



United States  
Department of  
Agriculture

Forest  
Service

Black Hills National Forest  
Bearlodge Ranger District



# **Burner Forest Management Project**

## **Decision Notice and Finding of No Significant Impact**

**March 2007**



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**Burner Forest Management Project**  
**USDA Forest Service**  
**Bearlodge Ranger District, Black Hills National Forest**  
**Crook County, Wyoming**

## **INTRODUCTION**

The Black Hills National Forest, Bearlodge Ranger District plans to implement multiple resource management actions within the Burner project area as guided by the Black Hills National Forest Land and Resource Management Plan (Forest Plan), as amended. The Burner project is described in the Burner final environmental assessment (EA). The project area covers about 17,809 acres of National Forest System (NFS) land and about 1,322 acres of interspersed private land in the Bear Lodge Mountains near Sundance, Wyoming (Figure 1). Further description of the project area can be found in Chapter 1 of the EA. Resource management actions associated with this decision apply to NFS lands only and do not include private lands, except where right-of-way has been acquired.

The purpose of and need for action in the Burner project area is to address existing mountain pine beetle infestation and reduce the potential for further infestation and increased intensity and spread of wildfires while conserving habitat for a variety of plant and animal species and providing recreational opportunities. In Management Area (MA) 5.1, the purpose of the project includes production of a sustainable supply of wood products. In MA 5.4, the purpose of the project includes maintaining or enhancing big game winter range conditions and, where consistent with winter range values, providing wood products.

## **DECISION**

This Decision Notice documents my decision and reasons for this decision. The Burner project purpose of and need for action provides the focus and scope for the proposed action and alternatives (EA Chapter 2). Given this purpose and need, I have reviewed the proposed action (Alternative 1), issues identified during the public involvement process, alternatives, and environmental consequences of implementing the proposed action and alternatives disclosed in the EA. I have carefully considered the public comments received on the draft EA. These comments were invaluable to me in weighing management options. Public feedback, the analysis disclosed in the EA, information contained in the project record, and management direction and policy considerations contributed collectively to determining the selected alternative. Based on this review, **I have decided to implement Alternative 1 with modifications (Figure A).**

Alternative 1 will use adaptive management to respond to the ongoing mountain pine beetle infestation in the Burner project area. This approach will allow flexibility in response to the continuing infestation. As applied here, adaptive management will allow foresters to choose among several treatment options at the time treatments are applied on the ground. These treatment options would be applied only in specified areas. The specified areas are shown in Figure A and include 4,060 acres. Alternative 1 also includes 1,461 acres of non-adaptive treatments.

Adaptive management as applied here differs from adaptive management used for long-term, ongoing activities such as livestock grazing. In such cases, adaptive management is designed to modify the ongoing activities as necessary to achieve desired conditions. Close monitoring of resource conditions is necessary to determine when and how to modify the ongoing activities.

Conversely, the Burner project will take actions once, within a specified period of time. Alternative 1 allows flexibility only in determining the needed treatment at the time the activities take place on the ground. It does not allow more than one treatment entry per stand. If additional infestation takes place following the completion of proposed activities, additional analysis and public involvement would be necessary prior to treatment.

My decision modifies Alternative 1 by adding shelterwood seedcut treatment in three stands analyzed as part of Alternative 2. This modification will increase the treated area by a small amount (one percent) and is minor in scope. Shelterwood seedcut was described in the EA and effects are the same as those described in the EA. I am also modifying Alternative 1 to include a feature of the Alternative 2 travel management plan. This change will implement a year-round motorized off-road vehicle travel closure in MA 5.4 north of Tent Canyon. Finally, I am modifying Alternative 1 by dropping proposals to conduct adaptive management and prescribed burning in two stands associated with a goshawk nesting area. Effects of the selected alternative are consistent with those displayed in Table 2-2 (EA 2-29 through 2-31). I believe the information contained within the analysis is sufficient to understand the effects of implementing Alternative 1 as modified.

Any required permits, such as Army Corps of Engineers Section 404 (dredge and fill), will be obtained prior to implementation of relevant activities.

**Modifications to Alternative 1 (Selected Alternative)**

I have decided to modify Alternative 1 by adding shelterwood seedcut proposals from Alternative 2 in three stands. Affected stands are listed below in **Table 1** and shown in **Figure A**.

**Table 1. Shelterwood Seedcuts Added to Alternative 1**

Stand	Acres
010703-63	31
010803-43	81
010804-02	30
Total	142

I have added these treatments to Alternative 1 to begin developing pine structural stage 2 (seedling/sapling) stands. Currently only one percent of the pine acres in the project area are in seedling/sapling stage, while 90 percent are forested with mature trees. Though pine regeneration is present in the understory of some mature stands, younger pine stages remain scarce in the project area. Shelterwood seedcuts will regenerate the stands and increase seedling/sapling stage while achieving the purpose of the project by reducing risk of mountain pine beetle infestation and fire hazard. Because stand 010803-43 was originally proposed for adaptive management treatment under Alternative 1, substituting seedcut will reduce the area available for adaptive management to 4,128 acres.

I have also decided to include one travel management change from Alternative 2. Under both Alternatives 1 and 2, MA 3.32 would remain closed year-round to off-road motorized travel, MA 5.1 would remain open year-round, and the northeast corner of MA 5.4 (954 acres) would be closed year-round. Alternative 1 would have closed the remainder of MA 5.4 (7,550 acres) to motorized off-road travel between Dec. 15 and May 15 annually. As proposed under Alternative 2, I have decided to close the part of MA 5.4 north of Tent Canyon (2,128 acres) to motorized off-road use year-round while the remaining 5,422 acres remains open in summer and fall (**Figure B**). This will simplify travel restrictions by grouping closed areas with closures

implemented under the adjacent Dean project. Effects of the closure are described in the EA (pages 3-46, 3-58, 3-59, 3-96).

Finally, I have decided to drop treatment proposals in two stands associated with a goshawk nest area to protect the integrity of the stands as nesting habitat. These stands have moderate to high risk of beetle attack, but currently have little infestation. Treatment would reduce risk of the loss of these stands, but I do not believe it would be consistent with Forest Plan direction for management of goshawk nest areas (standard 3108a). This reduces the total area available for treatment by 68 acres. Stands are identified in the project file.

### ***Planned Activities***

All figures are approximate.

### **Stand Selection Criteria**

Criteria used to select stands where adaptive management actions may take place vary by Management Area, and are described below. Figure A displays the selected stands.

In **Management Area 5.1** (forest products emphasis), adaptive treatments will take place in pine stands that are infested or are at moderate or high risk of beetle infestation. Pine stands at low risk of infestation were selected for sanitation (cutting of green infested trees) or salvage (cutting of dead trees) as necessary. Sanitation of infested pine will take place in mixed aspen and pine stands. Stands meeting these selection criteria total 1,354 acres. Road construction, reconstruction, and maintenance will take place in this Management Area.

In **Management Area 5.4** (big game winter range emphasis), adaptive treatments will take place in pine stands that are infested or are at moderate or high risk of beetle infestation and are accessible from existing roads. Stands meeting these selection criteria total 2,706 acres. No new road construction will take place in MA 5.4. Road reconstruction and maintenance will occur.

No adaptive management treatments are planned in MA 3.32 (back-country non-motorized recreation emphasis).

### **Adaptive Management Actions**

The Forest Service will apply treatment to the selected stands based on the level of infestation at the time actions are implemented on the ground. Treatments will range from thinning live trees to chipping slash and brush using heavy equipment. Treatments are designed to reduce the risk of beetle infestation (preventive actions), slow the spread of existing infestation (suppression actions), or address fuel buildup (abatement actions). As described above, this decision authorizes only one entry, and treatment of any additional infestation following completion of proposed activities would require additional analysis. Planned actions and circumstances under which they will be applied are described below.

### ***Preventive Actions***

**Commercial thinning:** This is a preventive treatment designed to increase stand vigor and reduce susceptibility to beetle infestation. Stand density will be reduced by approximately 25 to 65 percent (to no more than 60 square feet of basal area per acre) generally through removal of smaller trees. Thinning will be applied in stands with low levels of infestation. Thinning may occur anywhere within the 4,060 acres proposed for adaptive management actions. Given existing beetle-caused mortality in these stands, thinning is likely to occur on a maximum of

approximately 3,432 acres. This figure may decrease as the infestation spreads and suppression or abatement actions are required.

### ***Suppression Actions***

**Sanitation:** During the period of time after mountain pine beetles infest a tree but before the new generation of beetles disperses, the tree shows signs of infestation such as pitch tubes but retains green needles. Removing the trees during this time, before beetle dispersal, is termed sanitation harvest and prevents the new generation of beetles from infesting more trees. Sanitation harvest will be applied along with commercial thinning where there are light to moderate levels of infestation. Where infestation levels are higher, sanitation will be applied with salvage (see below). Sanitation may take place anywhere within the 4,060 acres proposed for adaptive management, but is likely to be applied only in limited areas (scattered trees and pockets of five to ten trees) due to the limited period of time when this treatment is effective.

**Salvage:** Salvage will occur as necessary in MA 5.1. Dead trees with remaining commercial value will be cut. This treatment would take place on a maximum of 2,000 acres under the maximum infestation scenario. Actual acreage of salvage may be considerably less than this due to the rapid deterioration typical of beetle-killed ponderosa pine. Salvage is most likely to occur in the areas near the highest concentration of beetles (upper Tent, Ogden, and Richardson drainages).

**Sanitation at high-value sites:** Infested trees will be removed as necessary in and adjacent to Reuter campground and the Sundance Trails trailhead (adjacent to the Sundance Trails campground) to ensure safety and reduce risk of substantial change in campground appearance. Potentially affected area includes about 25 acres.

### ***Abatement Actions***

**Mechanical fuel reduction:** Where access is available and prescribed fire is not applied, heavy equipment will chip, crush, or otherwise reduce volume or continuity of fuels. This treatment would take place on a maximum of 2,000 acres under the maximum infestation scenario.

**Jackpot burn:** Concentrations of fuels will be burned in winter, using snow cover for control. This treatment may take place anywhere within the 3,190 acres proposed for adaptive management without prescribed broadcast burning.

**Broadcast burn:** Fuels will be burned across blocks of tens to hundreds of acres. Low- to moderate-intensity fire will be applied in thinned stands and open-canopy unthinned stands to reduce surface and ladder fuels and improve browse in winter range. Fire will also be applied in parts of upper Ogden and Tent Canyons where beetle-killed trees are likely to cause patches of high-intensity fire. These areas are inaccessible for mechanical treatment. Despite the possibility of high-intensity fire, it is preferable to address these fuels now, in a controlled situation, rather than during a wildfire. Fire control lines will be constructed if necessary, but existing roads will be used as fire lines when possible. Understory burns will take place in adaptive management units on a maximum of 870 acres in specified areas and on another 676 acres where no other treatment is proposed (see Figure A). Burns in areas with high levels of infestation will take place on a maximum of 500 out of the total 1,546 acres.

### **Non-adaptive Actions**

**Shelterwood seedcut:** This treatment removes some of the mature trees to open the stand and allow young trees to regenerate and become established. Diagnosis of vegetation data indicates

that regeneration is silviculturally appropriate in these stands. Shelterwood seedcut will be applied on 142 acres and will result in stands with about 45 feet between trees averaging 16 inches in diameter. This treatment will retain enough large trees to provide a seed source and future large-diameter snags. The primary objectives are establishment of pine regeneration and production of commercial timber.

**Non-commercial thin and burn:** In Management Area 3.32 (back-country non-motorized recreation emphasis), much of the pine planted after the 1936 Sundance Fire is infected with western gall rust. These areas will be non-commercially thinned and burned as necessary to eliminate gall rust and stagnated plantation stock. This treatment will take place on 612 acres.

**Firewood cutting:** Beetle-infested trees will be available to the public for use as firewood in designated areas along the Warren Peak Highway and open sections of National Forest System roads such as 839.1 and 899.1. Snags over 20 inches in diameter and those with cavities will not be available for cutting. Designated cutting areas will not exceed 15 acres.

**Fuelbreak maintenance:** Brush and snow-damaged trees will be removed in an existing 16-acre fuelbreak along the Warren Peak Highway.

### **Connected Actions**

The following activities will take place to facilitate the actions described above.

#### ***Transportation System and Travel Management***

**Construction** of approximately 0.8 miles of new road will be necessary to carry out proposed vegetation management. These roads will extend existing roads on flat to gently sloping ridgetops to allow treatment on the adjacent slopes. The new roads will be stored (closed with barriers) after the project is complete. Also included as new road construction (as defined by 36 CFR §212.1) is conversion of 4.5 miles of non-National Forest System (unclassified) roads to National Forest System roads. These roads are likely to be needed for management on a recurring basis. Work needed to bring these roads up to standard varies but is less than that needed for construction of a completely new road.

**Reconstruction** of 7.1 miles of existing National Forest System roads will take place. This work will include actions such as repairing rolling dips and applying gravel to native-surface roads.

**Pre-use maintenance** will take place on 32.4 miles of roads needing minor improvements or repair. Examples of pre-use maintenance include blading to remove ruts or addition of gravel in wet spots.

**Decommissioning** of non-NFS roads (unclassified roads on NFS lands) will take place as funding and opportunity allow. Decommissioning will consist of permanently closing the road through various means. This applies to approximately 26 miles of non-NFS roads.

**Area closure.** Amended Forest Plan standard 5.4-9101 prohibits off-road motorized travel in MA 5.4 between December 15 and May 15. Standard 5.4-9103 restricts over-snow motorized travel to designated routes and areas. As described above, my decision is to close 3,082 acres of MA 5.4 to off-road motorized vehicle use year-round, close the remaining 5,422 acres of MA 5.4 between December 15 and May 15, and restrict snowmobiles to designated trails in MA 5.4 (Figure B).

### ***Timber Stand Improvement***

**Weed and release** (post-sale cutting of cull trees) would take place following most commercial harvest treatments.

### ***Treatment of Activity Fuels***

Fuels resulting from management actions are termed activity fuels. Many of the mechanical treatments described above will result in piles of tops at log landings. These will be burned after curing for a year or two, and the resulting disturbed area will be seeded and treated for noxious weed infestation if necessary. Piles may also be chipped and removed from the area.

Conventional harvest systems can result in tops and branches spread across a site rather than concentrated at a log landing. Where resulting fuel loading would exceed Forest Plan direction, fuels will be crushed, burned, or otherwise reduced. Whole-tree yarding systems will be used where possible to prevent accumulation of fuels.

### ***Prescribed Fire Control Line Rehabilitation***

Lines constructed for control of prescribed fires will be rehabilitated to prevent erosion and weed infestation. Methods may include construction of water bars, replacement of sod and brush, and seeding.

**Table 2** summarizes planned activities. All figures are approximate. Design criteria, mitigation, and monitoring specific to the selected alternative are described in **Attachment 1**. Forest Plan direction, Watershed Conservation Practices, and noxious weed management measures are described in **Attachment 2**.

**Table 2. Planned Activities**

<b>Vegetation Management</b>	<b>Selected Alternative (acres)</b>	
	Maximum infestation	Minimum infestation
Adaptive management treatments		
Thinning	2,060	3,432
Salvage	2,000	628
Mechanical fuel reduction	2,000	628
Sanitation		max. 4,060
Jackpot burn		max. 3,190
Understory broadcast burn (including up to 500 acres of burning in heavily infested areas)		max. 1,546
Sanitation at high-value sites		max. 25
Total adaptive management treatments		4,060
Non-adaptive treatments		
Non-commercial thin followed by prescribed burning (MA 3.32)		612
Shelterwood seedcut		142
Firewood cutting		15
Fuel break maintenance		16
Total mechanical treatment		4,814
Total broadcast burning		2,158

**Table 2 (continued)**

<b>Transportation System (miles)</b>	<b>Selected Alternative</b>
Road construction – new	0.8
Road construction – conversion of unclassified roads	4.5
Road reconstruction	7.1
Road pre-use maintenance	32.4
Unclassified roads decommissioned	25.8
<b>Transportation System (acres)</b>	
Area closed to off-road motorized use – year-round	7,799
Road closed to off-road motorized use – Dec. 15 through May 15	5,422
Area open to off-road motorized use – year-round	4,586

## **PROJECT SUMMARY**

### ***Public Involvement***

The Forest Service solicited comments on the proposed action, potential concerns, and opportunities for managing the Burner project area from members of the public, other public agencies, tribal governments, adjacent property owners, interest groups, and Forest Service specialists. Various methods were used to request comments.

- A scoping letter was mailed on Sept. 30, 2005 to approximately 155 interested parties, including adjacent property owners and tribal representatives. This letter included a description of the project area, an overview of the NEPA process, a general explanation of the proposed actions, and an invitation to comment.
- A local newspaper article advertised the project on Oct. 6, 2005. This article introduced the project to the public readership by providing a description of the project area and an explanation of the proposal as well as soliciting comments on the project.
- Other information sharing, communication, and interaction with interested parties, agencies, and individuals has occurred on a continuing basis during the project planning period.
- A legal notice of availability of the draft EA was published in the Rapid City Journal on Dec. 20, 2006. The public comment period ran through January 19, 2007. The Sundance Times published an article on the project on January 4, 2007.

The Burner project interdisciplinary team analyzed the public comments and provided agency responses to the comments on the revised draft EA. These comments and associated responses are located in Appendix C of the final EA. Public comments on the draft did not generate a need for reanalysis or require substantive changes to the document.

### ***Issues***

The planning team used public comments on the project to help define issues, develop alternatives and design criteria, and analyze effects. A total of 10 respondents provided feedback during the scoping process. Through review and analysis of the scoping comments, the planning

team identified four key issues related to the proposed activities (EA Chapter 1). A brief description of the issues follows.

Mountain pine beetle infestation: Beetle infestation is causing loss of timber value and has potential to spread to other ownerships but also provides benefits for some species. Beetle infestation is creating hazardous fuels that could increase fire intensity and rate of spread.

Big game winter range: Winter range in the project area could be improved by creation of additional forage. Increased vehicle access could have negative effects on winter range.

Diversity of vegetation species and structure: Greater diversity of age classes and forest cover type could increase resistance to widespread bug infestation and ensure a long-term supply of timber.

Recreation and scenery: There are a number of non-motorized and snowmobile trails in the project area and scenic views from Warren Peak. Both insect infestation and management actions can affect visual quality.

### ***Alternatives Considered***

The interdisciplinary planning team analyzed in detail the proposed action, a no action alternative, and two action alternatives. Further description and comparison of alternatives can be found in Chapter 2 of the final EA. Table 3 compares alternative actions and Table 4 displays indicators for each issue by alternative.

**Alternative 0 (No Action)** – NEPA requires study and use of the no action alternative as a basis for comparing effects of the proposed action and other alternatives. The no action alternative assumes that none of the elements of the proposed action and other action alternatives would take place in the Burner project area in the next 10 to 15 years. Under this alternative, the Forest Service would make no attempt to actively respond to the purpose of and need for action or the issues raised during scoping. Vegetation and access management would not take place unless authorized by other decisions. Vegetation structure would continue to change over time as a result of beetle infestation, growth, natural mortality, wildfires, and storms. Existing access and travel management would persist until modified by future decisions. Ongoing activities such as scheduled road maintenance, treatment of noxious weeds, livestock grazing, and fire suppression would continue.

Alternative 1, as modified, is the selected alternative.

Alternative 2 proposed treatments based on Management Area emphasis. In MA 5.1, treatments focused on ensuring a supply of forest products. Silvicultural actions such as regeneration harvest were proposed in addition to beetle infestation treatments. No broadcast burning was proposed in MA 5.1. In MA 5.4, Alternative 2 emphasized winter range improvement and included diameter-limit cuts, uneven-age management, and non-commercial thinning. No actions were proposed in uncut stands between recently cut Sundance Timber Sale units to provide structural diversity and hiding cover. This alternative did not propose adaptive management.

Alternative 3 was not analyzed in detail.

Alternative 4 focused on slowing the beetle infestation in MA 5.1 and reducing hazardous fuels in interface areas between NFS and non-NFS lands. This alternative emphasized non-commercial

methods. Activities in winter range would have taken place only in interface areas. Alternative 4 included no broadcast burning and less road construction.

The ID team considered several additional alternatives that I chose not to analyze in detail. These alternatives are described in Chapter 2 of the EA.

**Table 3** compares activities proposed under each alternative.

**Table 3. Comparison of Alternatives**

<b>Vegetation Management (acres)</b>	<b>Alt. 0</b>	<b>Alt. 1</b>	<b>Selected Alt.</b>	<b>Alt. 2</b>	<b>Alt. 4</b>
Adaptive management treatments	0	3,271	3,190*	0	0
Adaptive management treatments followed by prescribed burning	0	938	870*	0	0
Commercial and non-commercial thin/sanitation	0	0	0	0	1,723
Commercial thin/sanitation/salvage	0	0	0	1,732	0
Diameter-limit thin followed by prescribed burning	0	0	0	504	0
Non-commercial thin followed by prescribed burning (MA 3.32)	0	612	612	1,706	0
Prescribed burning	0	676	676	0	0
Sanitation	0	0	0	224	212
Sanitation/salvage/fuel treatment	0	0	0	464	0
Shelterwood seedcut	0	0	142	323	0
Uneven-age thin	0	0	0	357	0
Wildland-urban interface thin	0	0	0	0	1,487
<i>Total mechanical treatment</i>	<i>0</i>	<i>4,821</i>	<i>4,814</i>	<i>5,310</i>	<i>3,422</i>
<i>Total prescribed burning</i>	<i>0</i>	<i>2,210</i>	<i>2,210</i>	<i>2,210</i>	<i>0</i>
<b>Transportation System (miles)</b>					
Road construction – new	0	0.8	0.8	0.5	0
Road construction – conversion of unclassified roads	0	4.5	4.5	4.4	2.5
Road reconstruction	0	7.1	7.1	4.3	2.7
Road pre-use maintenance	0	32.4	32.4	26.9	28.0
Unclassified roads decommissioned	0	25.8	25.8	25.8	28.6

\*See Table 2 for further breakdown of these figures.

**Table 4** summarizes and compares effects of each alternative according to the issues described starting on page 7.

**Table 4. Comparison of Effects**

<b>Issue</b>	<b>Alt. 0</b>	<b>Selected alt. (maximum infestation scenario)</b>	<b>Selected alt. (minimum infestation scenario)</b>	<b>Alt. 2</b>	<b>Alt. 4</b>
<b>Mountain Pine Beetle Infestation and Fire Hazard</b>					
Beetle infestation risk (percent of pine acres)					
High	34	14	14	19	23
Moderate	47	29	60	57	51
Low	19	57	26	25	27
Crown fire hazard (percent of NFS acres in project area)					
Very High	17	8	8	13	14
High	25	14	14	20	16
Medium	19	28	35	28	32
Low	38	49	42	38	38
Effects on habitat for species associated with beetle infestation	Preferred habitat likely to continue to increase in project area.	Expanded infestation would create additional habitat for these species. Habitat would decrease in treated areas but likely to increase overall. Snags cut for safety reasons, salvage & firewood.	Habitat would decrease in treated areas. Likelihood of beetle infestation in next decade would decrease in thinned stands. Snags cut for safety reasons, salvage & firewood.	Expansion of preferred habitat likely to slow unless infestation expands beyond proposed treatment areas. Snags cut for safety reasons, salvage & firewood.	Expansion of preferred habitat likely to slow unless infestation expands beyond proposed treatment areas. Snags cut for safety reasons & firewood.
<b>Big Game Winter Range</b>					
Extent of foraging areas and quality of forage	Continuing infestation would reduce forest canopy, allowing additional growth of understory forage species.	Expanded infestation and treatment likely to create additional foraging areas. Burning likely to improve forage quality.	Thinning would open forest canopy, though to lesser degree than infestation. Burning likely to improve forage quality.	Thinning would open forest canopy on smaller area than Alt. 1. Burning likely to improve forage quality.	Thinning would open forest canopy of smallest area overall, but more in low-elevation areas likely to be used as winter range.

**Table 4 (continued)**

Issue	Alt. 0	Selected alt. (maximum infestation scenario)	Selected alt. (minimum infestation scenario)	Alt. 2	Alt. 4
Vehicle access to winter range (MA 5.4)	Off-road motorized use unrestricted in winter except by snow. Fallen trees likely to reduce access. No road construction.	Off-road motorized use restricted in MA 5.4 in winter (year-round in NE corner of project area). Fallen trees likely to reduce access; treatments may remove barriers that currently restrict access and would reduce number of fallen trees, though likely to be overall increase under this scenario. No road construction in winter range.	Off-road motorized use restricted in MA 5.4 in winter (year-round in NE corner of project area). Fallen trees likely to reduce access, though treatments may remove barriers that currently restrict access and would reduce number of fallen trees. No road construction in winter range.	Off-road motorized use restricted in MA 5.4 in winter (year-round north of Tent Canyon). Other effects similar to Alt. 1.	Off-road motorized use restricted year-round in MA 5.4. Fewer treatments and no road construction in winter range. Other effects similar to Alt. 1.
<b>Diversity of Vegetation Species and Structure</b>					
Pine structural distribution	Dominated by mature pine stands; heavily infested areas would eventually reforest with pine. Most dense stands would remain unless infestation expands.	Heavily infested areas likely to reforest with pine seedlings within 1-2 decades. Seedcuts would produce young pine stands. Mature pine would continue to dominate other areas; probably more mature pine remaining than under Alt. 0. Possibly fewest dense stands.	Heavily infested areas likely to reforest with pine seedlings within 1-2 decades. Seedcuts would produce young pine stands. Mature pine would continue to dominate more areas than under maximum infestation scenario; probably more dense stands than under max infestation scenario.	Heavily infested areas likely to reforest with pine seedlings within 1-2 decades. Seedcuts and uneven-age cuts would result in pine regeneration. More dense stands remaining unless infestation expands.	Heavily infested areas likely to reforest with pine seedlings within 1-2 decades. Mature pine would continue to dominate other areas; probably more mature pine remaining than under Alt. 0. More dense stands remaining unless infestation expands.
Cover type distribution	No immediate change; heavily infested areas likely to convert temporarily (1-2 decades) to hardwoods or grass.	Same as Alt. 0, though change likely to occur on smaller acreage. Prescribed fire may increase understory diversity.	Same as maximum infestation scenario, though change likely to occur on smaller acreage. Prescribed fire may increase understory diversity.	Same as Alt. 0, though change likely to occur on smaller acreage. Prescribed fire may increase understory diversity.	No immediate change, but heavily infested areas likely to convert temporarily to hardwoods or grass.

**Table 4 (continued)**

Issue	Alt. 0	Selected alt. (maximum infestation scenario)	Selected alt. (minimum infestation scenario)	Alt. 2	Alt. 4
<b>Recreation and Scenery</b>					
Effects on areas of high scenic integrity	Continuing infestation could reduce scenic integrity, especially if followed by severe fire.	2-5 year reduction in scenic integrity in some treated and infested areas, mainly in MA 5.1. Effects less than Alt. 0 if infestation continues. Negligible effect in MA 3.32.	2-5 year reduction in scenic integrity in some treated and infested areas, mainly in MA 5.1, to lesser degree than max infestation. Negligible effect in MA 3.32.	2-5 year reduction in scenic integrity in some treated and infested areas, mainly in MA 5.1. Variable-density treatments in MA 5.4 would positive affect scenic integrity.	Reduction in scenic integrity less likely than under other alts due to smaller area of treatment and higher residual basal area, unless infestation continues to expand.

## REASONS FOR MY DECISION

I have decided to implement Alternative 1 as modified because it best meets the purpose of and need for action as determined from management direction and conditions on the ground, and because it responds well to the issues and public comments. There are two main aspects to my decision: disturbance processes and big game winter range. For clarity, these areas are discussed separately below.

### **Disturbance Processes (Beetle Infestation and Fire)**

**Purpose and Need** – As stated in the EA, there is a need to address existing mountain pine beetle infestation and reduce the potential for further infestation and increased intensity and spread of wildfires. The selected alternative responds well to the Purpose and Need in this regard. Planned activities will reduce fuels created by the existing infestation and decrease the risk of additional infestation by removing infested trees and thinning dense stands.

There is an ongoing, widespread epidemic of mountain pine beetles in the Black Hills. The scale of this current infestation is larger than has been experienced in the Black Hills in several decades. If left to natural processes, the level of infestation could rapidly expand and substantially affect wildlife habitat, decrease availability of timber, increase fuel loadings and fire hazard, and affect private property beyond the Burner project area. One of the areas with a large infestation is the Warren Peak area of the Bear Lodge Mountains, within the Burner project area. As disclosed in the EA, mountain pine beetles prefer areas of relatively dense, mature pine stands, and thinning these stands can reduce the amount of beetle-caused mortality. The selected alternative will reduce pine densities and beetle susceptibility in the project area.

The recent increase in large, stand-replacing crown fires demonstrates the effects that such fires can have in the Black Hills. Unlike many National Forests, the Black Hills has an intermixed pattern of public and private ownership. Fires in the Black Hills can affect private lands, the local economy, and the lives and safety of residents and firefighters. As the responsible official when such events occur, I take the job of reducing the potential for fast-moving crown fires very seriously.

The selected alternative will reduce the potential for large, stand-replacing wildfires. Mechanical treatments will reduce the density of pine trees on a landscape basis, thereby lowering the potential for the forest to carry a crown fire. Any wildfires that occur will be more likely to remain on the ground or burn through the crowns in smaller patches. Prescribed fire will be used to reduce ground, surface, and ladder fuels, and to prune the lower tree branches, raising the crown height.

These treatments are not intended to eliminate mountain pine beetle infestations or wildfires from the area. This is neither possible nor desirable. Beetles are native to the Black Hills and have positive ecological benefits, including creation of openings in the forest canopy and the habitat and food sources provided by dead and dying trees. Wildfire is also a natural disturbance process and can have similar positive effects on the ecosystem.

I have two main reasons for selecting Alternative 1 with modifications. One is its proactive approach. The best time to manage mountain pine beetles is before an epidemic occurs, by breaking up the continuity of pine stands susceptible to infestation. It is unknown whether the ongoing epidemic will continue to expand as it has over the past few years. If it does, then the selected alternative may be able to slow the infestation's progression in local areas, remove fuels that could lead to intense wildfires, and recover the value of some of the dying trees. If the

epidemic in this area slows, then the selected alternative will have proactive benefits by decreasing the acreage of stands at high risk of beetle infestation for the next one to two decades.

My other reason for selecting this alternative is its adaptive approach. Allowing specific treatments to be determined at the time of implementation will increase the project's ability to respond to the Purpose and Need. Without this approach, it may not be possible to appropriately treat stands under this project if conditions have changed by the time implementation takes place. Treatment of high-risk and infested stands is critical to the success of this project, but the course of the infestation cannot be predicted with certainty. Therefore, I believe this alternative, which incorporates flexibility to adapt to changing conditions, is likely to be the most effective in addressing the infestation.

This approach does carry with it some uncertainty, since most planned treatments may take place anywhere within the 4,060 acres available for adaptive management. The EA addresses this uncertainty by presenting and analyzing different infestation and treatment scenarios, including the maximum amount of treatment that could occur. Sites where treatment may take place are specified and effects are analyzed on the basis of those sites. Without treatment, conditions in the project area are likely to continue changing due to infestation, so uncertainty is present in the no action alternative as well. Because the maximum level of effect that could occur under the selected alternative is disclosed, and effects are site-specific, I believe the remaining uncertainty associated with this action is acceptable.

Management Direction – The amended Forest Plan contains goals and objectives that cannot be met in areas with epidemic levels of mountain pine beetle infestation. Widespread infestation and tree mortality can negatively affect achievement of amended Forest Plan goals and objectives related to soil, air, watershed, wildlife habitat, and recreational opportunities. By addressing existing infestation and the potential for future infestation, the selected alternative will work toward achievement of these goals and objectives. Conversely, beetle infestation can create conditions that contribute to achievement of objectives for wildlife species such as black-backed woodpecker. While the selected alternative is likely to slow the creation of this habitat in the project area, the Phase 2 Amendment FEIS determined that retention of certain amounts of burned or infested habitat across the National Forest (objective 11-03) and diversity of structural stages (objectives 5.1-204, 5.4-206) would provide adequate habitat for disturbance-associated species such as black-backed woodpecker. I believe the analysis in the EA demonstrates that the selected alternative will reduce the risk of further beetle infestation as compared to the no action alternative while improving ecosystem health through increased structural diversity and reintroduction of fire.

The National Fire Plan directs Federal agencies to reduce fuels and associated fire hazards in the wildland-urban interface, communities at risk, and other areas on public lands. The project area is in a fire-adapted ponderosa pine ecosystem. Beetle infestation, fire suppression, and certain management practices have contributed to the hazardous conditions now present in the project area. The selected alternative responds well to this direction by reducing the potential for large-scale, high-intensity fires. The amended Forest Plan contains many goals and objectives that cannot be met when large areas are burned by high-intensity wildfires. It is clear that Forest Plan goals and objectives related to soil, air, watershed, wildlife habitat, scenic resources, and recreational opportunities can be negatively affected by severe fires.

Selected Alternative Response to Issues – Risk of beetle infestation and fire are key issues for this project (EA p. 1-10). The silvicultural analysis categorizes beetle infestation risk as high, moderate, or low, based on Stevens et al. (1980). High-risk stands generally consist of closely-

spaced trees at least eight inches in diameter. Trees in these dense stands must compete with each other for water and light and are therefore less able to repel beetle attacks, especially under drought conditions. Currently, about 34 percent of the pine acres in the project area are at high risk of infestation.

Treatments such as those planned under the selected alternative have been shown to reduce infestation risk in treated stands (Shepperd and Battaglia 2002). The selected alternative is expected to decrease high-risk stands to approximately 14 percent of pine acres. While mountain pine beetles will continue to be present in the project area, the selected alternative will reduce the risk of further increases in beetle populations and spread of the infestation to adjacent areas.

Research shows that actions such as those planned can reduce the probability that extreme fire behavior will occur (Graham et al. 2004). The selected alternative will decrease pine acres at high or very high risk of crown fire from 42 to approximately 22 percent. The overall effect will be a landscape less susceptible to beetle infestation and the resulting fuel loading that could contribute to high-intensity wildfires.

Public Response to Draft EA – Public input on this project supports taking actions to address beetle infestation and fire risk. This is an important factor in my decision. One organization commented that their preferred way to address beetle infestation would be to focus on achievement of Management Area-wide pine structural stage objectives. Data show that, across the Forest, MAs 5.1 and 5.4 currently have excess acres of mature pine and insufficient amounts of seedling/sapling and pole stages. To work toward achieving the desired distribution and reduce acreage of higher-risk mature stands, this organization suggested more regeneration harvest. I agree that these are important objectives, and included some of the regeneration harvest from Alternative 2 in the selected alternative. These stands currently have low infestation levels and are silviculturally ready for regeneration. I did not choose to include additional regeneration harvest for several reasons. The additional stands proposed for seedcut under Alternative 2 are in an area of severe infestation, and the adaptive treatments planned in these stands under Alternative 1 will allow more flexibility. None of the alternatives included large additional areas of seedcut because there are relatively few stands in the project area that currently meet NFMA even-aged regeneration requirements. In addition, the beetle infestation has created and is continuing to create openings in pine stands, and these openings are likely to regenerate to pine within five to 10 years. Larger openings where entire stands have been killed may take longer to regenerate, but the end result is the same. Between 1997 and 2005, the Sundance timber sale conducted shelterwood seedcuts in the Burner project area on approximately 880 acres. These stands are not currently considered to be in younger structural stages because they still have an overstory of mature pine, but they are developing an understory of seedlings and saplings. These factors in conjunction with the activities planned under the selected alternative indicate to me that pine structure in the project area is already becoming more diverse and contributing to Forest-wide structural objectives.

The EA displays that the selected alternative would decrease acres of “very large” trees so that the Forest-wide percentage moves further away from the Management Area 5.4 objective. This decrease is due to an analysis assumption regarding the effects of the beetle infestation. None of the planned treatments would reduce acreage of “very large” uninfested trees, but it is assumed that the beetle infestation will decrease acreage of these stands by up to 524 acres, depending on the course of the infestation.

### **Big Game Winter Range**

**Purpose and Need** – Part of the purpose of and need for this project is maintaining or enhancing big game winter range and conserving habitat for a variety of plant and animal species. Approximately 48 percent of the project area is designated for management as big game winter range. The project area also provides habitat for a variety of plant communities and non-game wildlife. The selected alternative would improve winter range habitat by diversifying forest structure, reintroducing fire, and restricting motorized travel.

**Management Direction** – The Forest Plan, as amended, contains goals and objectives for winter range (MA 5.4) related to structural diversity and travel management. The objective for winter open road density is a maximum of one mile of road per square mile of land. Off-road motorized travel is to be prohibited in winter, and snowmobile use is to occur only on trails. There are also Forest-wide goals and objectives related to big game, rare species, and various habitats that apply to MA 5.4. The selected action complies with this direction.

**Selected Alternative Response to Issues** – One of the key issues raised regarding this project is its effects on winter range. Creation or enhancement of foraging areas can improve winter range, but increased motorized access can decrease its value. The selected alternative would address this issue by reducing stand density through thinning and increasing forage quality and quantity through broadcast burning. No new roads would be constructed in winter range, off-road motorized travel would be restricted in winter, and part of the winter range would be closed to off-road motorized use year-round. Traffic would increase while harvest and other activities are taking place, though road users would be required to keep gates closed to prevent unauthorized public traffic.

**Public Response to Draft EA** – The Wyoming state game and fish agency commented that harvest activities conducted in winter in MA 5.4 could negatively affect big game. Because most of the access to the project area is provided by roads that serve as snowmobile trails in winter, it is likely that most harvest activities will take place at other times of year. I am not including a specific prohibition on winter operations in case there is an urgent need for treatment or other routes that are not snowmobile trails can be used. Any winter operations that do take place are likely to occur on a limited scale and would have minimal effects on big game.

I have reviewed the Burner project analysis and the data on which it is based, and I am satisfied that the selected alternative is consistent with the amended Forest Plan and will not negatively affect big game. Planned actions and effects are within the range of those described in the Phase 2 Amendment FEIS. The project was designed with protective measures in mind for big game species (EA page 2-14, 2-16) and will provide a variety of habitat types and forest structures across winter range (EA pages 3-45, 3-46, 3-57 through 3-60).

### ***Reasons for Not Selecting Other Alternatives***

I did not select Alternative 0 (no action) because it did not meet the purpose of and need for action. Under Alternative 0, the beetle infestation would have been likely to continue, and infestation risk would have increased over time with stand density. Existing hazardous fuels would have remained. Infestation would have been likely to create additional fuels, increasing the potential for severe wildfire effects. Alternative 0 would not have met Forest Plan direction. As one example, MA 5.1 has a resource production emphasis, and allowing the ongoing epidemic to expand unabated would not meet the intent of this MA. Alternative 0 also would not have brought travel management in MA 5.4 into compliance with amended Forest Plan direction.

I did not choose Alternative 2 because it would not have provided the flexibility of adaptive management. It also would have left considerably more acres of pine at high or very risk of crown fire (EA page 3-93). Some of the treatments proposed in winter range, such as sanitation without thinning, would have taken a strictly reactive approach to mountain pine beetles while leaving the remainder of the stand at high risk for infestation. Between these factors, I felt that Alternative 2 did not respond sufficiently to the purpose and need.

I did not select Alternative 4 because it would not have provided the flexibility of adaptive management and would not have taken a sufficiently proactive approach to beetle infestation. Proposed activities would have left higher stand densities, with the potential for more infestation and the need for additional analysis prior to action. This alternative's focus on treating stands bordering private land was positive, but the selected alternative includes treatment in most of these stands while also reducing infestation risk and fire hazard across the landscape.

## **FINDING OF NO SIGNIFICANT IMPACT**

Based on my review of the Burner EA, I have determined that the selected alternative is not a major federal action that would significantly affect the quality of the human environment. None of the environmental effects of my decision meet the definitions of significance in context or intensity (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. I base this conclusion on the following:

### ***Context***

The significance of effects of my decision has been analyzed in several contexts. My decision is consistent with the requirements of the Forest Plan and Phase 2 Amendment and contributes to meeting the goals of the Plan. None of the effects disclosed in the Burner EA are different from those anticipated in the FEISs for the Forest Plan or Phase 2 Amendment. The analysis considers cumulative effects on the project area and associated watersheds. The environmental assessment estimates and discloses site-specific effects within the project area. The contribution of this project to the effects described in the FEISs, the possible cumulative effects, and the site-specific effects on the project area have all been considered in this determination.

### ***Intensity***

Impacts that may be both beneficial and adverse. The EA considers and discloses both beneficial and adverse effects.

The degree to which the proposed action affects public health or safety. Public health and safety will be minimally affected by the action. Design features and mitigation measures included in the EA will minimize safety concerns associated with the project vegetation harvest treatments, fuels treatments, and transportation management actions. The project may benefit public safety by removing dead trees that could fall unexpectedly.

Unique characteristics of geographic areas, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no known unique characteristics of the area that will be adversely affected by the project. No prime farmlands, park lands, wild or scenic rivers, or ecologically critical areas occur in the Burner project area. No adverse impacts are anticipated within floodplains. No adverse effects to wetlands or cultural resources are expected. No trend toward Federal listing or loss of species viability is expected for sensitive species as a result of the action. For further information see Chapter 3 of the EA and the analysis file.

The degree to which the effects on the quality of the human environment are likely to be highly controversial. The environmental effects of the proposed activities are known and there is little controversy over the actual effects. Effects are clearly described in Chapter 3 of the EA. (Disagreement over the decision itself does not constitute controversy for the purpose of determining significance under 40 CFR 1508.27.)

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The possible effects of this proposal are known because the actions are similar to other management activities on the National Forest. Planned adaptive management will allow some flexibility, but effects are not uncertain and there are no unique or unknown risks because specific treatment sites are designated, analysis considered the maximum possible amount of action, and planned activities are the same as those considered in the Forest Plan FEIS. Timber harvesting has occurred in the Black Hills for over 120 years and has occurred previously in the Burner project area. Implementation of the proposed activities does not involve any unique or unknown risks.

The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The proposal does not set a precedent or represent a decision in principle for any future actions.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The analysis considers and discloses the effects of similar and connected actions related to this proposal. These include timber stand improvement activities and road reconstruction to access areas for timber harvest. The EA also analyzes and discloses cumulative effects, including past, present, and reasonably foreseeable future actions, on both private and public lands. For further information see Chapter 3 of the EA and the analysis file.

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. No adverse effects on heritage resources are expected. The Wyoming State Historic Preservation Officer has concurred with the finding of No Historic Properties Affected.

The degree to which the action may adversely affect an endangered or threatened species or its habitat. No effects on threatened or endangered species are expected, as none are known to occur within the project area with the exception of occasional winter use by bald eagles.

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. All state water quality requirements will be met as well as other federal, state, and local requirements imposed for the protection of the environment. Effects on water quality, floodplains, and wetlands are documented in the EA and analysis file. Design criteria will be used to protect water quality and to meet standards imposed by the Forest Plan, and Regional Watershed Conservation Practices/Wyoming Best Management Practices will be applied consistent with requirements of the Clean Water Act. Changes in air quality are expected to be negligible during harvest of sawtimber. Prescribed burning will comply with air quality standards, as addressed in more detail in the individual burn plans that will be developed for each burn. No violations of environmental laws or requirements were identified through the environmental effects analysis.

## **CONSISTENCY WITH THE LAND AND RESOURCE MANAGEMENT PLAN**

The 1982 planning rule has been superseded and is no longer in effect. There is a transition provision under the 2005 Rule which allows use of the provisions of the former (1982) rule (36 CFR 219.14). However, the transition provision applies only to Forest Plan amendments or revisions and does not apply to authorization of projects implementing a Forest Plan (36 CFR 219.2(c), indicating that no provisions of the Rule apply to projects unless otherwise noted). Thus, the NFMA requirement for approving a project decision is simply to determine that the project will be consistent with the Forest Plan (16 U.S.C. 1604(i); 36 CFR 219.8(e) (2005)).

The scope of analysis for a Forest Plan's management indicator species is determined by the Forest Plan's management direction, specifically its standards and guidelines (Chapter II) and monitoring direction (Chapter IV). The Black Hills National Forest Revised Forest Plan, as amended, contains no obligation to conduct monitoring or surveying within a proposed project area. The Forest Plan establishes monitoring and evaluation requirements that do not require population monitoring for MIS, but rather employ habitat capability relationships. The 2005 Rule provides that, unless the Forest Plan specifically requires population monitoring, any MIS monitoring requirements in existing Forest Plans may be satisfied by considering data and analysis relating to habitat (36 CFR 219.14(f)). This project is consistent with the requirements of the Revised Forest Plan for the Black Hills National Forest, as amended, and need not meet any additional requirements of the 1982 Rule.

The NFMA law (16 U.S.C. 1604(i)) and the regulations of January 2005 at 36 CFR 219.8(b) and (e) require me to ensure that permits, contracts, cooperative agreements, and other activities carried out on the Bearlodge Ranger District are consistent with the Forest Plan and Phase 2 Amendment. My decision is consistent with this direction in that:

- Planned activities will contribute to Forest Plan and Phase 2 Amendment goals and objectives (EA Section 1.5). They will not detract from or jeopardize any goal or objective.
- I have reviewed the Black Hills National Forest Fiscal Year 2005 Monitoring and Evaluation Report and Region 2 MIS guidance for projects. The effects of planned activities on management indicator species are consistent with the amended Forest Plan.
- Planned activities are consistent with management area direction.
- Planned activities comply or move towards compliance with Forest Plan and Phase 2 Amendment standards and guidelines (EA Section 2.4; additional details in analysis file). The analysis found that Alternative 1 would comply with all amended Forest Plan direction. Modifications to Alternative 1 found in the Decision Notice are minor in scope and do not affect Forest Plan compliance.

## **FINDINGS REQUIRED BY LAWS AND REGULATIONS**

### ***National Forest Management Act***

The NFMA directs the Secretary of Agriculture to establish certain resource management guidelines. The regulation at 36 CFR 219(12)(b) (January 2005) directs that these guidelines be included in the agency directives system. I find that the activities in this project decision comply with the NFMA law, the regulation at 36 CFR 219, and the corresponding guidance in the directives system, as follows.

- Irreversible resource damage will not occur. The project will not cause irreversible resource damage, such as to soil productivity or watershed condition. (EA, Chapter 3, especially 3072 through 3-88). (Reference: FSH 1909.12, Sec. 63.1.)
- Adequate restocking is assured. A certified silviculturist determined that areas identified for regeneration harvest (for timber production purposes) are capable of being regenerated within five years of final harvest (see silviculture report in project file). Stands in the vicinity with comparable site conditions have received similar silvicultural treatment and resulted in full stocking within five years of final harvest. (Reference: 16 U.S.C. 1604(g)(3)(E); FSM 1921.17(a) and (i); FSM 2470.3; FSH 1909.12, Sec. 63.2).
- Clearcutting must be determined to be the optimum method. Clearcutting is not a planned action. (Reference: 16 U.S.C. 1604 (g)(3)(F); FSM 1921.17(a), FSM 2471.11).
- No timber harvesting will occur on lands not suited for timber production. No harvest will occur for timber production purposes on lands classified as unsuitable for timber harvest. (See Silviculture report in project file.) (Reference: 16 U.S.C. 1604(k); FSM 1921.17(a), FSH 1909.12, Sec. 63).
- Culmination of Mean Annual Increment (CMAI) requirements are met. The three stands planned for shelterwood seedcut have generally reached culmination of mean annual increment (CMAI) (see Silviculture report in project file). The National Forest Management Act, at 16 U.S.C. 1604(m)(2), allows exceptions to the general prohibition on harvesting trees prior to the culmination of mean annual increment for a given timber stand. This decision will create exceptions consistent with the law at part (m) with the following treatments: thinning, sanitation, salvage, mechanical fuel reduction, and fuel break maintenance. These treatments are described and the public made aware of these exceptions to the law in the draft EA. (Reference: 16 U.S.C. 1604(m); FSM 1921.17(a) and (f); FSM 2471.11; FSH 1909.12, Sec. 63.3).

### ***Executive Orders 11988 and 11990***

No harvest activities will occur in riparian areas and no adverse effects to wetlands or to the integrity of floodplains due to project activities are anticipated (EA pages 3-85, 3-86).

### ***Endangered Species Act***

No adverse effects are predicted on any threatened or endangered species (EA pages 3-18, 3-19).

### ***National Historic Preservation Act***

Heritage resource inventories have been conducted in the project area, and potential effects on heritage resources have been considered. Sites determined to be eligible to the National Register of Historic Places will be protected through avoidance or mitigation. No adverse effects are anticipated. The Wyoming State Historic Preservation Officer (SHPO) concurred with the determination of No Historic Properties Affected in a letter dated April 11, 2006 (project #0406SMC002). The Wyoming SHPO, the Advisory Council on Historic Preservation (ACHP), and Tribal Historic Preservation Offices will be consulted about measures to protect significant archeological sites from adverse affects should any previously unidentified resources be discovered.

## IMPLEMENTATION

Implementation of the selected alternative will occur under the authority of this Decision Notice, subject to the appropriate appeal and implementation procedures cited below. Acreages and locations are approximate and may vary slightly during implementation depending on site-specific conditions.

Pursuant to regulations at 36 CFR 215.9(a), when no appeal is filed within the 45-day time period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal-filing period. When an appeal is filed, implementation may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR 215.9(b)).

## ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR Part 215 (June 2003). A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Rapid City Journal, Rapid City, South Dakota. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the *exclusive* means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

Black Hills National Forest, Appeal Deciding Officer  
ATTN: Ed Fischer  
1019 North 5<sup>th</sup> Street  
Custer, SD 57730

Written appeals may be hand-delivered to the above address between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday excluding Federal holidays.

Electronic appeals must be submitted to: [appeals-rocky-mountain-black-hills@fs.fed.us](mailto:appeals-rocky-mountain-black-hills@fs.fed.us)

In electronic appeals, the subject line should contain the name of the project being appealed. Electronic appeals must be submitted and readable in MS Word, Rich Text or PDF format. When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgement confirming agency receipt. If the appellant does not receive an automated acknowledgement of the receipt of the appeal, it is the appellant's responsibility to ensure timely receipt by other means (36 CFR 215.15(c)(3)).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);

- 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;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

### **Contact Person**

For additional information concerning this decision or the Forest Service appeal process, contact Elizabeth Krueger, District NEPA Coordinator, Bearlodge Ranger District, P.O. Box 680, Sundance, WY 82729 (307-283-1361).



STEVEN J. KOZEL  
Bearlodge District Ranger  
Black Hills National Forest

3/20/07  
Date

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## Literature Cited

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- Stevens, R.E., W.F. McCambridge, and C.B. Edminster. 1980. Risk rating guide for mountain pine beetle in Black Hills ponderosa pine. Research Note RM-385. USDA Forest Service, Rocky Mountain Forest and Range Experiment Station. Fort Collins, Colorado.

## Figures

**Figure A:** Planned Treatments and Road Work

**Figure B:** Planned Travel Management

## Attachments

**Attachment 1:** Project-Specific Design Criteria and Monitoring

**Attachment 2:** Forest Plan Standards and Guidelines, Regional Watershed Conservation Practices, and Noxious Weed Prevention Practices Applicable to Implementation of the Selected Alternative

**Attachment 3:** Vegetation Data and Treatment Proposals by Stand; Stand Map