

Decision Notice

Barrette Creek Fuels Reduction Project

USDA Forest Service
Ninemile Ranger District, Lolo National Forest
Missoula County, Montana

1.0 Background

The purpose of this project is to reduce the hazardous fuels on 685 acres between the Bird and Fire Creek Drainages and make progress towards achieving Missoula County Community Wildfire Protection Plan goals. The area is located near Huson, Montana and is considered to be within the wildland urban interface. There are approximately 16 residences within a two mile radius of the project area. The fuels specialist and the District silviculturist determined this area to be high priority for immediate treatment due to the fuels conditions and surrounding infrastructure. The Barrette Creek Fuels Reduction project is located adjacent to the Starkhorse Timber Sale which was completed in 2003. The Barrette Creek project would connect together the Starkhorse Timber Sale and the Upper Ninemile Fire Complex of 2000. The combination of previous fuels treatment and wildland fire provides a defensible fire suppression area for residents in the Ninemile Valley community. It was determined that fuels reduction treatments would reduce fire effects within the treated stand and increase safety and efficiency of initial attack fire resources working to contain a fire once started. The stands selected for treatment are strategically located to best meet project objectives.

The project area is located within Management Area 16, 23, and 25. The goals for Management Area 16, 23, and 25 are to provide for healthy stands of timber and optimize timber quality by developing an equal distribution of timber age classes. In addition, MA 16 focuses on providing wildlife habitat and maintaining water quality and stream stability. Management Areas 23 and 25 both strive to achieve the visual quality objectives of Partial Retention. They also provide forage for deer and elk, and provide for increased wildlife habitat. The Lolo National Forest Plan provides the overall guidance for management of the Lolo National Forest. (Lolo National Forest Plan, 1986) (see EA pages 1,2,3)

The proposed action would implement activities that are of limited scope and duration, affecting only the immediate area around the proposed treatment units. The project would be implemented over a period of one to three years and was designed to minimize environmental effects through fuel treatment location, timber harvest methods, silvicultural prescriptions and design features of the project. The Forest Service found no significant issues or unresolved conflicts concerning alternative uses of available resources that warrant consideration of additional alternatives.

2.0 Decision

Based upon my review of the Environmental Assessment, the Finding of No Significant Impact; comments from the public and agencies; resource reports; and the project file, I have decided to authorize the implementation of the Barrette Creek Fuels Reduction project. This project will reduce hazardous fuels on approximately 685 acres, including the salvage of bark beetle tree mortality. Improvement cutting will be implemented on 655 acres to reduce crown density to 70-100 square basal area. The remaining 30 acres will be treated non-commercially using slashing and hand-piling techniques. No broadcast prescribed burning will occur; however; landing piles and hand piles will be burned. (see EA pages 6-7)

Additional activities authorized by my decision include: 800 feet of temporary road could be constructed, if needed, to shorten skidding distances; 3-S closure level on roads 16225, 16226, 16222, and 16221; techniques for road closure may involve ripping, re-contouring, water bars, culvert removal, seeding, fertilizing and ground based treating for noxious weeds; ground based weed treatment of skid trails, landings, and burned landing piles; and seeding of these areas with certified weed-free seed mixtures. These proposed actions include design features to avoid the need for additional mitigation. (see EA pages 7-10) No mitigation actions are required to implement the proposed actions because analysis of effects did not indicate a need for any mitigation.

ALTERNATIVE CONSIDERED BUT ELIMINATED FROM DETAILED SURVEY

Alternatives for the Barrette Creek Fuels Reduction project were considered and eliminated from detailed study by the USDA. (See EA, page 4)

3.0 Public Involvement

Public involvement included listing the project in the Lolo National Forests NEPA Quarterly Project List on March 15, 2005. Additionally, direct mailings were sent to 47 individuals, agencies, and organizations on April 5, 2005, collaboration with citizens of the Ninemile Valley, and through meetings and two site visits. There were no written comments received during the scoping or comment periods. The only comments came through verbal communication with the specialists during the open house and the field trip. All comments were positive and supportive of the project.

On March 30, 2005, a public meeting was held for the Barrette Creek Fuels Treatment Proposal. Focus of the meeting was to initiate the collaborative process with the public and introduce interested parties to the objectives of the project. The meeting included many members of the Inter-Disciplinary Team planning the project as well as other District personnel. Maps of the project were provided to the eight attendees and the silviculturist led a discussion about the proposed vegetation treatments for the project.

On April 28, 2005, a site-visit to the proposed Barrette Creek Fuels project was held and fifteen members of the public attended. This field trip provided an opportunity for participating members to walk through the project area and learn about proposed treatment options. Attendees were encouraged to ask questions and provide comments and feedback to Ninemile District representatives. The field topics included proposed unit boundaries, commercial harvest proposals, and potential prescribed fire treatments.

When the Barrette Creek Fuels Reduction project was originally proposed in March 2005, it fit within a category of actions that was excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA). Category 10, Hazardous Fuels Reduction Categorical Exclusion (HFRCE), included hazardous fuels reduction activities using prescribed fire and mechanical methods (Forest Service Handbook (FSH) 1909.15 section 31.2(10))¹.

In December 2007, the U.S. Ninth Circuit Court of Appeals, in their decision on *Sierra Club v. Bosworth*, declared the HFRCE invalid because it concluded that the Forest Service failed to properly assess the significance of the hazardous fuels reduction categorical exclusion and failed to demonstrate that the agency made a reasoned decision to promulgate the HFRCE. This meant that CE Category 10 could no longer be used to authorize projects. On November 25, 2008, the Forest Service was enjoined from proceeding with the Swamp Creek Hazardous Fuels project, as well as numerous other fuel reduction projects across the nation. This injunction nullified the project's Decision Memo signed in May 2006 that authorized project activities. Prior to proceeding with the project, the Forest Service is required to complete an environmental assessment and issue a new Decision.

The 30-day comment period on the EA began with publication of the legal notice in the *Missoulian* newspaper on March 23, 2009. At the close of the comment period, no comments had been received.

Issue Resolution

The Forest Service found no significant issues or unresolved conflict concerning alternative uses of available resources. No additional issues were identified that would require another alternative to address them. Throughout the planning process and scoping of this project all public comments have been supportive.

4.0 Finding of No Significant Impact

After considering the environmental effects described in the Barrette Creek Fuels Reduction Environmental Assessment (March 2009) and the associated documents and the fact we received no comments specific to the Draft Finding of No Significant Impact, I have determined that the selected alternative will not have a significant impact on the quality of the human environment based on context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. The Finding of No Significant Impact is included with the Environmental Assessment.

I base my findings on the following:

The Forest Service found no significant issues or unresolved conflicts concerning alternative uses of available resources that warrant consideration of additional alternatives. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significance, as used in NEPA, requires consideration of both context and intensity.

¹ 36 CFR 220.6(e)(10) as of July 24, 2008

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety due to the standards and design features set on the implementation of the fuels, herbicide, and air quality measures to be taken. (EA pages 7-10)
3. There will be no significant effects on unique characteristics of the area because there are no known cultural or heritage sites present. The project area does not contain any parklands, prime farmlands, wild and scenic rivers, wetlands, or ecological critical areas. (EA page 13)
4. Based on the context of the project, my review of the public comments, and the analysis documented in the EA and project file, I do not find any effects on the quality of the human environment to be highly controversial. (EA page 3-4)
5. Based on my review of this project and the analysis in the EA and project file, I conclude that there are no uncertain or unique characteristics in the project area which have not been previously encountered or that would constitute an unknown risk to the human environment.
6. The action is not likely to establish a precedent for future actions with significant effects because the Barrette Creek Fuels Reduction project is site-specific and any proposed future project must be evaluated on its own merits and effects.
7. The cumulative impacts are not significant based on the findings stated in the EA and project file. (EA pages 10-28)
8. The actions will have no significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. No known cultural or religious sites were identified. (EA page 13)
9. This project will not adversely affect any threatened or endangered species or their habitats that has been determined to be critical under the Endangered Species Act of 1973. (EA pages 16-25)
10. The proposed action meets all federal, state, and local laws, including those for air quality (EA, page 12), heritage resources (EA, page 13), water quality (EA, pages 15), and threatened and endangered species (EA, pages 16, 18-20). It also meets the National Environmental Policy Act disclosure requirements (Barrette Creek Fuels Reduction EA).

5.0 Rationale for My Decision

I have determined that my decision is consistent with all laws, regulations, and agency policy. I have considered the potential cumulative effects with past, present, and reasonably foreseeable activities. I believe that my decision provides the best balance of management activities to respond to the purpose and need, environmental concerns, social issues, and public comments while complying with all applicable laws and regulations.

6.0 Findings Required by Other Laws and Regulations

I have reviewed this Decision for compliance with laws, regulations, and policies. My decision is consistent with all laws, regulations, and policies. Findings required by major environmental laws, the Forest Plan, the Environmental Justice Executive Order and compliance with other laws, regulations, and policies are listed in the EA, specialist reports, the project file, and the Forest Plan.

7.0 Administrative Review and Appeal Right

No comments were received during the 30-day comment period that commenced with publication of legal notice in the Missoulian newspaper on March 23, 2009. Thus, pursuant to 36 CRF part 215 regulations, this Decision is not subject to appeal. Implementation may begin immediately upon publication of legal notice of the Decision in the Missoulian newspaper.

For additional information concerning this Decision or the Forest Service appeal process, contact Garry Edson, Ninemile Ranger District, Lolo National Forest, 20325 Remount Road, Huson, MT 59846, (406) 626-5408. Information is also available at <http://www.fs.fed.us/r1/lolo/projects>



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Date

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