

DECISION MEMO

for

Lower Cottonwood Vegetation Treatment Project

USDA Forest Service
Bridger-Teton National Forest
Greys River Ranger District
Lincoln County, Wyoming

Responsible Official:

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Overview and Background

The Greys River Ranger District, in partnership with the Wyoming Game and Fish Department, Wyoming Wildlife and Natural Resources Trust, and Wyoming Sportsmen for Fish and Wildlife proposed to prescribe burn vegetation in a 410-acre burn unit of a 660-acre project area on the Greys River Ranger District of the Bridger-Teton National Forest (BTNF) just east of Smoot, Wyoming. The Wyoming Landscape Conservation Initiative is another partner in the effort. Mechanical treatment may supplement prescribed burning on some sites.

The project area is just over 1 mile east of Smoot, and is located in Sections 3 and 4, T30N, R118W and sections 33 and 34, T31N, R118W. The project area had been identified by the Wyoming Game and Fish Department in 1983 as an area to consider for vegetation treatment to benefit wintering mule deer. Habitat in the project area provides crucial winter range for mule deer, and some elk also use the area during winter. The project area is within Desired Future Condition (DFC) Classes 4 and 10 of the BTNF Land and Resource Management Plan (Forest Plan). The project area is not within an active livestock grazing allotment.

This document tiers to the approved Forest Plan which went into effect in 1990 and it would contribute to achieving desired vegetation conditions.

Decision

I have decided to take action to improve the vigor and overall condition of forage on mule deer transition/winter range and to contribute to the restoration, health and functioning of mountain shrub, sagebrush, grassland, and aspen habitats in the project area. Mountain shrub communities include bitterbrush-serviceberry, mountain mahogany, and Rocky Mountain maple communities. Improving the health and vigor of the vegetation in these communities will contribute to meeting the purpose and need as outlined in the December 6, 2006 scoping/comment letter and will contribute to meeting desired vegetation conditions as directed in the Forest Plan.

The treatment will improve the quality of the transition/winter range by rejuvenating key shrub species and aspen, and by reducing the density of conifer trees, especially Rocky Mountain juniper. It is anticipated that approximately 40-60% of the 410-acre burn unit will be burned in a mosaic pattern. In the attached map, the burn unit is the area below (south of) the dashed line. Fire would not intentionally occur in the area above (north of) the dashed line, but it would facilitate holding.

As part of my decision for this proposal, the following design criteria will be followed when carrying out the treatment:

- The prescribed burn will be conducted during the late summer/fall of 2008, if possible, but depending on prescription parameters necessary to meet objectives, the prescribed burn may take place during the spring and/or late summer/fall of 2009 or these seasons in a future year. The prescription will be written to avoid high burn intensities on steep slopes.
- Pre-treatment activities, including slashing (cutting down) of small trees (<8 inches diameter), pruning branches from the lower 15 feet of larger diameter (e.g., minimum of 10 inches) trees, and black-lining along the boundary of the burn unit will be carried out as necessary. It is anticipated that few trees would need to be felled along the perimeter. Where pruning is done to avoid torching of trees (e.g., near burn perimeter or to protect old Douglas-fir trees), slash will be pulled away from the base of pruned trees.

- Construction of hand lines and/or black-lining along the burn perimeter will be carried out as necessary (e.g., rock outcrops, talus slopes, and other open areas will control the spread of fire beyond the perimeter).
- Falling small conifer trees (less than about 8” diameter) within aspen, mountain shrub, sagebrush, and grassland communities may be done prior to the prescribed burn in order to increase the amount of ground fuel to enhance fire spread and intensity to meet objectives. Mortality of aspen stems is needed to induce sprouting from roots. The burn prescription would be developed and applied to avoid the need for post-burn slashing, but it is possible that some key areas may not burn as prescribed. Post-burn mechanical treatment would only be carried out, as needed, in areas where fuels were too light to carry a fire and where conifer trees are encroaching. Only limited areas would be treated in this way.
- Prescribed burning would be applied through hand and aerial (helicopter) ignition.
- The prescription will be written to minimize high burn intensities on steep slopes with large proportions of rocks in the surface layer.
- Blackened areas would be monitored for erosion and bare ground exposed, and erosion control measures would be undertaken as necessary.
- Fuel storage, equipment staging, and equipment refueling facilities will be located at least 100 feet away from live stream channels. A contingency plan will be developed for spills over 25 gallons and for storage of 1,320 gallons or more.
- Noxious weeds will be controlled in areas of ground disturbance (as well as other areas in the project area, as necessary) under the existing weed-control program in cooperation with the Lincoln County Weed and Pest District. The burn prescription will consider the existing locations of leafy spurge and Dyer’s woad in the project area.
- Cultural resources discovered during implementation of the project will require that operations be halted until proper authorities are notified.
- Additional patrolling may be necessary to discourage illegal motorized use of the project area after completion of the project.
- Post-treatment rest from livestock grazing is not needed because the project area is in the “Cottonwood Recreation Area,” which is closed to livestock grazing.

Project Objectives and Monitoring

A mosaic of burned and unburned habitat is anticipated. Project objectives include (1) applying fire to a minimum of 50% of the burn unit, (2) attaining greater than 60% post-burn mortality of conifer trees (primarily juniper), (3) restoring canopy cover of bitterbrush to 50% (of pre-treatment levels) within 10 years and to pre-treatment levels within 20 years, (4) restoring canopy cover of broad-leaved shrubs to pre-burn levels within 20-30 years, and (5) treating up to 25-50% of mountain mahogany acreage on non-rocky sites.

An important part of the proposed project will be a monitoring program that will involve pre- and post-monitoring of vegetation. A pre- and post-treatment monitoring protocol has been prepared for the project and pre-treatment information has been collected. Monitoring will be conducted by the Interagency Fire Effects Crew, Wyoming Game and Fish Department, and/or Forest Service personnel as outlined in the monitoring plan. Erosion control measures will be implemented as necessary.

Communication Plan

Implementation of prescribed burning activities will be announced in advance on the local radio and in the local newspaper, signs will be posted on the Lower Cottonwood Creek Road, adjacent landowners will be contacted, and an aerial check will be performed prior to ignition activities in order to reduce safety concerns with respect to hunters and other people that may be using the area or that may plan to use the area during project implementation. Management of traffic along Cottonwood Road will be addressed in the burn plan.

Rationale for Decision

Forest Plan Direction

My decision to implement the proposed project was based primarily on direction provided in the Forest Plan with respect to providing adequate habitat to support WGFD herd objectives (Objective 2.1(a)) and wildlife in general (Fisheries and Wildlife Prescription), restoring rangeland and watershed conditions (Vegetation: Range Prescription for DFC class 1B), and perpetuating aspen, especially stands threatened by conifer and encroachment and stands on big-game winter ranges (Vegetation: General Prescription and Aspen Management Guideline). The aspen guideline calls for aspen to be perpetuated for the benefit of wildlife as well as for scenic qualities.

Executive Order 13186

Executive Order 13186 requires that all federal agencies (1) "...design migratory bird habitat and population conservation principles, measures, and practices into agency plans and planning processes" and (2) "...ensure that agency plans and actions promote programs and recommendations of comprehensive migratory bird planning efforts such as Partners-in-Flight, U.S. National Shorebird Plan, North American Waterfowl Management Plan, North American Colonial Waterbird Plan, and other planning efforts, as well as guidance from other sources..." among other requirements. These plans have been consulted, and this project supports objectives and practices promoted by these plans.

Other Considerations

In making my decision, I also considered the potential for the project to cause extraordinary circumstances, including potential effects on threatened and endangered species and cultural resources, and potential effects of the project on other resources and opportunities identified during internal and external scoping, among other considerations.

Categorical Exclusion

The Forest Service Environmental Policy and Procedures Handbook (1909.15, Chapter 30) provides that a proposed action may be categorically excluded in an Environmental Impact Statement or Environmental Assessment only if the action is within a category listed in section 31 and there are no extraordinary circumstances related to the proposed action. This action falls within category 31.2(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."

In review of this project, a "test for extraordinary circumstances" was conducted that included conclusions on the following resources:

Threatened or endangered species or designated critical habitat, or species proposed for federal listing or proposed critical habitat or Forest Service sensitive species — The wildlife biologist for the Greys River Ranger District assessed the potential effects of the project on threatened, endangered, and proposed species, and concluded there would be "no effect" on Canada lynx or yellow-billed cuckoos.

The wildlife biologist and fisheries biologist for the Greys River Ranger District assessed the potential effects of the project on sensitive species, and they concluded there would be no measurable adverse effects on Forest Service Intermountain Region designated sensitive terrestrial and aquatic species.

Floodplains, wetlands, or municipal watershed — The project area does not encompass floodplains or wetlands. A portion of the project area is within a designated municipal watershed (Forest Plan). The BTNF program manager for soils and hydrology concluded that, by adhering to measures designed to adhere to applicable standards and guidelines during implementation of the project, there would be no measurable effects on the area's hydrology.

Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas — The project area is not located within a wilderness, wilderness study area, or National Recreation Area, nor was the area proposed for wilderness designation in BTNF Land and Resource Management Plan.

Inventoried Roadless Areas — Part of the project area is within an inventoried roadless area. However, implementation of the project as outlined in this decision memo will not change the character of the area as a roadless area.

Research Natural Areas — No research natural areas, existing or nominated, lie inside or in the vicinity of this project area.

American Indians and Alaska Native religious or cultural sites — No American Indian religious or cultural sites were identified in surveys and reviews of historic and cultural records. The Forest Service Archeologist has cleared the project to proceed.

Archaeological sites, or historic properties or areas — No historic or prehistoric sites or isolated artifacts are known to exist within the project area. No further archeological surveys are required. The BTNF archeologist has cleared the project.

Based on our analysis of the proposed action, I have determined that the project does fit within a category listed in Section 31.2, and there are no conditions present that lead to a finding of extraordinary circumstances. The effects of the proposed action are not uncertain and are not significant.

Scoping, Commenting, & Public Involvement

Greys River District and BTNF staff worked with the Wyoming Game and Fish Department (WGFD) in developing an initial proposal. A scoping/comment letter was sent to 58 individuals, groups, and agencies on December 6, 2006, and a legal notice was published in the Casper Star-Tribune on December 10, 2006. Scoping comments and comments on the proposed action, which was described in detail in the scoping/comment letter, were requested within 30 days of

publication of the legal notice (i.e., by January 9, 2006). Two letters were received (from the Board of Lincoln County Commissioners and Wyoming Game and Fish Department), and two email messages were received (from the Natural Resources Conservation Service and a private individual).

The Board of Lincoln County Commissioners provided information on the County's Urban Interface Wildfire Protection Plan, which they felt supported the Lower Cottonwood Vegetation Treatment project. Specifically, the project would contribute to meeting the vegetation objectives in their plan. The letter from the Wyoming Game and Fish Department also expressed support for the project and identified several mitigation measures and other considerations. The Natural Resources Conservation Services recognized fire as an appropriate tool in certain situations and also identified mitigation measures. The private individual expressed concern about burning juniper trees.

Pursuant to orders issued on July 2 and September 16, 2005 by the U. S. District Court for the Eastern District of California in Case No. CIV F-03-6386JKS, the December 6, 2007 letter informed recipients that persons and agencies that provided timely and substantive comments meeting the information requirements of 36 CFR 215.5 would be eligible to appeal the decision pursuant to 36 CFR part 215 regulations.

Applicable Laws and Regulations

- The proposed project is consistent with and supports the Goals, Objectives, and Management Standards, Prescriptions, and Guidelines of the Forest Plan, including those for DFC Classes 4 and 10, as described above.
- Implementation of the project is consistent with requirements of the Migratory Bird Treaty Act and Executive Order 13186, which outline responsibilities of federal agencies to protect migratory birds and to incorporate bird conservation measures into land management practices. Based on an assessment of potential effects on migratory birds, the Greys River District wildlife biologist concluded that the project could potentially benefit migratory bird species that currently are being adversely affected by the declining conditions in aspen, mountain shrubland, and big sagebrush habitat in the intermountain West and, therefore, would contribute to the purposes and goals of the Migratory Bird Treaty Act and Executive Order 13186. The biologist further concluded that no significant loss of migratory bird habitat is expected from implementation of this project (the type of habitat that would be lost, temporarily, is currently overrepresented in the Greys River District and BTNF).
- Implementation of the project is consistent with requirements of the Endangered Species Act of 1973. The Greys River District wildlife biologist assessed potential impacts the project would have on threatened and endangered species and their habitats and concluded that there would be "no effect" on threatened, endangered, and proposed species.
- Implementation of the project is consistent with requirements of the Clean Water Act of 1972, as amended in 1977 and 1987.
- Implementation of the project is consistent with requirements of the National Historic Preservation Act of 1966, as amended, in 1999. A cultural resource review was completed by the Forest Service Archeologist. Results indicated there were no adverse effects to the historical cultural resources of the area.

Implementation and Review

Pursuant to *Earth Island Institute v. Ruthenbeck*, No. CIV F-03-386 JKS (E.D. Cal., October 19, 2005), this decision is subject to appeal under 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Only those individuals and organizations who submitted substantive comments or expressed interest during the formal 30-day comment period will be accepted as appellants. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of the legal notice in *The Casper Star Tribune*. The Appeal Deciding Officer is Kniffy Hamilton, Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Bridger-Teton National Forest, P.O. Box 1888, 340 N. Cache, Jackson, WY 83001; or by fax to 307-739-5010; or by e-mail to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (.rtf) or Word (.doc) form. Documents in other formats (.tif, .jpg, .pdf, etc..) should be printed and mailed. Appeals may also be hand delivered to the above address during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

If no appeals are received, this decision may be implemented no sooner than five days following the close of the appeal period. If an appeal is received, implementation may begin 15 days following the disposition of all appeals.

Implementation of this project is scheduled for late summer/fall of 2008, but depending on weather conditions and other factors, implementation may not occur until the spring and/or late summer/fall of 2009 or these seasons in the future.

Records of the analysis are included in a project file available for public review at the Greys River Ranger District, Afton, Wyoming 83110. For additional information, please contact Don DeLong, Program Manager for Wildlife, Range, Lands, and Planning by letter (Greys River District, P.O. Box 339, Afton, Wyoming 83110), by telephone (307-886-5300), or by e-mail (ddelong@fs.fed.us).

/s/ Jay L. Dunbar
JAY L. DUNBAR
District Ranger
Greys River Ranger District

4-16-08
DATE