓ All persons involved will complete human safety awareness training relative to human/bear conflict prevention/avoidance procedures, encounter procedures, and the use of bear spray.
 - ✓ Bear-resistant storage facilities will be available, and all persons will adhere to the proper use and storage of attractants.
 - ✓ All persons will adhere to the identified garbage and refuse handling and disposal procedures.

Several alternatives to the proposed action were considered, including: 1) no action, 2) remove the existing trail, and 3) the proposed action, to conduct heavy trail maintenance/reconstruction of the Timber Creek Trail.

No other actions or alternatives were identified that would meet the need. If no action were taken, a satisfactory solution to meet the need for the trail would not result. The Proposed Action was identified during field reviews as being the best approach to meet objectives of the wilderness transportation system.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

The proposed action falls under Category 1, in Section 32 of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook – Construction and Reconstruction of Trails. Based on internal and external scoping, field reviews, specialist’s input and past experience, and project design measures the effects of implementing this action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environment.

FOREST PLAN DIRECTION/FINDINGS REQUIRED BY OTHER LAWS

This proposal is consistent with laws, regulations, and policy, as well as standards and guidelines in the Shoshone National Forest Land and Resource Management Plan (LRMP). The management area is 8B, where the primary management direction is to provide for the protection and perpetuation of natural biophysical conditions. On-site regulation of recreation use is minimal. Travel is cross-country or by use of low density trail systems. This decision is in accordance with other applicable federal regulations and laws.

This decision was coordinated with the Wyoming Historic Preservation Officer (SHPO). In a letter from the SHPO (dated 5/24/02) to Region 2 of the Forest Service, if a cultural resource survey is done and no sites are found then it is not necessary to wait for a concurrence letter from SHPO before the projects can proceed.

A survey was conducted July 17, 18, and 19 and no sites were found in the trail project area, therefore per the 5/24/02 SHPO letter, concurrence can be assumed and for the purposes of Section 106 compliance the project can proceed.

SCOPING AND PUBLIC INVOLVEMENT

On April 3, 2002 letters were sent to approximately 30 individuals and 28 American Indian Tribal contacts to scope their ideas and identify issues/concerns/opportunities.

Issues. Results from this scoping and public involvement effort are summarized as follows. No significant issues relative to this project were identified. Issues revolving around regulations, grazing, 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.

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

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 chpt. 30.3-30.5) and definition and the court decision below². 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”.

Extraordinary Circumstances	Conditions that may lead to a finding of extraordinary circumstances (Yes or No). If needed, discussion of <i>conditions</i> that may lead to a finding of extraordinary circumstances are discussed in greater detail following the table.
a. Steep slopes or highly erosive soils	Yes. Steep slopes or highly erosive soils are present due to the mountain setting and Absaroka volcanics soil; however, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist since the proposed action would relocate sections of the trail with erosion problems to a better location. Resource values would be enhanced and protected as a result of the project.
b. 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 was completed.
c. Flood plains, wetlands, or municipal watersheds	No. Flood plains, wetlands, or municipal watersheds are not present; therefore, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist.
d. Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.	Yes. This trail reconstruction work occurs in the North Absaroka Wilderness, this proposal is not expected to reduce values associated with Wilderness. Proposed work would not be expected to cause any large increase in visitor use numbers or impacts. The intent of the project is to provide a safe experience with a more “untrammled” character. Therefore, <i>conditions</i> that may lead to effects from the project on Congressionally designated areas and Wilderness areas do not exist.
e. Inventoried roadless areas.	No. None present; therefore, no effects from the project on inventoried roadless areas.
f. Research Natural Areas	No. None present; therefore, no effects from the project on Resesearch Natural Areas.
g. Native American religious or cultural sites, archeological sites, or historic properties or areas.	No. None present as determined by the Forest Archaeologist and cultural survey.

² 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.”

Conditions that may lead to a finding of extraordinary circumstances are discussed in greater 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 analysis/evaluation process prepared 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 Timber Creek 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 Timber Creek trail area, or on any Forest Plan management indicator species (MIS) that are known or suspected to occur in the Timber Creek trail 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 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 maintaining and reconstructing trails for years with predictable results. The action is not related to the 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 beginning the summer of 2002. For further information on this decision, contact Marty Sharp, NEPA Coordinator, 203A Yellowstone Ave., Cody, Wyoming 82414 or telephone 307-527-6921.

/s/ Brent L. Larson

7/23/02

Brent L. Larson
District Ranger

Date