

Decision Memo

Eagle Creek Area Hazardous Fuels Reduction

USDA Forest Service
Shoshone National Forest
North Zone/Wapiti Ranger District
Park County, Wyoming

(T52N, R108W, portions of sections 7, 8, 16, 17, 18, 19, 20, 21, 28, 29 and T52N, R109W, portions of section 13)

Decision

Summary of Decision

It is my decision to implement the Eagle Creek Area Hazardous Fuels Reduction Project. The intent is to treat hazardous fuels and vegetation on a total of 1,395 acres within the project area to change fire behavior that has been compounded by the severe insect epidemic. The project will reduce the risk of high-intensity wildland fire to developments in the Eagle Creek/Mormon Creek area of the North Fork Shoshone River corridor and provide for improved public and firefighter safety. I considered the input and concerns from the public in my decision.

This project is in conformance with the Shoshone Forest Plan; it also is in conformance with and will implement key components of the National Fire Plan's *10-year Comprehensive Strategy and Implementation Plan* and *Healthy Forests – An Initiative for Wildfire Prevention and Stronger Communities* (www.fireplan.gov).

Intense wildfires that place important resources at risk are a high probability due to hazardous fuel loads resulting from: 1) the current level of dead and dying insect-infested trees, and 2) older age classes in a late successional forest that has not experienced a wildfire for 150+ years. Management actions to address this hazardous fuels situation will include mechanical methods and prescribed burning. This will reduce the risk of wildfire immediately adjacent to developments and improve fire suppression capabilities.

The mechanical treatments will be completed within a two-year period after the project is initiated. The mechanical treatments will occur between the dates of July 1 to March 31 in 2004 and 2005, with the preference that the majority of the activity occurs in the winter for resource protection and to reduce impacts to Forest users. Prescribed burning will be completed in a 3-5 year period with burning occurring both in the spring and fall.

The planned action falls under Section 31.2 (10) of the Forest Service Handbook 1909.15 Environmental Policy and Procedures (Interim Directive No 1909.15-2003-1). Notice of the issuance of this Interim Directive and the responses to public comment was published in the Federal Register on June 5, 2003 (68 FR 33814).

Background

The Shoshone National Forest proposed vegetation and fuels management projects in the North Fork Shoshone River corridor to address issues and concerns, alternatives, and activities identified through collaborative public involvement conducted in the summer of 2002 and continuing to the present. Priority project areas were identified to protect values at risk in the wildland-urban interface. For the entire corridor, values include private property/structures, 12 special uses lodges/resorts, 68 recreation residences (summer homes), one organizational camp, one road-side chapel, one winter sports area, twelve utility corridors, two river rafting use sites, three picnic areas, nine campgrounds, ten trailheads, four interpretive sites and multiple cultural/historic sites, (several of which are on the National Register) and a scenic highway corridor. Other values include big game winter range, threatened and endangered

species habitat, sensitive species habitat, watershed values, and economic and social implications of the corridor being closed due to wildfire threats. Background materials are referenced as “exhibits” in the Project File located at the Wapiti Ranger District, Cody, Wyoming.

Need for Project

In order to reduce risks to communities and the environment caused by severe fires, the overall public and agency feedback was to initiate management action and to implement hazardous fuels reduction actions as soon as possible.

The purpose is to treat vegetation in the project area is to reduce hazardous fuels near developments to allow enhanced suppression capability for the protection of developments and other resource values. In response to this fire hazard situation and potential high-intensity wildland fires, the Forest proposes to implement hazardous fuel reduction activities to immediately achieve these goals that came out of the public involvement process and collaboration:

- ✓ Reduce hazardous fuels by modifying vegetation conditions to enhance wildfire suppression capability and increase firefighter and public safety.
- ✓ Enhance fire suppression capabilities to reduce the potential of damage from wildfire to public and private property, developments and other resource values such as water quality and wildlife habitat.
- ✓ Reduce management and suppression costs associated with wildland fire.
- ✓ Restore wildfire as a natural disturbance process in the remote parts of the North Fork area.

A Watershed Assessment for most of the corridor and inventories of resource and fuel conditions were completed in 2002, see Exhibit A. The Forest proposed a set of activities to implement these vegetation and hazard fuels management goals in accordance with national direction¹. The overriding reasons for the actions are to respond to the increasing hazardous fuels build-up and the risk of high-intensity wildland fires, which threatens life, property, tourism/economics and resource values.

The highest priority area identified in the North Fork corridor was the Eagle Creek area, which includes the Eagle Creek and Mormon Creek summer home area. Due to the excessive amount of fuels resulting from dead and dying trees caused by beetles, there is a threat to human life and developments from high-intensity wildland fire within the next few years in the corridor. Witness the fall 2003 California fires in the San Bernardino Mountains, an area hit hard by beetles and drought, and the extensive loss of life and property.

In cooperation with local publics, this project area has been previously identified as the priority area for fuels treatment because of the high number of developments and conditions conducive to wildfire spread. Over the past several years, the Shoshone National Forest has encouraged cabin owners and lodge owners to create defensible space around their structures and how their efforts will help protect their private property from wildfire. Discussions with local residents about activities in the North Fork corridor have helped development of the planned action. The Forest has also worked with local governments, local Game and Fish Department officials, United States Fish and Wildlife Service and others in project development and hazardous fuel treatment strategies.

Time is of the essence to treat hazardous fuels around developments before the upcoming fire season. To begin treatment this winter, action must be initiated as quickly as practical to reduce the fuels hazard and provide enhanced protection to 25 summer homes, one lodge, one campground, one trailhead, one outfitter facility, and one rustic chapel in the Eagle Creek project area.

¹ A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment-Ten-Year Comprehensive Strategy Implementation Plan (DOI/USDA)

Description of Decision

Planned Action. The project will occur on the Wapiti Ranger District in Park County, approximately 47 miles west of Cody, Wyoming in the North Fork corridor. Actions will enhance natural fuel breaks such as rock areas, meadows, or other natural fire barriers. Areas with excessive tree mortality and hazardous fuel buildups will be reduced in strategic areas near developments. Three priority areas came out of the process; this decision document is for the strategic hazardous fuels treatment and vegetation management for this project area, specifically:

- Eagle Creek Area (T52N, R108W, portions of sections 7, 8, 15,16, 17,18,19, 20, 21, 22, 27, 28,29, and T52N, R109W, portions of section 13)

My decision requires a non-significant, site-specific amendment to the Forest Plan regarding visual resources of this area; this document has been prepared to address the visual quality concerns, Exhibit B.

The planned action is to implement fuels treatment practices to modify fire behavior in order to enhance suppression capability, reduce suppression costs, provide for higher levels of public and firefighter safety, lower the risks of losing developments and other resource values to wildfire, and to allow restoration of wildfire as a natural disturbance process. Fuel treatments will occur in Douglas-fir, Englemann spruce, lodgepole pine and shrub/grassland habitats.

Treatments will include removing hazardous fuels by mechanical methods to reduce wildfire spread rates and fire intensity. This will be accomplished by salvaging existing dead and dying trees that over time will fall and accumulate on the ground contributing to intense surface fires, thinning overstory tree densities that contribute to crown fires and removing small trees near the remaining overstory green trees that are capable of carrying a surface fire up into the tree crowns. In addition, existing natural dead and down fuels will be removed decreasing surface fuels that contribute to fire spread. Tree removal will be accomplished by using mechanized equipment first, followed by prescribed burning in designated areas.

A project area of approximately 4,982 acres has been designated; a total of about 1,395 acres (28%) are proposed for either mechanical treatment or prescribed burning to reduce hazardous fuels. Detailed unit-by-unit descriptions and the silvicultural prescriptions are in the Project File, see Exhibit C.

Mechanical Treatments. Under the planned action, 393 acres of forested land in 28 small units in different locations along river corridor and around developed areas (lodges, summer homes, campgrounds, trailheads, etc) in the project areas will be treated to reduce fuels using mechanical methods. This treatment will occur on slopes of less than 40% within ¼ to ½ mile of developments. Cut trees will be whole tree yarded with limbing and bucking to occur at the landing where by-products will be piled, burned, chipped or utilized for personal use fuelwood collection. Slash treatments will include hand piling and burning, and chipping and scattering to meet fuel objectives.

The principal tool for removal of sawtimber-sized trees to reduce fuels will be commercial timber sales. An estimated volume yield of 2.5 to 3.0 mmbf will be removed for fuel reduction purposes on approximately 393 acres. An estimated range of volume is used because of the uncertainty of how much material will be merchantable.

About 1 mile of temporary roads outside of roadless areas will be required for mechanical treatments. A temporary bridge at two different river crossings during the winter operations and one low water crossing at an existing crossing for late summer/fall will be utilized. In the Forest Plan, page III-221, Transportation System Management, 1 c, the Standard and Guideline for road and trail locations states: *Construct and/or maintain facilities in riparian areas when soils are dry or frozen and when stream flows are low. Dry or frozen conditions exist in December through March of most years; low flow conditions exist from August through May* (Record of Decision, Cody to Yellowstone Highway U.S. 14/16/20, 1995), see Exhibit D.

Through project design, no mechanical treatment of vegetation will occur in inventoried roadless areas or Wilderness areas, lynx analysis units, or grizzly bear situation 1 areas.

Trees that will not make merchantable products will be piled through a service contract and either sold as public fuelwood or burned. Limbs and other debris that does not get yarded to a landing will be piled and burned within the unit.

Mechanical methods will include ground-based logging equipment such as tracked vehicles, skidders, and feller/bunchers; hand tools such as chainsaws, and axes; and equipment required for removal and transport of materials such as loaders and trucks.

All vegetation materials sold will be for the purpose of hazardous fuel reductions. Work will be performed by a combination of Forest personnel and contractors including timber sale purchasers to meet fuel objectives.

Prescribed burning. Under the planned action, 1,002 acres in nine units will receive fuel reduction treatment by the use of prescribed fire (broadcast burning). Prescribed burns associated with this action will occur in portions of RARE II areas 02045-Wapiti Valley North and 02047-Sleeping Giant. The majority of the acres for prescribed burning occur in these inventoried roadless areas.

Creation of defensible space in close proximity to developments

The Forest Service will work with individual cabin owners and lodge owners to create defensible space in the immediate vicinity of each structure to include mechanical treatment of vegetation within 100-150 feet of structures (dependent on slope) and consist of the following:

- ✓ Thin trees to a spacing (minimum of 30 feet) that minimizes crown fires potential
- ✓ Remove small trees and/or lower limbs of trees up to a distance of 15 feet in height, which act as ladder fuels to enable a ground fire to reach tree canopies
- ✓ Remove tree limbs within 10 feet of chimneys and dead branches that overlap roofs
- ✓ Remove standing dead trees and dead and down ground fuels

Fuels reduction within ¼ - ½ mile of developments

Mechanical treatment to reduce fuels will occur outside the 100-150 foot defensible space safety zone around structures within the wildland-urban interface (WUI) to a distance of ¼ to ½ mile dependent on terrain and fuels. Within this area, fuels reduction will entail removing the current dead and dying trees, thinning the overstory trees to break crown continuity, removal of trees that could act as ladder fuels and removal of dead and down fuels.

Creation of major fire behavior breaks

Mechanical treatment will reduce the amount and continuity of fuels at strategic locations, to allow the use of prescribed fire to link these mechanically treated areas with natural fuel breaks to create fire behavior breaks² along the North Fork. Mechanical treatment of hazardous fuels in and near developments will be completed before utilizing prescribed fire to assist in creating fire behavior breaks. The fire behavior breaks will extend from the corridor bottom in a north-south orientation onto the upper slopes of the corridor and will enhance current existing natural fuel breaks of rock or meadows. The intent of these fire behavior breaks will be to decrease the spread and intensity of wildfires burning down the side drainages and/or down the corridor to enhance protection of developments.

² Fire Behavior Break-A natural or human-made change in vegetation (fuels) that alters fire behavior by decreasing the rate of spread and fire intensity, allowing suppression and containment opportunities. For maximum effectiveness, fire behavior breaks are in place prior to a wildfire event threatening life and property.

Hazard tree removal along power line corridors

Large numbers of insect-killed trees are present in the utility line corridors. All large trees within falling distance of lines, and having the potential to take the lines down, will be removed by mechanical methods as a means of reducing fire ignition potential caused by down lines.

Project Design

I have decided to implement the planned action as described, including project design features (PDFs) and mitigation measures to minimize environmental effects. PDFs are integral and critical elements of the planned action; their purpose is to reduce potential impacts and ensure that the proposed fuel reduction treatments are consistent with the management objectives for a variety of resources (e.g., fisheries, wildlife, and botanical) in the river corridor. Their basis includes the management direction of the Shoshone Forest Plan, as amended to which the project is tiered, pertinent best management practices, and the professional expertise of the interdisciplinary planning team.

Soils, topography, slope and aspect, elevation, access, recreation, wildlife and other environmental considerations are part of the PDFs for the planned action, along with additional concerns and issues identified through scoping. An interdisciplinary team of resource specialists was involved with project design, and reviewed and analyzed the planned action for compliance with the limitations for categorical exclusions, extraordinary circumstances, applicable laws and commensurate with the issues and concerns raised from the scoping, public involvement and collaboration process.

PDFs for wildlife, visual, soil and watershed (including Best Management Practices), and fisheries are in the Project File, Exhibit E. All required conservation measures and practices for grizzly bear conservation, as documented in the Biological Assessment will be implemented, Exhibit F.

These design features will carry over into contracts, agreements and implementation of the project.

Through project design, areas proposed for treatment are outside of identified potential lynx habitat, and outside Situation 1 grizzly bear habitat. No timber harvest or temporary road construction is being proposed in inventoried roadless areas, and no action is being proposed in designated Wilderness. No permanent roads are being proposed. A temporary bridge at two locations and a low water crossing will be used to cross the North Fork Shoshone River utilizing BMPs.

Rationale for Decision

It is my decision to proceed with this project because it will result in improved safety and reduce resource risk. I feel that without active management as soon as possible, an unacceptable risk to human health and safety, historic properties, and important resource values exists due to the current level of insect-killed trees and high fuel loads.

It is not possible to “fireproof” a forested environment such as the North Fork corridor; however, the planned action will enhance the defensibility of the developments in the project area but will not prevent the possibility of a large wildfire occurring in the North Fork drainage. The planned action will have a limited effect on the current insect and disease problems in the drainage. Much of the area is in wilderness, roadless areas, or has operability problems restricted by access, slope, etc. However, these projects can help reduce insect and disease mortality and hazardous fuels in priority areas with high resource values or developments.

I have reviewed the proposal and determined that no significant effects will occur from its implementation, including no adverse effects to actual extraordinary circumstances (FR Vol. 69, No. 108, page 33814). The effects of the actions, as determined through scoping and interdisciplinary input and review by a team of resource specialists that analyzed the proposal, are not highly controversial and are similar to other actions that have been implemented in the area. I find the planned action can be categorically excluded because there were no extraordinary circumstances identified by the interdisciplinary team of resource specialists that developed and analyzed this project.

The effects on the human environment are not highly uncertain and the action does not involve unique risks. The planned action is a routine hazardous fuels treatment project; the Forest Service and others have been using mechanical methods and prescribed burning for years with predictable results. The action is not related to any actions that will 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.

Category of Exclusion

The planning process for the project used procedures that reduce the need for lengthy documentation but meet applicable laws and regulations. These procedures are intended to expedite planning so that hazardous fuels reduction can be implemented quickly. The authority exists to categorically exclude actions that do not individually or cumulatively have a significant effect on the human environment (Federal Register, June 5, 2003), Exhibit G.

This Decision Memo categorically excluding this action has been prepared in conformance with USDA Forest Service Handbook 1909.15, Chapter 30, Section 31.2 Category 10-Hazardous Fuels Reductions.

Activities conducted under these categorical exclusions must be consistent with agency and Departmental procedures and with applicable land and resource management plans, and must comply with all applicable Federal, State, and Tribal laws for protection of the environment.

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because it meets WO Interim Direction for FSH 1909.15 –Environmental Policy and Procedures Handbook Chapter 30 Section 31.2 in Category 10 Hazardous Fuels Reductions:

- Category 10: Hazardous fuels reduction activities using prescribed fire, not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching and mowing, not to exceed 1,000 acres

Category 10 has these requirements that need to be met for the use of a categorical exclusion:

- Not to exceed 1,000 acres for mechanical activities or 4,500 acres using fire
 - ✓ The Eagle Creek Area hazardous fuels project will mechanically treat approximately 393 acres, which does not exceed the 1,000 acres limit for mechanical activities. On about 1,002 acres, prescribed burning will be used, which does not exceed the 4,500 acres limitation for prescribed fire.
- Shall be limited to areas (1) in wildland-urban interface and (2) Condition Classes 2 or 3 in Fire Regime Groups I, II or III, outside the wildland-urban interface (grass, shrub, and forested vegetation altered from historical fire frequency).
 - ✓ The Eagle Creek Area hazardous fuels project involves a wildland-urban setting with forested vegetation altered from historical fire frequency. It involves Condition Class 2 in Fire Regime Groups III, Exhibit H.
- Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and Environment 10-year Comprehensive Strategy Implementation Plan.”
 - ✓ The project is compliant and the collaboration included scoping, tours, media coverage [radio-TV-papers], public meetings, which is described in detail in the public involvement section of this Decision Memo and documented in the project file. Public input was used to prioritize activities identified through working with the public, local governments, businesses, State agencies, Wyoming Congressional Representatives, and others with an interest in the project, Exhibit I.
- Not in wilderness areas or where wilderness study areas will be impaired

- ✓ The project is compliant through project design; wilderness areas, wilderness study areas and roadless areas will not be entered with mechanical treatment methods. Prescribed burning will not occur in wilderness areas and will not impair wilderness characteristics of inventoried roadless areas.
- No herbicides or pesticides
 - ✓ No herbicide or pesticide use is being proposed as part of the proposal.
- No new permanent roads or other infrastructure
 - ✓ No new permanent roads or other infrastructure is being proposed as part of the proposal. River crossings will use temporary bridges or low water crossings. The necessary roads shall be obliterated as described in the BMPs in the project design features. No new permanent roads or other infrastructure is being proposed as part of the proposal.
- No timber sales unless hazardous fuels reduction is their primary purpose
 - ✓ Hazardous fuels reduction is the primary purpose of the proposed mechanical treatments that include fuels removal by use of timber sale contracts.

The categorical exclusion is appropriate in this situation because it meets the above criteria. The IDT team took a hard look at the criteria required for the Category 10 Categorical Exclusion. Our analysis shows that the project meets the criteria.

Finding of No Extraordinary Circumstances

Under the Forest Service Handbook definition (1909.15 Chapter 30.3-30.5), extraordinary circumstances exist, only when *conditions* associated with the proposal 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, impaired waters, 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.

Through project design, the categorical exclusion is appropriate in this situation because there are no extraordinary circumstances identified through IDT review, Exhibit J. No conditions associated with the proposal are identified “as potentially having effects which may significantly affect the environment.”

Public Involvement

The project proposal was provided to the public and other agencies for comment during the scoping period January 27 to March 1, 2003. The scoping notice was also available online at <http://www.fs.fed.us/r2/shoshone/>. All correspondence is retained in the project file. All comments received through scoping and the public involvement processes were considered in developing the project actions and which directed the analysis process. Using the comments from the public, other agencies, and tribes, the IDT developed a list of key issues to address and activities to implement.

Scoping is to determine the scope of the issues to be addressed and to identify significant issues related to the proposed action (40 CFR 1501.7). Public involvement began during the summer of 2002, when three public meetings were held. A proposal to reduce hazardous fuels in the North Fork was listed in the Schedule of Proposed Actions. The proposal was provided to the public and other agencies for comment during scoping; public involvement and collaboration efforts included:

- Media and congressional representatives tour/newspaper articles
- Forest officials and WY G&F appeared on local radio talk show
- Public meeting on June 27th, 2002 with about 150 in attendance
- July 13th, 2002 bus tour of the North Fork Corridor with approximately 50 attending
- September 7, 2002, public meeting to develop goals and prioritize projects in the North Fork
- January 27, 2003 scoping letter for the North Fork corridor sent out
- Ongoing coordination and implementation of small projects in cooperation with cabin owners and lodge owners (Blackwater Lodge, Boy Scout Camp, summer home groups)
- September 3, 2003 presentation on the North Fork projects to the Cody Chamber of Commerce
- Update letter sent out November 20, 2003 on the North Fork Hazardous Fuels Reduction projects
- Field visit to the North Fork and Eagle Creek area with Wyoming Outdoor Council and Greater Yellowstone Coalition representatives
- Presented to the Level 1 team on December 15, 16 meeting, USFWS concurrence letter received.
- District Ranger participated in local radio talk show (December 16, 2003)
- District Ranger met with Park County Commissioners (December 17, 2003)
- Articles and open house notices in Cody and Powell newspapers
- Open house held on December 17, 2003 on the North Fork Hazardous Fuels Reduction projects, including Eagle Creek project area, with 30 in attendance
- Field visits with a permit holder from Mormon Creek (1/8/04) and the Wayfarer's Chapel (1/9/04).

Documentation of the above, such as mail lists, correspondence, news releases, newspaper articles, etc. are found in Exhibit K.

Scoping/Collaboration. Public involvement began during the summer of 2002, when three public meetings were held (as described above). A proposal to reduce hazardous fuels in the North Fork was listed in the Schedule of Proposed Actions for the past several years. The proposal was provided to the public and other agencies for comment during scoping.

In addition to the general public and interested parties, these agencies, organizations and persons were contacted over the last several years through scoping or other means: Yellowstone National Park, BLM, USFWS, State of Wyoming, county commissioners, chamber of commerce, congressional representatives, rural fire districts, land owners, timber industry, recreation and tourism industry, user groups such as Backcountry Horsemen, environmental groups, realtors, commercial fuelwood cutters, and summer home owners and lodge owners. The Wyoming Game and Fish Department cooperated and assisted us in planning the public involvement and participated in key collaboration efforts.

Public Concerns and Issues. The analysis included a review for consistency with the Forest Plan and any need for a Plan amendment. Public input helped determine the complexity of the issues based on potential effects to the physical, biological, social, and economic resources. Significant issues determined the appropriate NEPA level document to be prepared. Human health and safety are the over-riding concerns, considering the increasing risk of large, devastating fires such as those that occurred in Colorado and Arizona in 2002 and California in the fall of 2003. Concerns focused on what adverse effects large wildfires will have on resource values and the recreation and tourism industry on the Forest and in Yellowstone National Park. The hazardous fuels projects will enhance defensibility of corridor developments in selected priority areas with high values, but the possibility of a large wildfire occurring

in the drainage still exists. Additional concerns were roadless areas, wildlife movement, educating the public about fire ecology and cabin owner responsibilities, and firewood availability. Other concerns identified relate to the treatment methods used and appropriateness to the vegetation community, drought, potential effects to watersheds (soil, water, riparian and fisheries), and possible benefits or impacts to wildlife and scenic values and are summarized in the project file.

Findings Required by Other Laws

Compliance with National Direction. Since this project tiers to National Fire Plan direction, it conforms and is compliant with the goals and objectives of the National Fire Plan and the 2002 *10-year Comprehensive Strategy and Implementation Plan*, as it is identified as a hazardous fuel reduction project to lessen conditions that contribute to large, uncontrollable wildfires that could threaten resources, life and property.

Compliance with the Forest Plan. Mechanical treatments and prescribed burning are consistent with activities identified in the Forest Plan. The decision is consistent with the Shoshone Forest Plan as required by the National Forest Management Act, with the exception of the non-significant, site-specific amendment to the Forest Plan regarding visual resources of this area. None of the acreage in the project is in the tentatively suited timber base. The project was designed in conformance with forest plan standards and incorporates appropriate Forest Plan guidelines (Forest Plan, pages III-19 to III-250). For watershed protection, the project was designed in conformance with Plan standards and incorporates these appropriate guidelines.

- III-69 to III-73 – Riparian area management and water resource improvement and maintenance
- Management area direction for areas 2B, 3A, 5A, and 9A. Both the temporary roads are located within area 5A, which specifies criteria that must be met for temporary road construction.
- Amendment No. 94-001 (road obliteration standards)

The North Fork Watershed Assessment has been completed. The project is consistent with its findings, particularly the risk of high intensity wildland fire risk related to large contiguous patches of dense conifers with extensive mortality from insect epidemics and resulting hazardous fuel loads. It is consistent with recommendations to create defensible space and implement vegetation treatments to reduce the risk and/or severity of wildfires.

- **Clean Air Act.** The planned action will maintain air quality in the project area, surrounding airsheds, and local communities using a Smoke Management Plan. Site-specific burn plans are required for all prescribed burns and include smoke management elements (FSM 5140). The plan will identify the appropriate weather conditions for conducting the prescribed fire to maintain air quality in the area.
- **Clean Water Act.** The planned action will comply with the Forest Plan while pursuing project objectives. Best Management Practices (BMPs) will minimize sediment production during and following project implementation. The action alternative will employ design features and mitigation measures to keep sediment from activities during and following project implementation to a minimum. The US Army Corps of Engineers were contacted about the planned action, Exhibit L.
- **National Forest Management Act.** The planned action will meet Forest Plan direction, with the exception of the non-significant, site-specific amendment to the Forest Plan, while pursuing project objectives. The planned action employs project design features and mitigation measures to conform to the Forest Plan direction, including BMPs for soil and water protection.
- **National Historic Preservation Act/Section 106 compliance.** This decision was coordinated with the Forest archaeologist and the Wyoming State Historic Preservation Office (SHPO). If any previously undiscovered historic properties are encountered during project implementation, the forest archaeologist will be notified immediately and the area will be protected from further disturbance until a determination can be made on the newly discovered property (ies). A project concurrence letter was received from SHPO, Exhibit M.

- **Endangered Species Act/Consultation Requirements.** Forest Service policy is to protect the habitat of federally listed proposed, candidate, threatened, or endangered species from adverse modification or destruction, as well as to protect individual organisms from harm or harassment (Forest Service Manual-FSM). Biological assessments shall be prepared to determine possible effects the proposed activity may have on threatened and endangered (T&E) species (FSM). Biological assessment processes (FSM) are intended to conduct and document activities necessary to ensure proposed management actions will not likely jeopardize the continued existence or cause adverse modification of habitat for T&E species.

Biological Assessment. Consultation with the United States Fish and Wildlife Service (USFWS) for this project and its effect on federally listed threatened and endangered species, or their habitat occurred. Determinations are disclosed in the Biological Assessment (BA). The BA was sent to the USFWS, a letter of concurrence (12/18/03) from USFWS was received, Exhibit N.

Any contract for the sale of vegetation materials for hazardous fuels reduction will include appropriate contract provisions to ensure protection of threatened, endangered, proposed, and Forest Service sensitive species and Forest Plan Management Indicator Species. Coordination of wildlife and fish management with the Wyoming Game and Fish Department and the USFWS (including the appropriate level of Section 7 consultation) was completed.

Biological Evaluations. The biological evaluation (BE) for sensitive fish, wildlife, and plant species concluded that the planned action may impact individuals or their habitat, but will not likely contribute to a trend toward Federal listing or loss of viability to the population or species. A biological evaluation was also completed relative to Forest Plan Management Indicator Species (MIS). It concluded that there will be no significant effect on any MIS, and this action will have no measurable effect on Forest wide population trends or viability of any species. A biological evaluation (BE R2-03-02) “*Evaluation of the Douglas-Fir Beetle along the North Fork of the Shoshone River and the Clarks Fork of the Yellowstone River, Shoshone National Forest*” was completed. All BEs for Sensitive Species, MIS, and Insects and Disease are located in Exhibit F, which also contains the R2 Regional Forester’s Sensitive Species List.

Coordination with Other Agencies. Applicable plans and decisions of other agencies were reviewed and considered in respect to the project (Grizzly Bear Recovery Plan, Lynx Conservation Strategy, etc.).

Administrative Review or Appeal Opportunities and Implementation

This decision is not subject to administrative appeal in accordance with 36 CFR 215.4 and may be implemented immediately.

Contact Person. For additional information on this decision, contact: Marty Sharp, North Zone NEPA Coordinator, Wapiti Ranger District, 203A Yellowstone Ave., Cody, WY 82414 phone (307) 527-6921, Email: msharp@fs.fed.us.

/s/ Rebecca Aus

1/22/04

Rebecca Aus
Forest Supervisor

Date