Decision Notice
& Finding of No Significant Impact

Anaconda Job Corp Wildland Urban Interface Fuels Hazard Abatement

USDA Forest Service
Pintler Ranger District, Beaverhead-Deerlodge National Forest
Deer Lodge County, Montana
T. 5 N., R. 12 W., portions of Sections 17 & 20

Background

The Anaconda Job Corps Wildland Urban Interface Fuels Hazard Abatement Project was proposed and planned in response to elements of the National Fire Plan and the President's Healthy Forest Initiative, which address hazardous fuels reduction and reduced risk from wildfire to people and property.

The Healthy Forests Restoration Act (HFRA), passed in December of 2003, provides improved statutory processes for hazardous fuel reduction projects on certain types of at-risk National Forest System (NFS) and Bureau of Land Management (BLM) lands. It also provides other authorities and direction to help reduce hazardous fuel and restore healthy forest and rangeland conditions on lands of all ownerships.

Title I of the HFRA focuses primarily on expedited hazardous fuel treatment on some National Forest System and Bureau of Land Management lands at risk of wildland fire and insect or disease epidemics. The act encourages Federal agencies to involve State and local governments and citizens when developing plans and projects for vegetation treatment of Federal lands. The HFRA is consistent with community-based wildland fire planning, watershed planning, and related ongoing efforts under the National Fire Plan (http://www.forestsandrangelands.gov/NFP/index.shtml) and A Collaborative Approach for Reducing Wildland Fire risks to Communities and the Environment: 10-Year Comprehensive Strategy Implementation Plan (December 2006). The HFRA does not duplicate or replace these ongoing efforts.

The project responds to the National Fire Plan which provides a strategy for a comprehensive approach to the management of wildland fire and hazardous fuels on Federal and adjacent State, tribal and private forest and range lands in the United States. This strategy emphasizes reducing the risk to communities and the environment by implementing vegetation treatment to reduce hazardous fuels.

The Purpose and Need for this project can be found in the EA, pages 8-9. The specific objectives related to the purpose and need for the Anaconda Job Corp Wildland Urban Interface Fuels Hazard Abatement project include:

- **Reduce hazardous fuels in the wildland-urban interface (WUI)**

The forest stands are generally lodgepole pine with juniper ladder fuels and surface fuels in the understory. The current fuel conditions make the area susceptible to rapid fire spread and promote high intensity fires and higher flame lengths.

Anaconda-Deer Lodge County defined the WUI in their Community Wildfire Protection Plan (CWPP). It is based on the nationally-recognized HFRA WUI definition. The Anaconda Job Corps project area is within the county-defined WUI.

Treatments will increase the effectiveness firefighting resources will have when fighting a wildland fire within the project area, adjacent to the Anaconda Job Corps Center and private homes in the Foster Creek Drainage.

- **An increase in firefighter and public safety**

The difficulty of suppressing intensely burning wildfires increases significantly when populated areas are threatened. Not only are firefighters at risk, but forest users and the citizens of the threatened community are also in danger. The Anaconda Job Corps Center has an approximate population of 240 students living in 4 dormitories on the center with 70 additional staff members who live or work on site. The remaining facility consists of 31 additional structures. There are also approximately 5 private residences

along Foster Creek Road above and below the Anaconda Job Corps Center.

The Anaconda Job Corps students use the surrounding forest for social and recreational activities, increasing human caused fire potential. In 1999, a human caused fire started and rapidly burned 30 acres less than ½ mile north of the Job Corps Center.

The infrastructure is such that firefighting capabilities and the safety of the Anaconda Job Corps residents are limited or hindered because Foster Creek Road is the only access into and out of the area. Treatments will provide for more effective structure protection and safer evacuation in the event of wildfire.

The goals of the treatments are to break up the concentrations and continuity of beetle-killed lodgepole pine and live woody fuel, and change the potential fire behavior from a high intensity, high severity crown fire situation to low intensity, low severity surface fire type. The treatments will help create defensible spaces near private and Forest Service values at risk. This in turn will enable firefighters to better suppress fire, protect infrastructures and safely evacuate the Anaconda Job Corps residents and the public should a wildfire occur in the area.

- **Restoration of the vigor of aspen stands**

Lodgepole pine, Rocky Mountain juniper, and Douglas-fir are well established as understory and overstory trees in aspen stands. They are weakening the health and vigor of the aspen. Healthy stands of aspen have a 'dampening' effect on fire. Restoring a healthy component of aspen will reduce the risk from fire in the area surrounding the Anaconda Job Corps Center.

- **Reduction of stand densities and removal of dead/dying/infested material**

The desired vegetation condition is to have park-like, open stands of forest vegetation around the Anaconda Job Corps campus, free of potentially hazardous snags, and resilient enough to withstand a potential wildfire in the understory without killing a majority of the overstory trees in the area. Vegetation will consist of trees of low flammability such as aspen, and conifers with sufficiently wide crown spacing to avoid a crown fire.

Maintaining a low tree density, combined with changes in the species composition, will also help to minimize future bark beetle infestations and maintain open canopy conditions. Removing dead and dying trees will reduce the future cost of fire suppression efforts.

Decision

On May 20, 2009, I decided to implement a modified Proposed Action, which will meet the purpose and need by reducing hazardous fuels in the vicinity of the Anaconda Job Corps Center. That decision did not include treatment in Units 6, 10b, 10c, 10d, 10e, and the southeast portion of Unit 10a; and I indicated a separate decision for treatment in Units 6 and the southeast portion of Unit 10a may be considered in the future. I have since considered treating Units 6 and the southeast portion of Unit 10a and have decided to treat portions of these units as reflected on the attached map.

This decision includes two treatment units for a total of approximately 26 acres adjacent to the Anaconda Job Corps Center. The project is located approximately 9 miles west of Anaconda, Montana, in T5N, R12W, Sections 16-21 (see attached project map).

I have reviewed the Revised Beaverhead-Deerlodge Forest Plan (2009) and find no reason to alter the project. This decision complies with all applicable Forest Plan direction and includes the following treatments (EA pp. 12-18):

Treatment for Unit 6 (22 acres)

The treatments for this unit are designed to reduce hazardous fuels by removing dead and dying lodgepole pine trees (trees 5 to 15 inches in diameter and larger) on approximately 22 acres affected by mountain pine beetle. Mountain pine beetle-affected lodgepole pine trees (dead/dying) will be the primary target for removal. Douglas-fir and aspen are the preferred residual trees, along with mature lodgepole pine that may not be affected by mountain pine beetle. Harvested trees will be whole tree yarded to landing sites. Where suitable, live trees are retained, post-treatment target basal area per acre could range from 60 to 120; and canopy cover ranging from 10 to 40 percent cover across the treated areas. Within the treatment unit, areas with heavy concentrations of debris (resulting from the harvest and

slashing activities) will be hand piled and chipped or burned.

Existing roads and trails within the stand will be used for skidding where available; additional skid trails will be designated by the sale administrator prior to skidding.

The unit was chosen based on proximity to the Anaconda Job Corp Center, as well as terrain (slope).

> Response to Purpose and Need: The goals of removing dead and dying lodgepole pine trees are to maintain the health and overall vigor of these stands. Douglas-fir with larger fuller crowns will be retained, along with individual aspens and aspen clones. Incidental lodgepole pine not currently impacted by mountain pine beetle will also be retained if free of dwarf mistletoe or not damaged from operations. These treatments will provide greater firefighter and public safety during suppression efforts around the area because of reduced fuel and subsequent fire behavior. Structures around the center will be protected more effectively and with fewer resources because of the reduction in fuels.

Treatment for 10a (4 acres)

Treatment Unit 10a is designed as a fuel break situated directly adjacent to the Anaconda Job Corp campus. Mountain pine beetle-affected lodgepole pine trees (dead/dying) are the primary target for removal. Dense concentrations of sapling and pole-size conifer trees 4 inches in diameter or less will be cut down and removed or burned on site. Areas with heavy concentrations of debris (resulting from the harvest and slashing activities) will be hand piled and/or burned.

> Response to Purpose and Need: As with the other unit, the goal of removing dead and dying trees is to maintain the health and overall vigor of this stand. Changing the horizontal and vertical dead and live fuel configuration adjacent to the Job Corp campus and outbuildings will provide greater firefighter and public safety during a fire event. Structures around the center will be protected more effectively and with fewer resources because of the reduction in fuels. Breaking up concentrations of dense understory patches will help to minimize the chance of a surface fire reaching the upper canopies of mature trees and developing into a crown fire.

Aspen Management

All aspen (individual mature trees and large groups of clones) will be retained. Conifers found within healthy aspen clones will be considered for cutting or girdling to reduce competition for light and water, and to remove future conifer seed sources. Live conifers 15 inches in diameter or greater found within the clones will be considered for girdling. Smaller live conifers within the clone will be cut and left on site. Openings in the canopy will allow for increased vigor and growth of individual aspen, and stimulate suckering (Sheppard 1996).

> Response to Purpose and Need: The goal of removing conifers found within aspen clones is to promote the health and overall vigor of the aspen in the treatment units, which will have a dampening effect on fire and reduce the risk from fire in the area surrounding the Anaconda Job Corps Center.

Table 1: Description of Units, Acres, Fuel Treatments and Mitigation

Unit	Acres	Fuels Treatment	Mitigation
6	22	Remove dead/dying lodgepole pine & treat debris*	Soils: One of the yarding/landing areas for Unit 6 will be located in the previously disturbed and adjacent cleared area to the northeast of the existing sewage lagoon. Soils: To break up and restore areas of detrimentally compacted soil after harvest operations are complete, yarding/landing areas and trails will be ripped to a minimum depth of 6 inches.
10a	4	Dense concentrations of sapling and pole-size conifer trees (4 inches dbh or less) will be cut down to minimize the chance of a	Heritage: If cultural sites are found they will be avoided. Soils: To prevent severe soil burning, slash piles will be burned only when the underlying soil is wet or saturated as in early winter or spring. No slash piling or burning will occur in the existing

Unit	Acres	Fuels Treatment	Mitigation
		surface fire reaching the upper canopies of mature trees and developing into a crown fire – treat debris* Maximum allowable burn area for this unit is 461 acres.	wildfire burn area in the unit. No slash piling or burning will occur in the heavy conifer ground fuel area located in an unnamed drainage immediately west and downslope of the 7237 foot peak along the eastern edge of Unit 10. Soils: To minimize post fire treatment erosion and flooding risks to Foster Creek and Job Corps Center facilities, prescribed fire broadcast burning will be limited to dominantly south or southwesterly aspect slopes, within the watershed sub-basin that drains directly into the Anaconda Job Corps Center vocational building complex. Outside of this sub-basin, burning may occur on all slopes.
TOTAL ACRES	**26**	*Within treatment units, areas with heavy concentrations of debris (resulting from the harvest and slashing activities) will be hand piled followed by chipping or burning.	

The following design features are considered part of this decision.

Aquatics

1. Site-specific Best Management Practices (BMPs) or Soil and Water Conservation Practices (SWCPs) will be applied.
2. No fuel or other toxicant storage or fueling of equipment will occur within RCA's (Riparian Conservation Areas).
3. Recondition 0.9 miles of Foster Creek Road by constructing 4 or 5 drain dips to control surface water drainage, installing 1 culvert to control surface water drainage, and gravelling 1/3 mile of road to stabilize road surface.
4. All trees between Foster Creek Road, from the Forest boundary to the turn into the Anaconda Job Corps Center would be marked with "No Firewood Cutting" signs to prevent future loss of large woody debris.

Fire/Fuels

1. "Jackpot" burning of heavy concentrations of debris and burning of handpiles will be monitored to ensure low risk of escape and to observe fire behavior.

Scenery

1. Low cut (less than 6 inches) visible stumps within 100 feet of Foster Creek Road.
2. Grind down or remove all visible stumps within 50 feet of Anaconda Job Corps Center residences and administrative buildings on the upper campus.
3. Where possible, locate landings and slash piles so as not to be visible from Foster Creek Road and the Anaconda Job Corps Center residences and administrative buildings. Where landings and slash piles are located in these areas, recontour and reseed these areas after cessation of logging activities.
4. Dispose of slash promptly, and ensure 95% consumption of slash piles, with the remainder scattered. Within 50' of Anaconda Job Corps Center residences and administration buildings, slash larger than 3" diameter will be removed.
5. Avoid creating unnatural patterns by meandering skid trails and, where openings are created, mimicking the form of natural openings.
6. Mimic natural patterns in treatment design and operations, especially in the elements of form and line. Create natural appearing, meandering edges, and tie into existing meadows and clearings. Retain smaller, low-branched trees along the back edge of the unit to minimize a "bole-edge effect", where feasible.

7. Remove dead standing whips, and trees damaged by logging operations. Retain small trees where they occur in groups or clumps.

Soils

1. Harvest will occur during the dry season or when the ground is frozen to a minimum depth of 3 inches.
2. Riparian areas and poorly drained inclusions within the cutting units will be identified and excluded from tree removal activity.
3. Multiple pass skidding trails will be designated and located by the sale administrator, will be located on previously disturbed areas, and will be spaced no closer than 100 feet apart.
4. Yarding/landing areas will be located on previously disturbed areas (clearings, roads, trails) where possible.
5. To prevent post harvest soil damage and/or weed infestations, yarding/landing areas and haul/access trails will be effectively closed to non-authorized vehicle use.

Weeds

1. Spread slash and native material (e.g. needle mulch) over bare soil to prevent non-native species, minimize erosion potential and facilitate native species colonization.
2. Displaced topsoil and native plants will be stored and used to restore landings. The use of native seed will be required where seeding is deemed necessary.
3. Monitoring and weed treatment will occur in accordance with the BDNF Noxious Weed Control FEIS (2002).
4. In order to prevent the spread of noxious weeds into the project area, all off-road logging and construction equipment shall be cleaned and inspected prior to entry in the project area. This cleaning shall remove all soil, plant parts, seeds, vegetative matter, or other debris that could contain or hold seeds.

Wildlife

1. If threatened, endangered or sensitive species are observed at or within ½ kilometer of the project area notify the District Biologist within 24 hours.
2. If new (previously unknown), active Northern Goshawk nests are discovered in the project implementation area prior to or during the project implementation, activities within 100 meters of the nest would halt and the Forest Service will be notified. For active northern goshawk nests, a 16 hectare (40 acre) no activity buffer will be established around the nest to conserve the nest area, and no activities will occur within a 68 hectare (170 acre) buffer until after August 15th.
3. Logging activity will not occur from March 15 through July 1 to remove the potential for impacts to denning and nesting mammals and birds both resident and migratory (i.e. fisher, black-backed, three toed and hairy woodpeckers). This also aids in reducing the potential for adverse effects to riparian habitats and upland soils.
4. No old growth will be treated. The stand does not meet old growth criteria (Green et al. 1992); however; if a patch of forest within the stand that has old growth characteristics (i.e. multi-storied with a large diameter tree component in the overstory (greater than 21 inches dbh), large diameter snags with excavated cavities, and large downed woody debris) would be removed from any treatment activities.
5. Retention of 6.4 snags greater than 15” dbh per acre will occur in treated areas grouped at the edge of treatment units, or in protected areas when snags of that size are available. Retain all live trees 15” and larger dbh to provide the opportunity for large snag availability in the future. All snags, including soft snags (Douglas-fir, ponderosa pine or snags in advanced decay) greater than 15” dbh and all snags of any kind over 20” dbh would be left in the unit for snag-dependent wildlife and potential raptor nest trees; unless they pose a safety hazard to operators and/or the public (i.e. are located within 1.5 - 2 tree length from a building or road open to the public for motorized vehicle travel).

6. Any fence reconstruction will be compatible with wildlife. The fence will have 3 wires with the following spacing top to bottom in inches: 12 – 10 – 16. The top height of the fence will not exceed 38 inches and the bottom wire will be smooth. For more details, refer to wildlife_fence in project file or http://www.fws.gov/pacific/jobs/orojitw/standard/fence-wldf.htm
7. If a raptor nest is determined to be active, no logging activities with the exclusion of hauling will occur within 100 meters of the nest until August 15. This includes the Red-tailed hawk nest should it be determined to be active during the year of project implementation.
8. Provide habitat for species requiring large woody debris in forested habitat types by retaining post project outcomes for regeneration harvest of the following 6 pieces per acre with small end diameter equal to or greater than 8 inches and 10-ft long.

Rationale

This project will reduce hazardous fuels and subsequently reduce the safety risk and loss of infrastructure on the Anaconda Job Corps Center facilities, Administrative site, and private lands. By reducing fuel loads and breaking up fuel continuity, the ability to effectively suppress fires within the project area will increase. Not only will treatment help to protect the Anaconda Job Corps Center from unwanted consequences of fires starting in forested lands outside the administrative site, but treatment allows firefighters to more actively suppress human-caused fires starting adjacent to the center and burning into the forest.

The Beaverhead-Deerlodge National Forest is working in conjunction with the Anaconda Job Corps Center and following the Anaconda-Deer Lodge County Community Wildfire Protection Plan (CWPP). The CWPP was produced in 2005 as a collaborative effort (EA p. 5).

The CWPP identifies the Job Corps Center as a High Priority Protection Zone (PF Doc B008, Figure 10), Moderate to High risk for Ignition Probability (PF Doc B008, Figure 7) and Moderate to High for Fire Risk/Wild Urban Interface Impact (PF Doc B008, Figure 9). The CWPP also identified the Anaconda Job Corps Center as an important structure within the WUI and of high value to Anaconda-Deer Lodge County and the State of Montana (PF Doc B008, p. 14) (EA p. 5).

When compared to the No Action alternative this alternative will meet the purpose and need by reducing hazardous fuels in the wildland-urban interface (Purpose and Need, EA pp. 8-9). The Proposed Action will increase safety to the public and students and faculty located at the Anaconda Job Corp Center. This alternative meets requirements under NEPA, NFMA, ESA, Clean Water Act, and Clean Air Act (see full description in the FONSI, Findings Required by Other Laws and Regulations).

Units were chosen based on proximity to the Anaconda Job Corp Center and Foster Creek Road, as well as terrain (slope).

Other Alternatives Considered

No other alternatives were considered in detail. According to the HFRA (2003), when a project is to be conducted in the wildland-urban interface and is located very near an at-risk community, the agency is not required to study, develop, or describe any alternative to the proposed agency action (EA p. 18).

Public Involvement

The project was first listed in the Beaverhead-Deerlodge National Forest Schedule of Proposed Actions (SOPA) in the April – June 2007 issue and has appeared quarterly to date. This listing informed the public of our plan to analyze the Anaconda Job Corps area for fuels/fire risk (PF Doc A001).

The Anaconda Job Corps WUI Fuels Hazard Abatement project area was defined in the Anaconda-Deer Lodge County Wildfire Protection Plan as an area with a high priority for treatment. This priority was determined using the Fire Mitigation Prioritization Matrix which considers four elements: 1) WUI Priority Protection Zone, 2) Fire Behavior Fuels Model, 3) Fire Regime Condition Class, and 4) Ignition Probability (PF Doc B008, p. 29).

A scoping letter, dated March 26, 2007, was mailed to 93 recipients, and included a map of the proposed treatment units. Ten individuals or organization representatives responded to the scoping letter (PF Doc A003-A015).

A Draft Decision Memo for comment was mailed June 25, 2007, to the ten individuals and organizations that responded to the scoping letter. Six comments were received on this draft document (PF Doc G001-G010).

On three separate occasions (6/26/07, 1/15/08, and 6/17/08) Pintler District Ranger Charlene Bucha Gentry met with the Anaconda-Deer Lodge County Commissioners. These were public meetings, with advance notice to the public, where the proposed project was discussed (PF Doc C001, C004 and C005).

On May 20, 2008, forest archeologists met with the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Shoshone-Bannock Tribes of the Fort Hall Reservation. At this meeting the tribes were briefed on proposed forest projects including the Anaconda Job Corps Wildland Urban Interface Fuels Hazard Abatement project (PF Doc C006 and C007).

On December 5, 2007, the Ninth Circuit Court ruling in *Sierra Club v. Bosworth* invalidated the use of categorical exclusion (CE) Category 10 as described in FSH 1905.15 31.2 and remanded the case back to the District Court. In November 2008, the U.S. District Court issued a ruling stating the use of the category related to hazardous fuels reduction projects could not be used until the effects of the category were further analyzed under NEPA. Because of the invalidation of the CE for hazardous fuels reduction projects, the Beaverhead-Deerlodge National Forest took the Proposed Action and environmental effects analysis used to support the CE, along with public comments on the Draft Decision Memo, and developed an Environmental Assessment (EA p. 4).

A public meeting was held during the Anaconda-Deer Lodge County Commissioners meeting on November 18, 2008 at 7:00 p.m. Pintler District Ranger Charlene Bucha Gentry gave a project briefing and was available to answer questions from the public. Advanced notice of this meeting was sent to local media (PF Doc C011).

A Draft Environmental Assessment for comment was mailed December 17, 2008. This additional 30 day comment period was intended to: 1) provide the public with an additional opportunity to review the environmental analysis prior to the issuance of the Draft Decision Notice/FONSI (Finding of No Significant Impact) and provide input prior to the objection process, 2) provide the decision maker with an additional opportunity to better understand public perspectives on the project prior to the objection process (PF Doc H001-H005).

Five comments were received during the 30 day comment period (PF Doc H006-H010). Responses to comments provided during this period are included in Appendix A to the EA (PF Doc I003).

This project was subject to a predecisional review, or objection period, as described in 36 CFR 218. The Forest received two objections and held an objection resolution conference call on April 13, 2009. Notice of this meeting was posted on the Beaverhead-Deerlodge National Forest website (PF Doc I011).

All of the comments provided to the Forest Service throughout the analysis process were considered in making this decision.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmenal effects is not biased by the beneficial effects of the action.

   I considered beneficial and adverse impacts associated with the alternatives as presented in the EA and in the project file. The overall impact of the selected alternative will be beneficial, with no long-term adverse impacts. Impacts from the selected alternative are not unique to this project. Previous projects involving similar activities have had non-significant effects. On this basis, I conclude that the specific and cumulative effects of the selected alternative are not significant (EA pp. 18-38).

2. There will be no significant effects on public health and safety, because by implementing the selected alternative and mitigation measures listed in the Decision Notice and EA it is my determination that the selected alternative will have no significant adverse effects on public health

and safety. All prescribed burning will comply with State Air Quality Standards (see EA pp. 18-38).

3. There will be no significant effects on unique characteristics of the area, because
    a. Effects on cultural resources have been analyzed and the analysis found that the treatments will not impact any known cultural sites (EA p. 22).
    b. No wetland areas will be disturbed or lost by the treatment activities (EA p. 22).
    c. The project area does not contain any parkland, prime farmlands, wild and scenic rivers, or ecologically critical areas (EA pp. 18-38).
4. The effects on the quality of the human environment are not likely to be highly controversial because the analysis did not indicate any highly controversial issues. A range of public comments both supporting and objecting to various provisions of the proposed action were received throughout the development of this proposal (PF Doc H006-H010, and I003).
5. We have considerable experience with the types of activities to be implemented. The selected alternative is similar to many past actions and its effects are reasonably expected to be similar. Based on the results of past actions and professional and technical insight and experience, I am confident we can understand the effects of these activities on the human environment. There are no unique or unusual characteristics about the area or selected alternative that indicate an unknown risk to the human environment. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA pp. 18-38).
6. The action is not likely to establish a precedent for future actions with significant effects, because the selected alternative is similar to other projects on the Beaverhead-Deerlodge National Forest and does not set a precedent (EA pp. 18-38).
7. There is no indication of any significant adverse cumulative impacts to the environment. The effects of this project combined with the effects of past, other present, and reasonably foreseeable actions will not have any significant cumulative effects (EA pp. 18-38).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because the cultural resource surveys found no significant sites (see EA p. 22).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. The Forest Service prepared biological assessments for federal threatened, endangered, and candidate wildlife, fish, and plant species, which could be affected by this project (EA pp. 19-20, 23, 30-38).
    a. The project will have ‘no effect’ to the yellow-billed cuckoo (EA p. 30).
    b. The project ‘may affect, but is not likely to adversely affect’ bull trout (EA p. 22).
    c. There are no species of federally proposed, threatened, or endangered plants in the project area (EA p. 24).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment (water quality, air quality, cultural resources, and threatened and endangered species). Applicable laws and regulations were considered in the EA (EA pp. 18-38). The action is consistent with the 2009 Beaverhead-Deerlodge Forest Plan (EA pp. 11-12, 18-38).

Findings Required by Other Laws and Regulations

As required by the National Forest Management Act, this decision is consistent with the Revised Beaverhead-Deerlodge Forest Plan (2009).

My decision is consistent with all laws, regulations, and agency policies. Findings required by major environmental laws are summarized below. Compliance with other laws, regulations and policies are listed in the EA, the project file and the Forest Plan.

National Forest Management Act (NFMA) (16 USC 1600 et seq.) and consistency with the Forest Plan: The NFMA and accompanying regulations require several specific findings be documented at the project level. I reviewed the proposed action and found the following:

Consistency with the Forest Plan (16 USC 1604(i)): The Forest Plan sets management direction for the Beaverhead-Deerlodge National Forest by establishing forest-wide goals, objectives, and standards, as well as standards and objectives for individual management areas. Implementing projects consistent with this direction is how we move toward the desired condition described in the Forest Plan. Forest Plan direction provides the sideboards for project planning. In addition, NFMA requires all resource plans to be consistent with the Forest Plan (16 USC 1604(i)).

The EA has been updated to include documentation of project compliance with Forest Plan and management area direction and standards and Forestwide standards and guidelines applicable to this project. I find my decision is in full compliance with the 2009 Revised Beaverhead-Deerlodge Forest Plan, implemented March 23, 2009 (EA pp. 11-12).

National Environmental Policy Act (NEPA): My decision is in full compliance with NEPA. Council on Environmental Quality (CEQ) regulations for implementing NEPA have been followed as required by 40 CFR 1500 in the development of the Anaconda Job Corps Wildland Urban Interface Fuels Hazard Abatement Project EA, and this Decision Notice and FONSI. According to the Healthy Forests Restoration Act (2003) the EA analyzes and discloses the expected impacts of a reasonable and acceptable range of alternatives, including a “no action” alternative.

Healthy Forests Restoration Act (HFRA):

Upon review of the Anaconda Job Corps Wildland Urban Interface Fuels Hazard Abatement Project EA, I find that activities associated with the decision comply with the Healthy Forests Restoration Act (EA pp. 4-5).

Endangered Species Act: This project is in full compliance with the Endangered Species Act. In accordance with Section 7(c) of the Endangered Species Act, as amended, the Beaverhead-Deerlodge National Forest prepared biological assessments addressing potential impacts to federally listed wildlife, fish and plants. We received written concurrence from USFWS on 7/13/2007 concerning bull trout. Consultation was updated based upon changed conditions on the ground and USFWS concurred 12/4/08 (PF Doc B004 and B005).

Clean Water Act and Montana State Water Quality Standards: Upon review of the Anaconda Job Corps Wildland Urban Interface Fuels Hazard Abatement Project EA, I find that activities associated with the proposed action will comply with State of Montana water quality standards, BMPs, and associated monitoring requirements (EA pp. 19-20, 22).

Environmental Justice: Executive order 12898 requires fair treatment and meaningful involvement of all citizens regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. We have treated all citizens fairly and allowed meaningful involvement of every person regardless of race, color, national origin, or income. I find this project and the NEPA analysis comply with the Environmental Justice Executive Order.

National Historic Preservation Act, American Indian Religious Freedom Act and Native American Graves Protection Act: Cultural resource surveys have been completed for the Anaconda Job Corps Wildland Urban Interface Fuels Hazard Abatement Project area and no known cultural resources will be affected by the selected alternative (EA p. 22).

Implementation Date

The Reviewing Officer has responded to all objections received on this project and pursuant to 36 CFR 218.10(b)(2) those responses are not subject to further administrative review by the Forest Service or the Department of Agriculture.

Implementation may occur anytime after the approval of this Decision Notice.

Contact

For additional information concerning this decision contact Alex Dunn, Environmental Coordinator, Beaverhead-Deerlodge National Forest, 420 Barrett Street, Dillon, MT 59275, 406-683-3864.

__/s/ Earl Stewart_____ *_July 29, 2009_*

M. EARL STEWART
Acting Forest Supervisor
Beaverhead-Deerlodge National Forest

Date