



RECEIVED
7/7/09

**DECISION MEMO
USDA Forest Service**

North End Wildlife Habitat Enhancement and Fuels Reduction Project

**Black Hills National Forest
Bearlodge Ranger District
Crook County, Wyoming**

Project Location and Description

The Bearlodge Ranger District is proposing wildlife habitat enhancement and fuel reduction north of Wyoming State Highway 24 in the Bear Lodge Mountains, between Alva and Aladdin, Wyoming. Specifically, management activities would take place in:

Township	Range	Section
54N	62W	17, 18, 20
54N	63W	1, 2, 10-14
55N	63W	23, 25, 26, 36

Controlled broadcast burning would take place on about 1,278 acres of National Forest System (NFS) lands and 210 acres of private land. In addition, thinning would occur on approximately 150 to 200 acres along National Forest System Road (NFSR) 830.4 to complete an effective fuel break (see attached map). No road construction or reconstruction would be necessary. Activities would take place over the next two to five years.

Controlled burning is proposed in four burn units totaling approximately 1,488 acres that lie north of Wyoming Highway 24 (see map). The terrain within the proposed burn units consists of fairly steep southerly aspects and relatively flat ridge tops. Ponderosa pine dominates the vegetation in about two thirds of the area, while the remaining third is characterized by grasses, shrubs, or hardwoods with scattered pine. Burning would take place in autumn or spring when weather and fuel moisture conditions tend to be most favorable. Manual and possibly aerial ignition techniques would be used.

Placement of burn unit control lines would take advantage of existing roads, topographic features, and appropriate fuel types where available. Where these features are not available, control lines would be constructed. An estimated 2.7 miles of control line would be constructed using a combination of manual labor and small machinery.

Owners of affected private lands have been contacted regarding these proposals, and formal cooperative agreements will be developed before any activity takes place on these

lands. Burning on private lands would allow the use of existing roads as control lines, reducing the need for constructed lines.

A site-specific burn plan would be developed for the proposed burns. This plan would identify the weather and fire behavior parameters necessary to conduct the burns safely and effectively. Units may or may not be completed in the same burn season dependent on weather conditions, priorities, and resource availability. Production of smoke would be inevitable, but smoke management techniques would be used to minimize nuisance smoke drifting downslope to residences.

Non-commercial thinning would take place adjacent to NFSR 830.4 in order to complete an effective fuel break along the travel corridor. For much of this corridor, crown fire resistant, open stand conditions have been created by recent vegetation management activities. However, gaps exist between these low fire hazard areas, within which stand conditions are dense, with numerous small trees. The proposed thinning would target small pines within these areas to reduce ladder fuels. The width of the thinning treatments may extend up to 300 feet from either side of the road. In other instances, the treated areas may be much narrower depending on topography and fuel conditions. See the attached map for locations of potential thinning units, throughout the rest of the NFSR 830.4 corridor; spot treatments may occur as needed where dense pine reproduction occurs.

Ponderosa pine less than five inches in diameter would be thinned to a relatively wide spacing (10-20 feet). Thinning would be accomplished manually or using machinery that chips and shreds woody materials. In areas treated manually, slash would be piled by hand and burned. Width of the fuel break would depend on fuel conditions. Lower branches on remaining trees would be pruned to raise the height of the canopy, which decreases the risk of fire transitioning from the ground surface into tree crowns.

Purpose of and Need for Action

The purpose of this project is to implement the Black Hills National Forest Land and Resource Management Plan as amended (Forest Plan) by improving the vigor of forage species in pine stands and reducing natural fuel build-up. Assessment of the project area indicates that pine stands have become overgrown with small pines, reducing the productivity of understory shrubs, forbs, and grasses and increasing fire hazard. The proposed actions would contribute toward achievement of Forest Plan goals related to wildlife habitat (Goal 2) and hazardous fuels (Goal 10). This project would improve foraging habitat for big game and other species in the project area by increasing the vigor of grasses and forbs and regenerating hardwood shrubs through the application of prescribed fire and non-commercial thinning of small-diameter ponderosa pine. In addition, reintroducing fire into this fire-dependent ecosystem would reduce existing surface and ladder fuels, thereby decreasing the risk of uncharacteristically intense wildfire. Potential wildfire intensity would be decreased by thinning pine reproduction

within the fuelbreak along NFSR 830.4 to create defensible space and strategic control points for wildfire suppression operations.

Scoping and Public Involvement

Internal scoping was conducted over the winter of 2008-9 with specialists representing wildlife, range, timber, heritage, botany, watershed, and fire resources. No significant issues were identified. Public scoping was initiated in March 2009. A packet of information was sent on March 11 to approximately 110 interested parties, including nearby landowners, tribes, other government agencies, and advocacy groups. The project description was also posted on the Black Hills National Forest planning web page. The public scoping period ended on May 17.

A total of 7 comments were received. Of these, one was from an American Indian tribe, two from state government, one from county government, and three from advocacy groups. Comments were mostly supportive and efforts have been made to clarify the project description to address concerns. For example, the map attached in this document more precisely displays locations slated for non-commercial thinning and explains that controlled burning would take place over the next two to five years, but not necessarily in the same year. The complete mailing list and documentation of scoping efforts is available in the project file at the Bearlodge Ranger District office in Sundance, Wyoming.

Decision

I have decided to implement this proposal because it would contribute toward achieving Forest Plan objectives to improve wildlife habitat through active management and reduce the probability of uncharacteristically intense wildfire in the project area.

Reasons for Categorical Exclusion

This project is categorically excluded from documentation in an environmental impact statement (EIS) or environmental assessment (EA) because the proposed action is within a category listed in the Forest Service Handbook 1909.15 Chapter 30, Section 31.2 – “Categories of Action for Which a Project or Case File and Decision Memo Are Required.” This project falls under Category 6: “Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction (36 CFR 220.6(e)(6)).”

Policy within FSH 1909.15, Chapter 30, section 30.3 states:

1. A proposed action may be categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA) only if there are no extraordinary circumstances related to the proposed action and if:

a. The proposed action is within one of the categories in the Department of Agriculture (USDA) NEPA policies and procedures in Title 7, Code of Federal Regulations, part 1b (7 CFR part 1b), or

b. The proposed action is within a category listed in section 31.12 or 31.2 of this Handbook.

I have reviewed the project file and possible effects to resources, and determined that no extraordinary circumstances exist that would make the use of a categorical exclusion inappropriate for this project. Agency policy and a summary of my review and determination follows.

2. Resource conditions that should be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS are:

a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

No threatened or endangered species are known to occur in the project area. Bearlodge Ranger District biologists determined that the proposed actions may adversely impact individuals of Region 2 Sensitive plant and animal species or Species of Local Concern (SOLC) but are unlikely to result in a loss of viability for any species across the National Forest or cause a trend toward federal listing. Biological Assessments/Evaluations for Sensitive plant and animal species are on file at Bearlodge Ranger District office.

b. Flood plains, wetlands, or municipal watersheds.

The North Zone hydrologist reviewed the project proposal and analyzed potential effects. A report is on file at Bearlodge Ranger District office. No floodplains or municipal watersheds occur within the project area. There are six small wetlands in the bottom of Reservoir Gulch along the southern boundary of the northern-most burn unit. Heavy machinery is not to be used within these wetland areas. Further design criteria and mitigation measures that will be used to reduce hydrologic impacts include minimizing the use of machinery on steep terrain and re-vegetating dozer lines after the burns are implemented.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas

No Wilderness Areas, Wilderness Study Areas, or National Recreation Areas occur within or near the project area.

d. Inventoried roadless areas.

No inventoried roadless areas occur within or near the project area.

e. Research natural areas.

No Research Natural Areas (RNA) occur within the project area. Hay Creek RNA is in the immediate vicinity of the burn units but is in a different watershed and would be unaffected by this project.

f. American Indians and Alaska Native religious or cultural sites, and

g. Archaeological sites, or historic properties or areas.

Cultural resource surveys have been completed for the National Forest System lands within the project area. Heritage resource inventory will be completed for private land within the proposed burn units prior to implementation per USFS Agreement No. 01-MU-11020000-015 (Programmatic Agreement Among the Advisory Council on Historic Preservation, the Colorado, Wyoming, South Dakota, Nebraska, and Kansas SHPOs, and the USDA Forest Service Rocky Mountain Region Regarding Implementation of the Prescribed Fire Program). Exact unit boundaries and control line placement will be finalized in consultation with the Bearlodge District archeologist and design criteria necessary to protect any cultural resource sites will be incorporated. Consultation with state and tribal historic preservation offices will be completed prior to implementation.

Findings Required by Other Laws and Regulations

Black Hills Land and Resource Management Plan (Forest Plan), as amended:

This project would contribute toward achievement of goals and objectives of the Forest Plan as amended in 2006. Goal 2 states that the Forest will “provide for a variety of life through management of biologically diverse ecosystems”. This project will contribute toward the achievement of this goal by stimulating hardwood regeneration and forage plant vigor, and providing a few new snags which some species depend on. Goal 10 in the Forest Plan states that the Forest will take a proactive approach to “establish and maintain a mosaic of vegetation conditions to reduce occurrences of catastrophic fire, insect, and disease events, and facilitate insect and disease management and firefighting capacity.” The North End Wildlife Habitat Enhancement and Fuels Reduction Project will contribute toward achievement of Goal 10 by reducing surface and ladder fuels within the prescribed burn units and fuel break.

The project is also consistent with the management area direction for the three management areas within the project area: Management Area (M.A.) 4.1- Limited Motorized Use and Forest Product Emphasis, M.A. 5.1- Resource Production Emphasis, and M.A. 5.4- Big Game Winter Range Emphasis. The timber resource’s productivity

within the project area will not be substantially affected by this project. Design criteria will be incorporated during burning operations to limit mortality in sawtimber and non-commercial thinning will not create stocking conditions that would be less than levels appropriate for a pine forested condition. The application of prescribed fire will increase density and nutritional value of forage plants for improved health of wintering big game animals.

Clean Water Act; Executive Order (E.O.) 11988 (Floodplain Management); E.O. 11990 (Protection of Wetlands):

The North Zone hydrologist reviewed this project and determined that this project would not negatively affect or impact floodplains or wetlands and would meet the requirements of the Clean Water Act. No development within a floodplain or alteration of any wetland will result from this project.

Cultural Resources/Section 106:

Cultural resource surveys have been completed for the National Forest System lands within the project area. Heritage resource inventory will be completed for private land within the proposed burn units prior to implementation per USFS Agreement No. 01-MU-11020000-015 (Programmatic Agreement Among the Advisory Council on Historic Preservation, the Colorado, Wyoming, South Dakota, Nebraska, and Kansas SHPOs, and the USDA Forest Service Rocky Mountain Region Regarding Implementation of the Prescribed Fire Program). Exact unit boundaries and control line placement will be finalized in consultation with the Bearlodge District archeologist and design criteria necessary to protect any cultural resource sites will be incorporated. Consultation with state and tribal historic preservation offices will be completed prior to implementation.

Endangered Species Act/Section 7:

No species listed or proposed for listing under the Endangered Species Act are found or likely to be found within the project area. Formal consultation with Fish and Wildlife Service was not required.

Forest Service Region 2 Sensitive Species:

Pre-field review and field surveys were completed by Bearlodge District wildlife staff in 2005. A determination of “may adversely impact individuals but not likely to result in a loss of viability in the Planning Area nor cause a trend toward federal listing” was made for the following Region 2 Sensitive animal species known to occur or with suitable habitat in the project area: fringed myotis, Townsend’s big-eared bat, American marten, western yellow-billed cuckoo, northern goshawk, flammulated owl, black-backed woodpecker, American three-toed woodpecker, Black Hills redbelly snake, northern leopard frog, and Cooper’s Rocky Mountain snail. A determination of “no impact” was made for the peregrine falcon. A determination of “beneficial impact” was made for the

Lewis's woodpecker. The completed Biological Evaluation/Biological Assessment for the burn unit areas is available in the project file at the Bearlodge Ranger District.

Implementation Date

In accordance with 36 CFR 215.9, this decision can be implemented on the 5th business day following the close of the 45 day appeal filing period if no appeal is filed. When an appeal is filed, implementation may occur on the 15th business day following disposition of the appeal. It is anticipated that implementation will begin in the summer of 2010.

Administrative Review or Appeal Opportunities

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

Paper appeals must be submitted to:

Black Hills National Forest Supervisor's Office
Appeal Deciding Officer
ATTN: Ed Fischer
1019 N. Fifth Street
Custer, SD 57730

Appeals may be hand-delivered to the office address above between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

Electronic appeals must be submitted to: appeals-rocky-mountain-black-hills@fs.fed.us

In electronic appeals, the subject line should contain the name of the project being appealed ("North End Wildlife Habitat Enhancement and Fuels Reduction Project"). It is the responsibility of the appellant to ensure their appeal is received in a timely manner. An automated response will normally confirm your electronic appeal has been received. Electronic appeals must be submitted and readable in MS Word, Rich Text or pdf formats.

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;

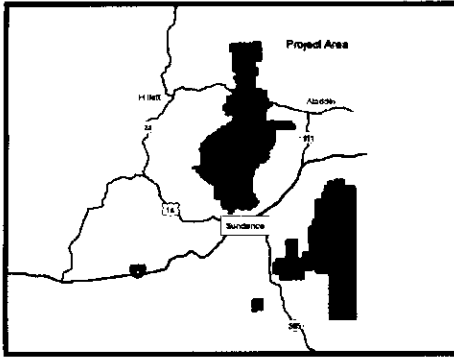
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of 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.

Contact Person

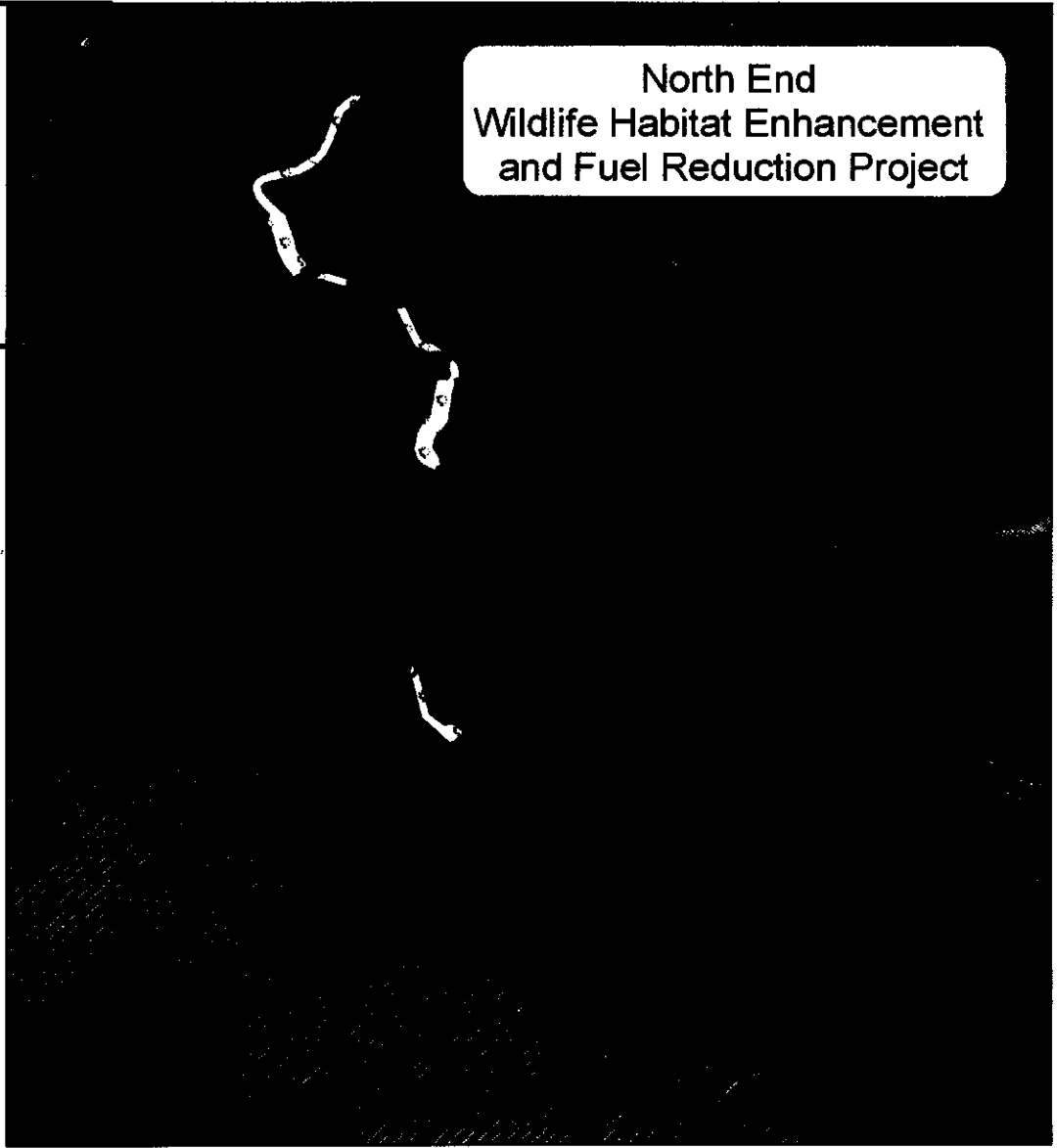
For further information about the project, contact Steve Kozel at the Bearlodge Ranger District office, 101 S. 21st St., Sundance, WY 82729; telephone (307) 283-1361. Regular business hours are 8:00 a.m. to 4:30 p.m. Mountain time, Monday through Friday, except Federal holidays.

/s/ Steven J. Kozel
 Steven J. Kozel
 District Ranger
 Bearlodge Ranger District
 Black Hills National Forest




6/16/09
Date



North End Wildlife Habitat Enhancement and Fuel Reduction Project



Legend

-  Prescribed Burn Units
-  Small Tree Thinning
-  Private Land

