Decision Notice
& Finding of No Significant Impact
Cave and Abandoned Mine Management for White-Nose Syndrome

USDA Forest Service
Black Hills National Forest
Custer, Fall River, Lawrence, Meade and Pennington Counties, South Dakota
And Crook and Weston Counties, Wyoming

Decision and Reasons for the Decision

Background

White-nose syndrome (WNS) is a bat disease responsible for unprecedented bat mortality in the northeastern U.S. Since it was discovered in 2007, more than 5.5 million bats have died and the fungus that causes the disease, *Geomyces destructans* (Gd), has spread as far west as Oklahoma.

In 2010 the Rocky Mountain Regional Office issued an emergency closure order, prohibiting human access to caves and abandoned mine lands (AMLs) on U.S. Forest Service lands in Colorado, Wyoming, South Dakota, Kansas, and Nebraska. This order has been renewed annually and currently expires on July 31st, 2013. Some exceptions for limited human entry were added in 2012; however access to caves is generally prohibited. To date, neither the disease, nor the fungus, has been confirmed on the Black Hills National Forest, or within the states of South Dakota or Wyoming.

Decision

Based upon my review of the EA and supporting documents, I have decided to implement Alternative 2, the proposed action, as described in the EA pages 7-8. As part of my decision I am also choosing to implement mandatory year-round decontamination for visitors to all caves, described as an optional strategy in the EA (p. 7).

The selected alternative is an adaptive management strategy with the following management tiers and thresholds:

Tier 1: Caves Open with Targeted Closures

Neither WNS nor Gd occurs within 250 miles of a ranger district boundary.

Required Activities	Optional Activities
1. Prohibit caving gear and clothing used in states or Canadian provinces where WNS is confirmed or suspected.	1. Year-round closures for caves that are known hibernacula.
2. Visitor registration system for cave access.	2. Seasonal or year-round closures for

	swarming sites and maternity sites.
3. Seasonal closures for caves that are known hibernacula.	3. Decontamination procedures for all caves. **
4. Year-round decontamination procedures for caves that are known hibernacula.	4. Decontamination procedures for abandoned mines, where appropriate.

**Optional item selected to be implemented immediately.

Tier 2: Caves Closed with Targeted Openings

WNS or Gd has been confirmed within 250 miles of a ranger district. Following the confirmation of Gd or WNS, the ranger district falls into tier 2 and implementation will occur as quickly as practicable. The responsible official may add other ranger districts or the entire national forest for management consistency.

Required Activities	Optional Activities
1. Year-round closures on all caves.	1. Targeted cave openings.
2. Decontamination before and after entry for exceptions to closures (listed in EA).	2. Decontamination procedures for targeted openings.
	3. Decontamination procedures for AMLs, where appropriate.

Tier 3: Release from Management Activities under Tiers 1 and 2

In tier 3, the management activities in tiers 1 and 2 would no longer apply. Tier 3 would allow management for unexpected behavior of the disease or unanticipated impacts to bats. It addresses the scenario, in which WNS or Gd has been confirmed, but impacts to bat populations are either minimal or undetectable or the disease is considered endemic in the analysis area. Moving to tier 3 requires a re-examination of WNS science and discussion with federal and state wildlife agencies and the regional office.

A full description of the selected alternative is available in the EA, which is available at http://www.fs.usda.gov/goto/r2/wns.

Show caves are addressed in the EA on pg. 8. One show cave, Wonderland Cave, is located on the Black Hills NF, near Nemo, South Dakota. Show caves, such as Wonderland cave, would be addressed individually through permit conditions or other mechanisms, as appropriate. Some management activities described above may be appropriate for show caves, but they would be evaluated individually during the permitting process.

Optional Activities

Optional activities described above were analyzed as possible management tools under the EA (p. 7-8). I am choosing to implement mandatory year-round decontamination procedures for visitors to all caves with this decision (optional item #3, Tier 1). Decontamination procedures

are the latest U.S. Fish and Wildlife Service protocols and can be found at the following web address:

http://www.whitenosesyndrome.org/sites/default/files/resource/national_wns_revise_final_6.25.12.pdf

Any of the other optional management activities may be selected for implementation after the decision. This should be documented with a note to the project record and appropriate public notice.

Decision Rationale

Caves and AMLs in the Rocky Mountain region are closed to human entry to protect bat species from WNS by reducing the chance that humans would accidentally introduce Gd into areas used by bats. Our understanding of WNS and its transmission has improved in the past three years. The EA discusses the effects of an adaptive management approach that better reflects the current conditions, while being responsive to future changes regarding the spread of WNS and the understanding of this disease.

The selected alternative responds to the need to reduce the potential for human introduction and spread of Gd and the impacts of WNS. It provides a consistent framework with other National Forests in the analysis area, while providing some flexibility to accommodate unique circumstances on the Black Hills National Forest.

My decision is in response to three key issues identified in the public scoping process 1) resource protection; 2) access to caves; and 3) communication and coordination.

Protection of bats and other cave resources (cultural resources, etc.) under the selected alternative include closing caves to protect hibernating bats, and additional restrictions, such as prohibiting gear used in WNS confirmed states or Canadian provinces. I have also decided to require decontamination for all cave entry.

Cavers will need to use a web-based registration system that will be available prior to implementation. This system will provide an opportunity for feedback from cavers that the Black Hills National Forest can access and review comments pertaining to WNS as well as other cave resources. In the event WNS is confirmed within 250 miles, all caves will be closed to access. Exceptions to all closures are identified in the description of Alternative 2 in the EA.

Cave access was identified as a key issue during public scoping. Some comments indicated a need for more access to cave resources, while others suggested access restrictions for bat protection. The selected alternative provides a flexible alternative that allows public access in some cases, while prohibiting access when certain situations or conditions are identified.

The selected alternative employs a coordinated effort among other National Forests within the analysis area. The framework of required actions, as well as optional strategies, provides a

consistent approach. It utilizes recommendations from the U.S. Fish and Wildlife Service and considers guidance from other state and federal plans. It is a nimble approach that adapts with the understanding and progression of the disease, and emphasizes coordination and collaboration with the Rocky Mountain Regional Office, state, federal, and other partners.

The selected alternative meets the identified purpose and need, and provides for additional key issues raised during public scoping. Alternative 1 overemphasizes public access, while not adequately addressing resource protection or communication and coordination. Conversely, Alternative 3 overemphasizes bat protection, while not adequately addressing access issues. The selected alternative provides the best response to the key issues identified by U.S. Forest Service employees, organized stakeholders, and interested members of the general public.

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives. A comparison of these alternatives can be found in the EA on pages 16-17.

Alternative 1

No Action: no closure for public access

Under Alternative 1, current management plans would continue to guide management of the project area.

Alternative 3

Full Closure: no public access

Under Alternative 3, restrictions for cave and AML management under the current emergency closure order would be selected and access would continue to be prohibited with limited exceptions (EA p. 10).

Public Involvement

While this decision applies only to the Black Hills National Forest, the proposal was much larger in scope, and preparation of the environmental analysis was coordinated by the Regional Office. A scoping letter was sent to more than 400 individuals, organizations, and state, federal, and local agencies on November 9th, 2012. It described the purpose and need, and draft components of the proposed action. All comments postmarked by December 21st, 2012 were considered and are part of the project record. Comments received after December 21st, 2012 were also taken into consideration, but were not received during the official public scoping and comment period.

Tribal consultation took place throughout the process. Approximately 150 tribes and tribal affiliates were consulted and mailed or emailed as part of the tribal consultation process. We also sent letters, further explaining the proposed action, prior to the decision. We did not receive any comments from tribes, and no additional consultation was requested.

The combined 30-day notice and comment period generated approximately 5,960 comments, including about 5,740 form emails asking for strict access restrictions to protect bats. Approximately 160 additional email responses contained some unique input and were classified

as "form plus" comments. We also received approximately 60 unique letters and emails representing bat conservation interests, individual cavers, and caving organizations. Bat conservation groups and individuals were generally supportive of blanket access closures. Recreational and research caving interests generally supported discontinuing the current blanket closure order in the Rocky Mountain region. Some comments expressed the need for a middle ground approach, with limited or seasonal access restrictions and decontamination protocols. Comments were also received from other federal, state, and local agencies. A few comments were received after the close of the 30-day comment period, and those were also considered.

The Black Hills National Forest Advisory Board (the Board) reviewed the proposal and provided recommendations to the Forest. These recommendations were considered in the analysis. This decision is consistent with many of those recommendations.

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.** The selected alternative has no significant effects. Effects of the proposed action were identified and anlayzed in the Environmental Assessment (EA p. 18 – 24) and individual resource specialist reports in the project record. There are beneficial effects of the action; however these did not bias my decision.

2. **There will be no significant effects on public health and safety.** The selected alternative has no significant effects to public health and safety. As documented in the wildlife section (EA p. 18), white-nose syndrome (WNS) is only known to affect bats.

3. **There will be no significant effects on unique characteristics of the area, such as historic or cultural resources, park lands, prime farmlands, welands, wild and scenic rivers, or ecologically critical areas.** The selected alternative has no significant effects on unique characteristics of the area. The action focuses on cave and AML resources and does not include gates or other ground-disturbing activity. Historic and cultural resources were considered and I have determined that there is no potential to affect the integity of a historic property (EA p. 23)

4. **The effects on the quality of the human environment are not likely to be highly controversial.** The selected alternative has no significant effects on the quality of the human environment. Public scoping did not indicate a high level of controversy for any such effects. The selected alternative includes management direction for caves and AMLs and includes no ground disturbing activities.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks**. The selected alternative has no significant effects, unique, or unknown risks to the human environment. The effects

analysis shows the effects are not highly uncertain, and do not involve unique or unknown risk.

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The selected alternative does not establish a precedent for future actions with significant effects. There are no significant effects of this action. Similar future actions would be based on a separate process and analysis.

7. **Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts.** The cumulative impacts of the selected alternative are not significant (EA Chapter 3). Cumulative impacts considered the direct and indirect effects of each action, combined with past, present, and reasonably foreseeable related actions, including individually insignifant actions.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cutltural, or historical resoruces.** The selected altenative 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, because there is no ground disturbance associated with this action. (EA p. 7). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because there is no ground disturbance associated with this action (EA p.7). The selected alternative was determined to have no potential to cause effects on historic properties and is documented in the project record.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Engangered Species Act of 1973.** 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, because no listed species are present in these habitats. (EA Table 2, Summary of effects and wildife specialist report).

10. **Whether the action threatens to violate federal, state, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA p. 19-20). The action is consistent with the Revised Land and Resource Management Plan for the Black Hills National Forest, as Amended by the Phase II Amendment (forest plan). (See EA p. 3).

Findings Required by Other Laws and Regulations

National Forest Management Act – This decision to implement the selected alternative is consistent with the intent of the forest plan's long term goals and objectives, especially Goal 1 and Objectives 110-112 which relate to management of caves. (Forest Plan, pgs. I-3 and I-4). The project was designed in conformance with land and resource management plan standards

and incorporates appropriate land and resource management plan guidelines, especially Standard 1401 and Guideline 1401b relating to management of caves (Forest Plan, pg. II-10); and Standards 3208 and 3209 relating to management of bat habitat. (Forest Plan, pg. II-38).

Endangered Species Act – The U.S. Fish and Wildlife Service identifies federally listed Proposed, Threatened, and Endangered species. These species were reviewed and it was determined that habitat for these species do not exist at any of the proposed cave or AML locations. Therefore, a determination of no effect on any federally listed species was made and no further consultation with U.S. Fish and Wildlife Service is required. The analysis and documented in the Biological Evaluation and Assessment which is located in the project record and available upon request.

Executive Order 12898 - The population within the analysis area was reviewed and while there are some minority and low-income populations present, it is unlikely that any alternative would have disproportionately high adverse impacts are expected. This decision is consistent with this Order. If future actions to specific sites are needed in areas with minority or low-income populations, additional outreach should be conducted to unsure no disproportionate impact might occur to those populations.

Federal Cave Resource Protection Act- All alternatives are consistent with the Federal Cave Resource Protection Act of 1988. Information concerning specific location of any significant cave is not being made available to the public. The EA lists the number of caves as known bat hibernacula and some maternity and swarming sites, by National Forest, but does not refer to any locational information.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the fifteenth business day following the date of the last appeal decision. The dates are calculated from the date of publication of the legal notice in the newspaper of record.

Administrative Review (Appeal) Opportunities

This decision is subject to administrative review (appeal) pursuant to federal regulations at 36 CFR part 215. Individuals or organizations who provided comment or otherwise expressed interest in the proposed action during the comment period may appeal. Notices of appeal that do not meet the content requirements of 36 CFR §215.14, as appropriate, will be dismissed. Names and addresses of appellants will become part of the public record.

Appeals filed under 36 CFR part 215, must be submitted (by regular mail) to: USDA Forest Service Region 2, Appeal Deciding Officer, 740 Simms Street, Golden, CO 80401 or (by fax) to 303-275-5134. The office business hours for those submitting hand delivered appeals are 7:30 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic appeals must be

submitted in a format such as an email message, rich text format (.rtf), or Word (.doc) to appeals-rocky-mountain-regional-office@fs.fed.us. The Appeal Deciding Officer is Regional Forester of the Rocky Mountain Region, U.S. Forest Service.

Appeals, including attachments, must be filed within 45 days from the publication date of notice of this decision in the Rapid City Journal, the newspaper of record for decisions of the Black Hills National Forest Supervisor. The publication date in the Rapid City Journal is the exclusive means for calculating the 45-day appeal period. Those wishing to appeal this decision should not rely on dates or timeframe information provided by any other source.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Ed Fischer, Forest appeals coordinator, Black Hills National Forest, 1019 N. 5th Street, Custer, SD, phone 605-673-9207, email efischer@fs.fed.us

DENNIS JAEGER
Acting Forest Supervisor
Black Hills National Forest

3/26/2013
Date

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