



## **DECISION MEMO**

### **FOREST-WIDE DEVELOPED SITE HAZARD TREE REMOVAL**

**USDA Forest Service  
Beaverhead-Deerlodge National Forest  
Dillon, Butte, Jefferson, Madison, Pintler, Wisdom, and Wise River Ranger Districts**

#### **BACKGROUND AND RATIONALE FOR DECISION**

Many trees on the Beaverhead-Deerlodge National Forest have been affected by insect infestation over the past 5 years; tree mortality as a result of this infestation is expected to continue into the near future. This infestation has created a large quantity of dead and dying trees in multiple tree species including but not limited to lodgepole pine and Douglas-fir. When dead and dying trees on the Forest occur in close proximity to areas that experience a high level of public use, the Forest Service has a responsibility to remove and or otherwise abate the hazard posed by the potential of the trees falling on people or infrastructure, particularly in areas where people congregate for extended periods of time such as developed recreation sites. The abatement of these hazardous trees is a high priority for the Forest.

While background levels of tree mortality are commonplace and expected within developed recreation sites, the degree of tree mortality associated with the insect infestations across the Forest is beyond levels that the Forest has experienced in recent memory. In more average tree mortality circumstances, hazard trees are generally abated on a tree-by-tree basis, usually requiring the removal of only a few trees at a time per developed site. This has typically been done by Forest personnel prior to opening the site for the operating season. However, due to the greatly increased level of tree mortality being experienced on the Forest, the quantity of hazard trees in need of removal now and in the near future is greater than that of the capacity of the Forest to accomplish using Forest personnel alone.

The proposed action meets the purpose and need for this project by removing identified hazard trees within developed recreation sites across the Forest.

#### **DECISION**

In order to reduce hazards to human health and safety, I have decided to remove dead, dying, and structurally unsound trees from within developed recreation sites across the Beaverhead-Deerlodge National Forest. Forest Service personnel will first perform a hazard tree analysis within each developed site to identify high-risk trees within 2-1/2 horizontal tree lengths, generally no more than 200 ft., from high risk areas within developed recreation sites (See Map 1 attached). High risk areas are defined as places where people regularly congregate and where constructed features occur within the administrative boundary of the site. Areas within developed sites that are considered high risk and will be evaluated for hazard tree removal include:

- Roads and trails within the administrative boundary of the developed site
- Parking areas

- Signs/bulletin boards/kiosks
- Camping areas/tent sites/ picnic areas
- Restrooms/ water spigots
- Other constructed features within the administrative boundary of the site

Forest Service personnel and/or contractors will subsequently remove those trees identified as hazardous to people and infrastructure using a variety of treatment options depending upon the specific needs of the site.

Treatment options for removal of hazard trees within developed recreation sites are listed in Table 1 below.

**Table 1. Treatment Options for Removal of Hazard Trees Within Developed Recreation Sites**

Treatment Activity	Options for Treatment
Treatment of tree boles	<ol style="list-style-type: none"> <li>1) Fell trees and leave in place, limb boles and dispose of activity generated slash (see next Treatment Activity for description)</li> <li>2) Fell trees, block boles into firewood, and provide for public use at developed sites with fire rings; limb boles and dispose of activity generated slash. Treat activity fuels (see next Treatment Activity for description)</li> <li>3) Fell trees, remove boles, and treat activity fuels (see next Treatment Activity for description)</li> <li>4) Whole-tree yard to landing</li> <li>5) Attempt to locate all landings outside of the administrative site boundary. If landing locations inside administrative site boundaries are proposed, recreation/scenery consultation is required.</li> </ol>
Treatment of activity fuels/slash	<ol style="list-style-type: none"> <li>1) Burn activity-generated landing piles, or remove landing pile off-site and then burn when ground is frozen, snow-covered, or moist.</li> <li>2) Small hand piles – Create piles with less than four inch material in a 4'x4' pile to reduce the footprint. Burn when ground is frozen, snow-covered, or moist.</li> <li>3) Chipping - Less than two inches of chipped material will be spread out in areas where it does not affect accessibility.</li> <li>4) Haul activity fuels/slash off-site</li> </ol>

Treatment Activity	Options for Treatment
Treatment of stumps	<ol style="list-style-type: none"> <li>1) Cut all stumps to less than six inches in height</li> <li>2) Additionally, within 10' of camping pads and site furniture: flush cut or grind stumps to below grade. This design feature does not apply to timber sale contracts.</li> </ol>
For Treatments Using Mechanized Equipment Off Existing Roads Within Sites	<ol style="list-style-type: none"> <li>1) Heritage, recreation, and botany consultation required</li> </ol>
For All Sites Within Riparian Conservation Areas (RCAs)	<ol style="list-style-type: none"> <li>1) Aquatics consultation required</li> </ol>

In general, diligent efforts will be made to minimize ground disturbance so as to minimize impacts on resources, not the least of which is the recreation experience. No roads of any kind will be constructed. Depending upon the number of hazard trees that are identified at each site, skid trails and/or landing areas may be necessary to facilitate removal of felled hazardous tree material.

A team of Forest Service specialists will help to design each individual site treatment using the treatment options above and the specific design measures below so as to achieve a customized site treatment that maximizes sensitivity to all resources during implementation while accomplishing the purpose and need for the project.

There are approximately 250 developed recreation sites on the Forest. Prioritized treatment of the sites will be based on the results of hazard tree inspections at each of the sites and will occur over the life of this decision, with an average of approximately 10-30 sites treated per year.

**Other Features Associated with this Decision Include:**

**Aquatics/Hydrology:**

- Prior to any removal of hazard trees in RCAs, a biologist will determine whether Large Woody Debris (LWD) riparian management objectives (RMOs) are being met.
- If LWD RMOs are not being met, all or a percentage of the hazard trees felled in the RCA will be placed within the creek. Some hazard trees may be fallen toward the stream and left within the RCA for future recruitment into the stream.
- Prior to initiating hazard tree removal in RCAs, each site will be inventoried to see if breeding adults or concentrations of larval or juvenile western toads will be present during the activity. If so, the timing of the activity will be postponed until after dispersal, or the procedures used will be designed to avoid direct mortalities to individuals which would place the population at risk.
- Within Fish Key Watersheds:
  - Motorized equipment (vehicles) will work only from existing roads within the RCA, unless a biologist and/or soil scientist determine that operational procedures and topographical features of the site will prevent measurable negative effects on WCT and/or bull trout streams from sediment delivery to the stream.
  - If hauling or activities associated with hauling in Fish key watersheds is expected to have a measurable negative effect on bull trout or WCT streams, then:

A: Road work which eliminates or substantially reduces year-round sediment delivery to WCT and/or bull trout streams will be completed prior to hauling; and/or

B: Hazard trees will be fallen and left on site.

- Project related refueling or storage of fuels will not occur within the RCA, except for emergency situations, in which case refueling sites must have an approved spill containment plan.

#### Fuels:

- Standard fire prevention standards will be followed during implementation of the mechanical treatments to protect Forest Service and private land resources.

#### Heritage:

- Hazard trees that are within 50-100 feet of any religious or cultural site, archaeological sites, or historic properties or areas determined eligible for the National Register of Historic Places, will be felled by hand and left on site, or cut into firewood lengths and removed by hand. If different treatment methods than the aforementioned are to be used, the site will be evaluated by an archeologist and treatment methods prescribed in consultation with the Montana State Historic Preservation Office prior to implementation that ensure no adverse impacts to these sites.
- Activity fuels/slash less than four inches will be chipped, or alternatively can be removed from the religious or cultural site, archaeological sites, or historic properties or areas determined eligible for the National Register of Historic Places area and burned in small hand piles. Following these design features, potential adverse impacts to religious or cultural sites, archaeological sites, or historic properties or areas are not anticipated.
- During the course of project design or implementation the discovery of any previously unrecorded cultural/heritage resources shall cause project operations in the area of the discovery to cease until analysis and evaluation of the heritage resources are completed, including consultation with the Montana SHPO and appropriate Indian Tribes.

#### Recreation/ Scenery:

- Provide reasonable assurances for public safety during closures or operations affecting roads or recreation facilities. Post safety signing along FS roads while activities occur.
- Publish periods of activities in local newspapers to inform recreation users. Post information on Forest web page.
- Protect existing vegetation, with emphasis on aspen, willows, and shrubs, as well as Douglas fir, spruce, and live lodgepole pine of all sizes.
- Protect existing improvements, including signs and site furniture, from damage by falling, logging, or other operations.
- Recontour areas to pre-existing conditions where machine operation has resulted in displaced soils, such as berms.
- Avoid creating unnatural patterns by meandering skid trails and, where openings are created, mimicking the form of natural openings. Tie into existing openings where possible.
- Retain leave trees in clumps or groups which mimic natural patterns where possible.
- Retain the largest, best-formed live trees, when live trees need to be removed to remove dead and dying hazard trees.
- Develop a Vegetation Management Plan for each site within 1 year of treatment. This plan will assess

the need to plant, or otherwise manage the residual shrubs and trees to best enhance the recreational experience by mitigating impacts to user screening and privacy.

### Sensitive Plants:

- If use of mechanized equipment off of existing roadways, or other treatments resulting in potential ground disturbance, are used to remove hazard trees, the site will require an intensive sensitive plant survey and biological evaluation prior to the authorization of a contract or the commencement of ground disturbing activities.
- Hazard trees that are within 50 feet of any sensitive plant occurrence will be felled by hand and left on site, or cut into firewood lengths and removed by hand. Activity fuels/slash < 4" will be chipped, or alternatively can be removed away from the plant occurrence and burned in small hand piles.

### Soils:

- Ground based yarding shall not be allowed on slopes exceeding 35 percent without site-specific environmental analysis that shows damage is unlikely and soil goals and objectives can be met.
- Skid trails will be designated to minimize disturbance. Skid trails will be adequately drained in order to prevent overland water flow; slash will be placed on skid trails to prevent erosion and ATV use.
- Slash will be placed on skid trails that will be left over the winter to reduce erosion potential during higher flows associated with the spring season.
- Constructed skid trails will be obliterated and revegetated with native vegetation.
- Landings needing rehabilitation will be revegetated with native seed and areas of compacted soil will be scarified prior to seeding.

### Vegetation:

- Protect the live trees to the greatest extent possible during hazard tree removal operations. Evaluate remaining lodgepole pine to ensure their wind-firmness – critically assess trees damaged during hazard tree removal operations to ensure they are not susceptible to wind-throw. In addition, protect the understory tree and shrub species to enhance the opportunities to develop a new overstory in the recreation sites.

### Noxious Weeds:

- Noxious weeds will be controlled following procedures in the Noxious Weed Control Program ROD (2002) for the Beaverhead-Deerlodge National Forest.

## **PURPOSE AND NEED**

The purpose of this action is to provide for public safety within developed recreation sites while maintaining a high quality recreational experience. Developed recreation sites include campgrounds, trailheads, points of interest/overlooks, picnic/day use areas, interpretive sites, and Forest Service Permitted sites including, recreation residences, resorts, organizational camps, and ski areas.

This project is needed to ensure public safety by reducing the risk of persons or property being struck by falling trees, as required by Forest Service Manual 2332.11.

## **REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION**

An action may be categorically excluded from further analysis and documentation in an environmental impact

statement (EIS) or environmental assessment (EA) if it is within one of the categories identified by the USDA in 7 CFR part 1b.3 or a category identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 Section 31.12 or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

This project has been reviewed in accordance with FSH 1909.15. The interdisciplinary team responsible for identifying and documenting potential environmental effects of this action determined the project will fall within the category of exclusion 31.12, 5: repair and maintenance of recreation sites and facilities.

The interdisciplinary team reviewed the resource conditions listed in FSH 1909.1, 30.4 and other concerns applicable to this project to determine suitability for categorical exclusion. The mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on those resource conditions that determine whether extraordinary circumstances exist.

RESOURCE CONDITION	APPLICABILITY TO PROJECT
Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species	<p>Threatened or Endangered Species: There will be no effect to any federally listed species.</p> <p>Sensitive Species: May Impact individuals or habitat, but will not contribute to a trend towards federal listing or loss of viability to the population or species for black-backed woodpecker, flammulated owl, and fisher</p> <p>Possible short term disturbance for spotted bat and Townsends' big eared bat</p> <p>No Impact – all other Sensitive terrestrial, aquatic, and plant species</p>
Floodplains, wetlands, or municipal watersheds	<p>The aquatics specialist will determine if removal of trees will occur in RCAs after LWD requirements have been met.</p> <p>No negative impacts to the municipal watershed, floodplains, or wetlands are projected.</p>
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	No negative impacts to any Congressionally designated areas are projected.
Inventoried Roadless Areas	There are no Inventoried Roadless Areas within the project area. No negative impacts to any inventoried roadless areas are projected.
Research Natural Areas	There are no Research Natural Areas within the project area. No negative impacts to any research natural areas are projected.

RESOURCE CONDITION	APPLICABILITY TO PROJECT
American Indians and Alaska Native religious or cultural sites  Archaeological sites, or historic properties or areas	Hazard trees that are within 50-100 feet of any religious or cultural site, archaeological sites, or historic properties or areas determined eligible for the National Register of Historic Places, will be felled by hand and left on site, or cut into firewood lengths and removed by hand. Activity fuels/slash less than four inches will be chipped, or alternatively can be removed from the site area and burned in small hand piles. Following these design features, potential adverse impacts to religious or cultural sites, archaeological sites, or historic properties or areas are not anticipated.

By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). Analyses considered cumulative impacts from the proposed action coupled with past, present, and reasonably foreseeable actions. The interdisciplinary team analyzed cumulative effects at multiple spatial scales (project area, watershed, landscape, Forest-wide and regionally) that vary depending upon the specific resource.

Based on past experience, site-specific environmental analysis, and preliminary findings, this project will have no significant effect on the human environment, individually or cumulatively, and may be categorically excluded from documentation in an EIS or EA. No extraordinary circumstances exist that might cause this decision to significantly affect the environment.

### **SCOPING AND PUBLIC INVOLVEMENT**

The proposal was listed in the January 2009 Schedule of Proposed Actions (SOPA) for the Beaverhead-Deerlodge National Forest.

A legal notice of comment was published in the Montana Standard on March 7, 2009. The Comment Decision Memo was mailed to 68 individuals, organizations, and government agencies. One comment was received during this comment period.

### **FOREST PLAN DIRECTION**

The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans. The Beaverhead-Deerlodge National Forest Plan was approved in 2009 and provides guidance for all natural resource management activities on the Beaverhead-Deerlodge National Forest. NFMA also requires that all projects and activities be consistent with the plans. The decision is consistent with Forest Plan direction.

#### **Forestwide Goals**

Developed Sites: "High quality developed recreation facilities are strategically located to concentrate use, provide access to backcountry settings, and protect natural resources. Sites are clean, well maintained, and designed for universal accessibility" (FP, page 31).

"These goals, objectives and standards do not alter any legal or statutory rights such as mineral development or private lands access or reduce the need to provide public or employee safety" (FP, page 12).

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## **FINDINGS REQUIRED BY OTHER LAWS**

Numerous laws, regulations, and agency directives require my decision be consistent with their provisions. I have determined my decision is consistent with all laws, regulations, and agency policy. The following summarizes findings required by major environmental laws.

### **National Environmental Policy Act (NEPA)**

NEPA provisions and all regulations for implementation of NEPA (as required under 40 CFR 1500) have been followed in the development of this categorical exclusion and Decision Memo. The specialist reports in the Project File disclose the expected impacts of this project.

### **National Forest Management Act (NFMA)**

The National Forest Management Act and accompanying regulations require that several specific findings be documented at the project level.

Consistency with Forest Plan. See discussion under "Forest Plan Direction" section above.

Suitability for Timber Production. No timber harvest, other than salvage sales or sales to protect other multiple-use values, shall occur on lands not suited for timber production (16 USC 1604(k)). The Forestwide Developed Site Hazard Removal project purpose and need is: to provide for public safety within developed recreation sites while maintaining a high quality recreational experience by reducing the risk of persons or property being struck by falling trees, as required by Forest Service Manual 2332.11. The purpose of the project is not timber production. The project is not purposely growing and tending trees for commercial production.

Clearcutting and Even-aged Management. No clearcutting or even-aged management will occur with this project.

Sensitive Species. Federal law and direction applicable to sensitive species include the National Forest Management Act and the Forest Service Manual (2670). The Regional Forester has approved the sensitive species list – those plants and animals for which population viability is a concern. In making my decision, I have reviewed analysis and projected effects on all sensitive species listed as occurring or possibly occurring on the Beaverhead-Deerlodge National Forest. These findings support the conclusion the project will have no adverse impacts on sensitive species.

### **National Historic Preservation Act, Archaeological Resources Protection Act, and Native American Graves Protections and Repatriation Act**

Cultural resource inventories have been conducted by Heritage personnel on 80-90% of all identified sites. These inventories were based on the "Site Identification Strategy" found in the Region 1 Programmatic Agreement between the Forest Service and Montana State Historic Preservation Officer.

Mitigation measures included in this decision will ensure compliance with all applicable laws and regulations.

### **Clean Air Act**

Implementation of the project will be compatible with Montana State Air Quality Bureau goals for clean air based on Forest Service participation and compliance with burning restrictions set by the Montana / Idaho Airshed Group. The practices established by the Airshed Group are considered Best Available Control Technology by the Department of Environmental Quality. The Bureau of Land Management and the Forest Service are permitted to burn based on compliance with burning restrictions set by the Airshed Group and compliance with all other Federal and State laws and regulations.

### **Clean Water Act and State Water Quality Standards**

The design of project activities is in accordance with Forest Plan standards and guidelines, the Regional Guide, Best Management Practices, and applicable Forest Service manual and handbook direction. Project activities will be consistent with the Clean Water Act, State Water Quality Standards, and consistency requirements for TMDL watersheds.

### **The Endangered Species Act**

In accordance with Section 7 (c) of the Endangered Species Act, as amended, and as described in the Wildlife Species Considered and Regulatory Authority section in the wildlife specialist report in the Project File, the U.S. Fish and Wildlife Service (USFWS) identified the gray wolf as the listed and proposed threatened or endangered species that may be present in the analysis area. The Biological Assessment concluded the project will have "no effect" on the gray wolf.

The decision meets the intent of the Endangered Species Act.

### **Environmental Justice and Civil Rights**

Executive Order 12898, issued in 1994 ordered Federal Agencies to identify and address any adverse human health and environmental effects of agency programs that disproportionately impact minority and low-income populations. The Order also directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife. The project will not alter opportunities for subsistence hunting and fishing by Native American tribes. Tribes holding treaty rights for hunting and fishing on the Beaverhead-Deerlodge National Forest are included on the project mailing list, and have the opportunity to provide comments on this project. Public involvement occurred for this project, the results of which I have considered in this decision. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

The Civil Rights Act of 1964 provides for nondiscrimination in voting, public accommodations, public facilities, public education, federally assisted programs, and equal employment opportunity. Title VI of the Act, Nondiscrimination in Federally Assisted Programs, as amended (42 U.S. C. 2000d through 2000d-6) prohibits discrimination based on race, color, or national origin. This decision complies with this act.

### **IMPLEMENTATION DATE**

Implementation of this decision will likely begin in the spring of 2009.

### **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in The Montana Standard, Butte, Montana. 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.

Written appeals must be submitted to:

For Postal Delivery	For Hand Delivery
USDA Forest Service, Northern Region ATTN: Appeal Deciding Officer P.O. Box 7669 Missoula, MT 59807	USDA Forest Service, Northern Region ATTN: Appeal Deciding Officer 200 East Broadway Missoula, MT 59802 Office hours: 7:30 a.m. to 4:00 p.m.

Faxed appeals must be submitted to: Fax: (406) 329-3411

Electronic appeals must be submitted to: [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us)

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

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);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- 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 the substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service:  
[http://www.fs.fed.us/r1/projects/appeal\\_index.shtml](http://www.fs.fed.us/r1/projects/appeal_index.shtml).

If no appeal is received implementation of this decision may occur on, but not before, five business days from

the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 business days following the date of appeal disposition.

**CONTACT PERSON**

For further information on this project, please contact Alex Dunn, Environmental Coordinator, Beaverhead-Deerlodge National Forest, 420 Barrett Street, Dillon, MT 59725, phone (406) 683-3864.

**RESPONSIBLE OFFICIAL**

/s/ M. Earl Stewart

April 15, 2009

EARL STEWART  
Acting Forest Supervisor  
Beaverhead-Deerlodge National Forest

DATE

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