

# Decision Notice And Finding of No Significant Impact (FONSI)

## Ekalaka Hazardous Fuel Project

USDA Forest Service - Northern Region  
Custer National Forest - Sioux Ranger District  
Carter County, Montana

### 1 Decision and Selected Alternative

As the Responsible Official for this project, I have decided to implement commercial and non-commercial thinning, fuel treatments, prescribed fire and road management within the project area. To that end, I have selected Alternative 2: Proposed Action, hereafter referred to as the Selected Alternative, and it is described in the following paragraphs. I find that Alternative #2 best meets the purpose and need for the proposal, which is to reduce the risk from stand-replacing wildfire that could affect the general forest stand diversity and adjacent BLM lands, state lands, and private property. The No Action alternative, Alternative #1, does not meet the purpose and need for taking action.

I made this decision after careful consideration of the potential impacts of the activities analyzed in the Ekalaka Hazardous Fuel Project Environmental Assessment (EA) and public comments on the proposed action and the analysis.

The project area is located in Carter County, Montana, and is within the Sioux Ranger District-Custer National Forest. The Sioux Ranger District office is in Camp Crook, South Dakota. However, the lands managed in this proposed action are located in southeastern Montana. See Appendix A, Map 1 for the project location.

Please note that the acre figures I use to describe the selected alternative are considered best approximate estimates based on computer mapping and could be slightly different when treatment areas are actually located on the ground. I do not expect variations in acres or locations between the planning phase and implementation phase of this project to be consequential.

#### **1.1 Details of the Selected Alternative (Alternative #2: Proposed Action)**

The selected alternative includes the following and is the proposed action described in the Ekalaka EA in Chapter 2, Section 2.4.2, pages 17-25. Detailed maps showing the management activities planned for the proposed action are found in the attached Appendix A, Maps #2a-#2d. The forested stands are represented by overly dense ponderosa pine stands, and include some areas of broken, snow damaged trees. These stands conditions are not desirable. Rather, the desired condition is stands that are resistant to stand replacing wildfire, insects, and disease. This alternative will move the project area towards the desired condition with commercial and non-commercial thinning, fuel treatments,

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prescribed fire, and road management on 8,525 acres. See Table 1 below for a summary list of project activities.

<b>Silviculture Treatments</b>	<b>Acres<sup>1</sup></b>
Commercial thinning (with follow-up non-commercial thinning and activity fuels treatment)	4,870
Non-commercial thinning only (with follow-up activity fuels treatment)	2,480
Pre-commercial thinning	575
Aspen stand restoration	120
Natural fuels under burning	480
Total acres treated	8,525
<b>Road Management Activities</b>	<b>Miles<sup>1</sup></b>
Maintenance on existing FS system roads	71.0
Reconditioning on existing FS system roads	12.0
Reconstruction on existing FS system roads	7.9
Proposed temporary roads, existing FS system roads <sup>2</sup>	4.7
Temporary road construction <sup>2</sup>	26.3

<sup>1</sup> Treatment acres and road miles are rounded (up/down) from actual GIS data.  
<sup>2</sup> Temporary roads will be closed and decommissioned after use.

### 1.1.1 Vegetation Treatments

Commercial thinning will reduce stand density to tree crowns spaced to reduce the fuel hazard rating to at least moderate and low if possible. The commercial thinning will be accomplished by tractor yarding on slopes of approximately 35 percent or less. These same stands will also have some post-harvest felling of non-commercial size trees (ladder fuels) and subsequent fuel treatments to reduce the activity fuels created by the commercial and non-commercial thinning treatments. Activity fuels will be reduced by using a variety of methods in combination, including whole tree yarding during harvest, and mechanical/ or / hand piling/burning, or prescribed burning after harvest. Mechanical fuels treatments will occur on slopes less than or equal to 35 percent in most cases. See Table 2 and Table 3 below for details of the treatment prescriptions.

Non-commercial thinning will remove small understory trees (ladder fuels) and reduce density. Overstory trees and commercial size trees will be left. Thinning will be completed using mechanical methods on slopes less than or equal to 35 percent if feasible. On slopes greater than 35 percent thinning will be primarily by hand cutting. Thinning activity fuels will be reduced by mechanical or hand piling/burning, and prescribed burning. Mechanical fuels treatments will occur on slopes less than or equal to 35 percent in most cases.

Aspen Stand Restoration will remove the ponderosa pine overstory where it overtops stands of aspen. Mechanical thinning and fuels treatments will be used on slopes less than 35 percent and hand cutting and piling on slopes over 35 percent. Ponderosa pine trees will be removed from the stand using commercial harvest or non-commercial thinning.

Natural fuels/prescribed fire will reduce natural fuel loading and reintroduce natural fire to stands. These treatments would occur at appropriate times of the year to meet management objectives.

<b>Table 2: Treatment Prescriptions</b>	
<b>Fuels Reduction for Wildland-Urban Interface (WUI)<sup>1</sup></b>	<b>Acres</b>
<p><b>CT – WUI (Commercial Thinning in Wildland-Urban Interface)</b></p> <ul style="list-style-type: none"> <li>• Thin from below to a canopy cover range of 30-45 percent (goal of 40 percent) leaving all healthy trees greater than 16 inches diameter.</li> <li>• Approximate average conditions of residual stand where available:                             <ul style="list-style-type: none"> <li>○ Trees per acre greater than 9" diameter: 30-80; Trees per acre 5"-9": 0-100</li> <li>○ Spacing between trees: Range of 23 feet to 36 feet, average of 31 feet</li> <li>○ Fuel Loading - Fuels reduced to a range of 3-5 tons/acre, of which 0 – 3 inch diameter does not exceed 2 tons/acre, and 3 – 12 inch plus diameter (CWD), with 50 percent being 12" and larger when available, is a minimum of 3 tons/acre.</li> <li>○ Target Fuel Hazard Rating: Low</li> </ul> </li> </ul>	610 acres
<p><b>NC – WUI (Non-commercial Thinning in Wildland-Urban Interface)</b></p> <ul style="list-style-type: none"> <li>• Thin from below in the 0 to 9 inch diameter size class to a canopy cover range of 30-60 percent (goal of 40 percent).</li> <li>• Approximate average conditions of residual stand:                             <ul style="list-style-type: none"> <li>○ Trees per acre greater than 9" diameter: 25-160; Trees per acre 5"-9": 0-100</li> <li>○ Spacing between trees: Range of 16 feet to 43 feet, average of 25 feet</li> <li>○ Fuel Loading – Fuels reduced to loading described for CT- WUI above; however, increases in disposal treatment due to an expected heavier loading in the 3 – 9 inch diameter fuels.</li> <li>○ Target Fuel Hazard Rating: Low</li> </ul> </li> </ul>	280 acres
<b>Fuels Reduction and Forest Health Treatments in non-WUI Forested Stands</b>	<b>Acres</b>
<p><b>CT – Commercial Thinning</b></p> <ul style="list-style-type: none"> <li>• Thin from below to a canopy cover range of 30-45 percent (goal of 40 percent) leaving all healthy trees greater than 16 inches diameter.</li> <li>• Approximate average conditions of residual stand where available:                             <ul style="list-style-type: none"> <li>○ Trees per acre greater than 9" diameter: 30-80; Trees per acre 5"-9": 0-100</li> <li>○ Spacing between trees: Range of 23 feet to 36 feet, average of 31 feet</li> <li>○ Fuel Loading - reduced to a range of 3-7 tons/acre, of which 0 – 3 inch diameter does not exceed 3 tons/acre, and 3 – 12 inch plus diameter (CWD), with 50 percent being 12" and larger when available, is a minimum of 4 tons/acre.</li> <li>○ Target Fuel Hazard Rating: Low</li> </ul> </li> </ul>	1,575 acres
<p><b>NC – Non-commercial Thinning</b></p> <ul style="list-style-type: none"> <li>• Thin from below in the 0 to 9 inch diameter size class to a canopy cover range of 30-60 percent (goal of 40 percent).</li> <li>• Approximate average conditions of residual stand:                             <ul style="list-style-type: none"> <li>○ Trees per acre greater than 9" diameter: 25-160; Trees per acre 5"-9": 0-100</li> <li>○ Spacing between trees: Range of 16 feet to 43 feet, average of 25 feet</li> <li>○ Fuel Loading - Fuels reduced to loadings described for CT Treatment noted above; however, loading of 3-9 inch diameter fuels will be somewhat higher than CT treatment above.</li> <li>○ Target Fuel Hazard Rating: Low (upper end of low rating).</li> </ul> </li> </ul>	1,450 acres

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<b>Table 2: Treatment Prescriptions</b>	
<b>PCT – Precommercial Thin</b> <ul style="list-style-type: none"> <li>Thin sapling size class (1-5" diameter) to a density of 125 to 260 trees per acre and pole size class (5-8" diameter) to a density of 125-200 trees per acre, leaving the fastest growing, disease free and damage-free trees.</li> </ul>	575 acres
<b>Forest Diversity Treatments in non-WUI stands</b>	<b>Acres</b>
<b>CT1 – Commercial Thin 1</b> (Modified CT for wildlife habitat and vegetative diversity) <ul style="list-style-type: none"> <li>Thin from below to a canopy cover range of 40 percent-60 percent within 10 years of harvest leaving all healthy trees greater than 16" diameter.</li> <li>Approximate average conditions of residual stand where available:               <ul style="list-style-type: none"> <li>Trees per acre greater than 9" diameter: 40-150; Trees per acre 5"-9": 0-100</li> <li>Spacing between trees: Range of 17 feet to 33 feet, average of 26 feet</li> <li>Fuel Loading - Fuels reduced to a range of 3-7 tons/acre, of which 0 – 3 inch diameter does not exceed 3 tons/acre, and 3 – 12 inch plus diameter (CWD), with 50 percent being 12" and larger when available, is a minimum of 4 tons/acre.</li> <li>Target Fuel Hazard Rating – Low to low end of Moderate</li> </ul> </li> </ul>	1,900 acres
<b>CT2 – Commercial Thin 2</b> (Modified CT for wildlife habitat and vegetative diversity) <ul style="list-style-type: none"> <li>Thin from below to a canopy cover range of 55 percent-70 percent (goal of greater than 60 percent) within 10 years of harvest leaving all healthy trees greater than 16 inches diameter.</li> <li>Approximate average conditions of residual stand where available:               <ul style="list-style-type: none"> <li>Trees per acre greater than 9" diameter: 65-160; Trees per acre 5"-9": 0-100</li> <li>Spacing between trees: Range of 16 feet to 26 feet, average of 22 feet</li> <li>Fuel Loading - fuels reduced to same as described for CT1 treatment.</li> <li>Target Fuel Hazard Rating - Moderate (low end of Moderate hazard)</li> </ul> </li> </ul>	85 acres
<b>NC1 – Non-Commercial Thin 1</b> (Modified NC for wildlife habitat and vegetative diversity) <ul style="list-style-type: none"> <li>Thin from below in the 0 to 9 inch diameter size class to a canopy cover range of 55 percent-70 percent within 10 years of thinning.</li> <li>Approximate average conditions of residual stand:               <ul style="list-style-type: none"> <li>Trees per acre greater than 9" diameter: 25-160; Trees per acre 5"-9": 0-100</li> <li>Spacing between trees: Range of 16 feet to 41 feet, average of 22 feet</li> <li>Fuel Loading – fuels reduced to loading described in NC treatments; however, more loading of 3-9" diameter fuels will occur.</li> <li>Target Fuel Hazard Rating – Moderate</li> </ul> </li> </ul>	750 acres
<b>CT/SO – Commercial Thin with Small Openings</b> <ul style="list-style-type: none"> <li>CT-1 or CT-2 treatments, with a series of 1-acre openings throughout the stand, to equal approximately 10 percent of the stand area.</li> </ul>	700 acres
<b>Prescribed Fire</b> <ul style="list-style-type: none"> <li>Prescribed underburning is proposed for the initial disposal of woody biomass, lessen excessive numbers of seedling and saplings, and rejuvenate aspen where it is present within stands.</li> <li>Maintenance burns every 10 to 15 years will be needed to provide a long-term low fuel hazard rating.</li> <li>Burning prescription will be in conditions to meet management objectives and with an approved burn plan.</li> <li>Burning prescription will result in less than 5 percent mortality of mature trees greater than 9 inches DBH</li> </ul>	480 acres
<b>Aspen Stand Restoration</b> <ul style="list-style-type: none"> <li>Release aspen understory by removing overtopping and competing ponderosa pine trees.</li> </ul>	120 acres
<sup>1</sup> Defined as ½ mile radius or the entire stands adjacent to the occupied areas	

**Table 3: Approximate Post Treatment Stand Conditions**

Treatment	Canopy Cover		Trees Per Acre 9" + Diameter	Tree Per Acre 5" - 9" Diameter	Spacing Between Trees (Feet)	
	Goal	Range			Range	Average
CT and CT-WUI	40%	30-45%	30-80	0-100	23-36	31
NC and NC-WUI	40%	30-60%	25-160	0-100	16-43	25
CT1	40-60%	40-60%	40-150	0-100	17-33	26
NC1	50%	40-70%	25-160	0-100	16-41	22
CT2	60%+	55-70%	65-160	0-100	16-26	22

**1.1.2 Fuels Management Activities**

Fuel management techniques within the WUI zone are designed to protect human communities from wildland fires as well as minimize the spread of fires while maintaining the structural characteristics of the forest stand. The management objective in the WUI zone is to enhance fire suppression capabilities by modifying fire behavior inside the zone and provide a safe and effective area for fire suppression activities.

Fuel treatments will be strategically placed across the landscape in a manner designed to interrupt wildland fire spread and reduce fire severity and intensity. Specifically, treatments will be designed to modify wildland fire behavior, thereby reducing spotting and lowering rates of spread and intensity. Treatment of fuels within the WUI zone, where fire hazard and risk are high, will be given priority.

Activity fuels abatement includes treatments such as lopping, underburning, and whole tree yarding, as appropriate. All management tools, including harvest of merchantable material, cutting, piling, and burning of non-merchantable material are part of this Proposed Action.

Commercial treatments will focus on the smallest merchantable trees first. Trees larger than 16 inches diameter that are dead or dying are also considered for removal but minimum levels of dead snags will be retained. Fuel loads will be reduced in all size classes and tree densities will be decreased creating a fire hazard rating of low.

The Selected Alternative includes a modified CT for wildlife habitat and vegetative diversity. This phase of the project will also thin trees in the lower crown classes, but will retain a greater percentage of canopy cover (ranging from 40 to greater than 60 percent versus 40 percent in the previously described CT treatment). Trees will be retained at higher densities to accommodate wildlife habitat and promote vegetative diversity. The fire hazard rating for such stands will range from low to the low end of moderate.

Non-commercial (NC) thinning treatments, proposed for both the WUI and non-WUI project areas, will also remove trees in the lower crown classes to favor the trees in the upper crown classes. Non-commercial treatments are prescribed in stands with little or no commercial value or are on non-operable ground (e.g., slopes >35 percent). Residual tree densities will be somewhat higher than those within CT treatment areas and greater surface loadings of three to nine inch fuels are anticipated. Non-commercial thinning treatment is also proposed for non-WUI stands to be managed for wildlife and vegetative diversity. Similar to the management actions proposed for CT1 and CT2 wildlife habitat and vegetative diversity stands, these NC stands will retain greater canopy cover (55 to 70 percent) and greater tree densities. Surface fuel loads will be reduced to the same levels as prescribed for the other NC treatment areas, but tree density and canopy cover levels will result in a fire hazard

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rating of moderate. However, the widespread stand treatments will result in a mix of stands, some with high or moderate fire hazard rating, that will have a much reduced risk of a large catastrophic fire due to the distribution of low fire hazard stands and previous fuel breaks on the landscape of the Ekalaka Hills Unit. Pre-commercial thinning (PCT) will thin sapling size class (one to five inches diameter) and pole size class (five to eight inches diameter) trees, selecting the faster growing, disease and damage-free trees as the residual stand components.

Prescribed fire underburning and pile burning is proposed as a means of fuels management throughout the project area following thinning activities. Prescribed fire under prescriptive conditions is proposed for, (1.) initial disposal of woody biomass, (2.) to decrease seedling and sapling densities and (3.) restore aspen (when present). Subsequent prescribed burns will be applied to the project area on a ten to 15 year cycle as a means of maintaining a long-term low to moderate fire hazard rating.

The Selected Alternative also includes an aspen restoration component. Aspen stands free of encroaching pine are fairly fire resistant and will reduce the overall fire hazard rating in those stands.

Fuel treatments involve a combination of methods: (1) removal of larger diameter material as a product, (2) disposal of slash from larger diameter material with whole-tree yarding and decking at landings, (3) disposal of landing slash decks by burning or as fuel wood, (4) combination of piling, burning or prescribed underburning of unused woody biomass on-site, and (5) lopping and scattering.

Some reduction of fuels will be accomplished by removal of larger diameter trees as a marketable product (i.e., trees  $\geq$  nine inches diameter), either as a timber sale, stewardship contract, or through firewood cutting. The National Fire Plan (2000) emphasizes disposal of woody fuels as a product. Piling, burning, or lopping and scattering and prescribed underburning will then be used to treat fuels remaining on site to meet Coarse Woody Debris guidelines. The end-result objective is to manage surface fuel conditions for the long-term through reducing fuel loading and breaking up the surface fuel arrangement/continuity.

Fuel treatment prescriptions will include the following:

- Whole tree yarding (WTY) for removal (disposal) of larger size fuels as a merchantable product. This treatment method will also remove a majority of the smaller size fuels from the site and be decked at the landing for disposal later by burning, unless other opportunities exist for fuel wood and/or wood fiber.
- Where existing trees are not a merchantable product, fuel treatment will be a combination of cutting, piling and burning, and in some cases, lopping, scattering and prescribed burning.
- Lopping/scattering is intended to reduce the fuel bed depth, leave some woody biomass on site, provide a discontinuous surface fuel arrangement, and accelerate decomposition by having the fuel in contact with the ground surface. Specifications are to cut limbs on three sides of the bole and sever the bole so resulting lengths are not more than eight to ten feet. The objective is a fuel bed height not more than one foot.
- Mechanical piling will be used to reduce the amount of unmerchantable biomass that will accumulate. Piling by grapple or similar machine will be used to reduce soil disturbance and compaction
- Maintenance prescribed underburns will consist of a surface fire spreading over 70 to 80 percent of the stand's area. Burning prescription will be of low heat intensity with flame lengths not exceeding the desired objective for management. The end-result appearance will be a patchy mosaic of burned and unburned areas. Fire spread will be minimized or will not occur where ground fuels are sparse and discontinuous. If heavier fuel accumulations occur (as a result of unexpected natural events), such concentrations will be burned prior to application of maintenance prescribed underburn.

- The intent of an underburn treatment is threefold: (1.) lessen the amount of three inch and less diameter surface fuels that have accumulated since the last treatment (fine fuels contribute to fire ignition and spread), (2.) ensure mortality of some regeneration that has already established as dense pockets, and (3.) stimulate the sprouting of hardwoods and aspen.

**1.1.3 Road Management Activities**

Road management activities include the following:

<b>Table 4: Summary of Road Improvements</b>	
<b>Road Activity</b>	<b>Miles</b>
Reconstruction	7.9
Reconditioning	12.0
Temporary Road Construction	26.3
Existing System Roads Used as Temporary Roads	4.7
Timber Sale Related Maintenance	71.0

Roads planned for reconstruction and reconditioning will facilitate timber hauling. Roads listed in Table 5 need improvement, 7.9 total miles of these roads will be reconstructed. Reconstruction will include additional road width and turnouts, ditch reshaping, drive through dips with rock surfacing or armor, additional ditch-relief culverts and culvert replacements to increase both capacity and length, and gravel surfacing.

Segments of 17 roads will be reconditioned under the Timber Sale Contract to facilitate timber hauling. See Table 5 for miles of reconditioning by road number. Reconditioning will include blading, ditch cleaning, culvert cleaning, cutting vegetation back to widen road. Gravel and rock source will be from outside of the project area near Ekalaka.

Reconstruction is proposed for approximately 7.9 miles and reconditioning is proposed on 12 miles of existing system roads (See Table 5). About 71 miles of existing roads will be used for timber harvest and will be maintained under the timber sale contract to meet BMPs (Best Management Practices). Five miles of existing roads will be improved for timber hauling, then closed and re-vegetated after operations are complete. 26 miles of temporary road is needed to access harvest areas. These temporary roads will be closed, decommissioned, and re-vegetated after use (about one year). Appendix B of the EA in the project files has a complete detailed list of all road segments by road number and length and management need.

<b>Table 5: System Road Improvement</b>		
<b>Road Number</b>	<b>Reconstruction Miles</b>	<b>Recondition Miles</b>
3071		0.7
3101B		0.9
3101E		1.2
3101E1		0.8
3102A	0.5	0.7
3104	2.6	0.1
31045		0.2
31049		0.9
3105		0.2
3108		0.7
3109		0.3
31092		0.3

Road Number	Reconstruction Miles	Recondition Miles
3811	1.8	
38111		1.1
3811J		0.9
3813	1.1	
38133	0.2	
3813B		1.6
3813B2		0.3
3814	1.7	1.1
<b>Total</b>	<b>7.9</b>	<b>12.0</b>

**1.1.4 Project Design Features for Alternative #2**

I am including the following Project Design Features as part of my decision. This list of project design features is the same as described in the EA in Chapter 2, Section 2.4.3, pages 25-28.

Project Design Measure Item	Description of Project Design Measure
<b>Fire and Fuels</b>	
1.	Tree thinning slash will be piled and cured for at least 1 year prior to ignition of piles. <ul style="list-style-type: none"> <li>• <u>Purpose</u>: to reduce smoke impacts on air quality when burning piles.</li> </ul>
2.	Prescribed fire (pile burning and underburning) will be strategically scheduled to accomplish the burn safely and monitor smoke conditions. <ul style="list-style-type: none"> <li>• <u>Purpose</u>: to reduce smoke impacts on air quality when burning slash piles</li> </ul>
3.	Chipping and natural abatement of thinning slash will be encouraged where accessibility is possible. <ul style="list-style-type: none"> <li>• <u>Purpose</u>: to reduce smoke impacts on air quality by reducing the amount of activities fuels that need to be burned.</li> </ul>
4.	Mechanical treatments of downed material and green tree thinning should encourage biomass utilization wherever economically feasible. <ul style="list-style-type: none"> <li>• <u>Purpose</u>: to reduce smoke impacts on air quality by reducing the amount of activities fuels that need to be burned.</li> </ul>
<b>Soil Productivity and Watershed Protection</b>	
5.	Where fuel reduction by piling and burning is necessary, use low-ground pressure equipment such as a grapple/excavator. <ul style="list-style-type: none"> <li>• <u>Purpose</u>: to protect residual trees and reduce impacts to soils. Mechanical piling by this means will lessen damage to residual trees and can leave partially decomposed woody material on the site for long-term site productivity.</li> </ul>
6.	Implement applicable Forest Plan standards and guidelines, Montana Streamside Management Zone BMP's, Montana Forestry BMP's, and the Soil and Water Conservation Practices BMP's. <ul style="list-style-type: none"> <li>• <u>Purpose</u>: to protect water quality and ensure future soil productivity</li> </ul>
7.	Leave a range of three to seven tons/acre of Coarse Woody Debris (CWD) in treatment areas. Where available this will include 50 percent in the size class greater than or equal to 12 inches diameter and at least 8 feet long. <ul style="list-style-type: none"> <li>• <u>Purpose</u>: To ensure future soil productivity</li> </ul>
8.	Use winter skidding when commercial harvesting in ephemeral draws. Forest Service will determine when frozen ground conditions are adequate for operations. <ul style="list-style-type: none"> <li>• <u>Purpose</u>: To reduce impacts to soils and water quality.</li> </ul>

**Table 6: Project Design Measures**

Project Design Measure Item	Description of Project Design Measure
9.	Rip landings where burning of activity fuels is done. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> to mix soils where hot burn piles have sterilized soils.</li> </ul>
10.	Duff moisture at 15-20 percent at time of prescribed under burning. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> to reduce impacts to soil quality by not consuming all the duff and/or micro-organisms in the soil</li> </ul>
<b>Wildlife Habitat and Species</b>	
11.	Management activities within ¼ mile of any known goshawk nest will be restricted from March 1 through August 31 unless surveys confirm that goshawks are not nesting or within the area. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To retain goshawk use in the project area. Goshawks are highly sensitive to disturbance from the nesting through the fledging period.</li> </ul>
12.	If an active goshawk nest is discovered within a stand prior to or during treatment activities work would be halted and the wildlife biologist will be notified immediately to determine steps to resolve the situation. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To retain the stand in suitable condition for goshawk use. Goshawks are highly sensitive to disturbance from the nesting through the fledging period.</li> </ul>
13.	All potential nesting and lek habitat within 200 feet of proposed new temporary road construction shall be surveyed by spring 2005.
14.	If sharp-tailed grouse leks are discovered during temporary road construction , all activities within ¼ mile of the active site (within suitable habitat) will not be allowed to occur from April 1 through July 1 annually (if more than one season s required for activities to be completed). <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To avoid disturbance to any leks or nesting habitat. To maintain the sharp-tailed grouse population in this area.</li> </ul>
15.	New temporary road construction will be located a minimum of 200 feet away from sharp-tailed grouse lek sites. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To avoid disturbance to any leks or nesting habitat. To maintain the sharp-tailed grouse population in this area.</li> </ul>
16.	Treat existing aspen clones in CT and PCT units to remove all ponderosa pine trees. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To retain aspen on the landscape and to create habitat diversity that improves wildlife species diversity in the area.</li> </ul>
17.	Leave existing snags greater than or equal to 12" diameter, which are greater than 75 feet from roads and/or private property, and are not a safety hazard during project implementation. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> Snags are limited within the project area. Snags are essential for both primary and secondary cavity users.</li> </ul>
18.	Leave existing large tree (16" diameter or larger, three+ trees) clumps for wildlife habitat and natural range of variability for PIPO stands. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> These clumps are limited in this project area. They provide valuable old growth structure for wildlife.</li> </ul>
19.	Construct temporary roads at least 100 feet away from wet areas including seeps, springs, wet meadows, and riparian corridors (except at crossings when necessary). <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To help maintain habitat security for wildlife and preserve the integrity of these limited areas.</li> </ul>
20.	Restrict mechanized equipment within 50 feet of wet areas: seeps, springs, wet meadows, and riparian corridors. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To help maintain habitat security for wildlife and maintain habitat in these areas.</li> </ul>

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<b>Table 6: Project Design Measures</b>	
<b>Project Design Measure Item</b>	<b>Description of Project Design Measure</b>
21.	Decommission all temporary roads within six months of unit completion. Where readily available, spread logging slash across decommissioned temporary roads in areas easily accessed by motorized vehicles to deter vehicle use. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To help maintain habitat security for wildlife and deter motorized use. The longer the roads are open the less secure these areas are for wildlife. Once the roads are closed they can begin growing vegetation.</li> </ul>
22.	When constructing temporary roads across dry grasslands, position the roads away from trees larger than 12 inches diameter, or prohibit their cutting or removal. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> This will reduce the potential for adverse impacts to western kingbirds and other species.</li> </ul>
23.	If an active raptor nest is found during unit layout, it will be protected and buffered from planned activities. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To protect and maintain raptor use in the project area.</li> </ul>
24.	If an active raptor nest is discovered within a treatment unit, the Contract Administrator will seek cooperation from the contractor to delay work activities in this area until the young have fledged. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To protect and maintain raptor use in the project area.</li> </ul>
25.	If fawns and/or calves are found in active treatment units from the third week of May through the first week of July), individuals implementing the activity (Forest Service/contractor) will coordinate options with the project leader to work in other areas within the vicinity until the young move from the area. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To protect fawns and calves and reduce impacts to deer and elk populations.</li> </ul>
26.	Viable hiding cover within 75 feet of open roads or large openings will be retained where feasible. In cases where retaining cover will affect defensibility of the unit during wildfire, the cover will be removed. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To help maintain wildlife security.</li> </ul>
<b>Noxious Weeds</b>	
27.	Noxious weed surveys will be accomplished one year post-project on all open and closed system and temporary roads affected by the project activities as funding is available. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To control, reduce, and minimize the spread of noxious weeds</li> </ul>
28.	All off-road equipment used in conjunction with any fuel treatment, vegetation treatment and/or road building activities will be cleaned (washed) prior to coming onto the project area. The same equipment will be cleaned (washed) prior to moving from an infected unit to an un-infected unit within the project area. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To control the spread of noxious weeds and protect against new noxious weed species.</li> </ul>
29.	Seed, straw, and other materials used for road decommissioning and erosion control will be certified as noxious weed free. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To control the spread of noxious weeds and protect against new noxious weed species.</li> </ul>
30.	As needed, temporary roads, landings, skid trails and similarly disturbed sites will be seeded with an approved seed mix after activities occur. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To control the spread of noxious weeds and protect against new noxious weed species.</li> </ul>
<b>Heritage Resources</b>	
31.	Heritage field inventories will be completed for temporary roads and landing locations outside of already surveyed and cleared units, planned landings and roads.. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To protect known and unknown heritage sites from project activities that will cause adverse impacts.</li> </ul>
32.	All sites within ground disturbing units will be reviewed by the Forest Archaeologist and individual treatment prescriptions assigned prior to ground disturbing activities. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To protect known heritage sites from project activities that will cause adverse impacts.</li> </ul>

**Table 6: Project Design Measures**

Project Design Measure Item	Description of Project Design Measure
33.	Forest Archaeologist will monitor all approved treatments affecting known sites. Forest Archaeologists will be notified prior to conducting the approved treatments on known heritage sites. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To protect known heritage sites from project activities that will cause adverse impacts.</li> </ul>
34.	All activity fuels will be piled outside the perimeter of all heritage sites. No mechanized equipment will be allowed to operate within the heritage site boundaries unless specifically allowed by the prescribed site treatment. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To protect known heritage sites from project activities that will cause adverse impacts.</li> </ul>

**1.1.5 Project Monitoring for Alternative #2**

I am including the following project monitoring activities noted in Table 7 to ensure project activities are carried out as described and to monitor the effectiveness of the project design features. This is the monitoring list as described in the EA, Chapter 2, Section 2.4.4, page 29. The specific monitoring tasks accomplished will depend on future funding.

**Table 7: Monitoring Tasks**

Monitoring Item	Description of Monitoring
<b>Fuels</b>	
	Monitoring specific to fuels management actions associated with the selected alternative will be conducted through the establishment of monitoring sites prior to project implementation. Pre- and post-treatment parameters to be assessed include surface and fuel ladder loading, and changes in vegetative species, size class, and canopy cover. Ash and nutrient transport and height to crown scorch will be assessed post-burn. Monitoring activities of established plots will occur pre-treatment, within 1 year after treatment, and again, 5 years after treatment. Fuels management strategies will be re-evaluated and modified, if necessary, following each site visit. <ul style="list-style-type: none"> <li>• <u>Responsibility:</u> Forest or District Fuels Specialist</li> </ul>
<b>Heritage Resources</b>	
	The Forest archaeologist will monitor the sites receiving protective treatments during project implementation and upon completion of the project to assure the preservation and protection of the heritage resources and determine the success of the proposed treatments. <ul style="list-style-type: none"> <li>• <u>Purpose:</u> To determine the effectiveness of measures used for protection of heritage resources.</li> <li>• <u>Responsibility:</u> Forest or District Archaeologist</li> </ul>

**1.2 Rationale for the Decision**

My criteria for making a decision on this project was based on how well the management actions analyzed in the EA meet the purpose and need of the project, project goals, and address issues that were raised during the scoping process and the substantive comments to the EA. I find that Alternative #2 best meets the purpose and need for the proposal, which is to reduce the risk from stand-replacing wildfire that could affect the general forest stand diversity and adjacent BLM lands, state lands, and private property. The No Action alternative, Alternative #1, does not meet the purpose and need for taking action. I considered Forest Plan goals, objectives, and management standards for the project area, and took into account competing interests and values of the public.

### 1.2.1 Meeting the Purpose and Need and Objectives

**I find the Selected Alternative will meet the purpose and need for action, and the project goals. The find that the selected alternative is consistent with the Forest Plan and will move the project area toward desired conditions described in the Forest Plan.**

The purpose and need for action within the Ekalaka Hills Unit on the Sioux Ranger District is to reduce the risk from a stand-replacing wildland fire that could affect the general forest stand diversity and adjacent BLM lands, state lands, and private property. Currently, the majority of ponderosa pine stands in the Ekalaka Hills is in Fire Condition Class 3 and also has a Fire Hazard rating of high or very high. Detailed discussions of both concepts are found in the fire and fuels section in Chapter 3 of the EA, Section 3.1, pages 36-43. The forested stands are represented by overly dense ponderosa pine stands, and include some areas of broken, snow damaged trees. In addition, the stands were ranked by their departure from a desired condition, which are stands that are resistant to disturbance. The majority of stands have a high departure from desired condition. Currently the stand conditions are characterized by overly dense canopy cover (i.e.: greater than 40 percent), high number of trees per acre, and the tree spacing is very close.

Project goals are noted in the EA, section 1.3, on pages 5-6. The Selected Alternative will meet the purpose and need for action through the achievement of project goals in the following ways:

1. Reduce severity of future wildland fire in the Ekalaka Hills by reducing existing fuel loading and provide a safer fire suppression environment. Reduce the amount of Fire Condition Class 3, and increase the amount of Fire Condition Class 1.
  - **The Selected Alternative will treat 8,525 acres and reduce the FCC III from 83 percent to 24 percent of the stands. (EA, Section 2.5, Table 13, page 30).**
2. Address concerns over forest health and fire hazard.
  - **Stands with high departure from DFC for silviculture/forest health would be reduced from 68 percent of stands to approximately 14 percent of stands under the Selected Alternative. In addition, the Selected Alternative will reduce the high and very-high fire hazard ratings from 58 percent of the stands to approximately 25 percent of the stands. (EA, Section 2.5, Table 13, page 30)**
3. Begin the process of restoring fire to its natural role
  - **In the Selected Alternative, prescribed fire would be introduced on approximately 480 acres. (EA, Section 2.5, Table 13, page 30)**
4. Improve timber stand health, vigor, and resistance to fire, insect, and disease
  - **The Selected Alternative will improve timber stand health, vigor and resistance to disturbance on 8,525 acres. (EA, Section 2.5, Table 13, page 30)**
5. Maintain a distribution of age classes that is more resistant to high-intensity stand replacing fires
  - **The Selected Alternative will improve the distribution of age classes by reducing mid-aged stands and increasing mature and old forest age classes in the long-term. (EA, Section 2.5, Table 14, page 31; Table 15, page 32; Section 3.2.3, Table 28, page 50 )**

6. Apply mechanized harvesting systems and equipment appropriate to silviculture prescriptions, and also to match harvesting systems and equipment to the terrain and timber conditions
  - **Mechanized harvest will be used on approximately 4,870 acres of stands. (EA, Section 2.5, Table 13, page 30)**
7. Protect private property in and around National Forest System lands in the Ekalaka Hills Land Unit.
  - **Before proceeding, I need to clarify this particular goal. In the Selected Alternative, the Forest Service will treat, through contract, approximately 890 acres of high priority WUI stands adjacent to private property through commercial and non-commercial thinning. The activity generated fuels from these activities will be abated through such treatments as lopping, underburning and whole tree yarding. The intent of these fuel management techniques is to modify fire behavior in such a way as to reduce the risk of wildfire to human communities. Fuels treatments of the kind to be achieved through this project, have been demonstrated to be effective at modifying fire behavior to the extent as to provide opportunity to apply effective fire suppression activities (EA, Section 2.5, Table 13, page 30, and Section 1.1.2, page 5, respectively).**
8. Ensure that any commercial harvesting proposal with roads results in a viable bid offer from the timber industry.
  - **The Selected Alternative will result in approximately 16.9 MMBF of timber with an estimated present net value of \$1,184,250. (EA, Section 2.5, Table 13, page 31)**

### 1.2.2 Consideration of the Issues

A variety of issues were considered by the interdisciplinary team in the process of preparing the proposed action, developing alternatives to respond to those issues, and identifying the consequences of the alternatives in the EA. The following section describes how the selection of Alternative 2 responds to the project issues.

No significant issues were identified; however there were issues identified as “tracking issues”. Tracking issues are issues that were not considered significant, but were determined to be important to the public for tracking effects or resolution of the issue. Tracking issues are generally of high interest or concern to the public or are necessary to understand the full extent of the alternatives. Project design measures for each alternative would address concerns raised by the tracking issues. The list of tracking issues considered in the EA (Chapter 1, Section 1.8, pages 11-13) includes the following:

#### **Tracking Issue #1: Northern Goshawk**

There is a concern that the selected alternative may have an effect on goshawk habitat, nest sites and territories within the project area.

- **During the development of the selected alternative, numerous project design measures were adopted to protect suitable goshawk habitat, nest sites, and both post-fledging and foraging territories. The wildlife analysis in Chapter 3 concludes an effects determination for Goshawk as “May Impact, but not likely to adversely impact and move towards Federal listing”. (EA, Section 2.5, Table 16, page 33). This determination allows proposed fuel reduction treatments to be accomplished and the resultant effects to goshawk are not significant. Two PFAs totaling 4,245 acres are maintained in the long-term. (EA, Section 2.5, Table 14, page 31). New survey information has indicated the possible location for a third goshawk active nest site. If this new information is validated, the project design**

features to protect new raptor species, including goshawk will be utilized as noted above in Table #6, Project Design Features # 11, 12, 23, and 24).

### ***Tracking Issue #2: Late Successional Forest Habitat***

There is a concern that the selected alternative may have an effect on late successional habitat within the project area. Forest Plan direction is to provide for a variety of habitats for indicator species, this includes late successional habitat (mature and old forest). To be consistent with the purpose of the project and the Forest Plan, the Forest Service must determine if, and to what extent, the treatment of hazardous fuels in the project area would affect late successional habitat.

- **During the development of the selected alternative, project design measures were adopted to protect areas of late successional habitat. A percentage of stands identified as late successional were eliminated from treatment due protect northern goshawk habitat. The analysis for forest stand structure and diversity notes that within 20 years the mid-aged stand structure will go from the current 68 percent to 31 percent, while the mature stand structure will go from the current 22 percent to 46 percent. In addition, the old forest stand structure will go from the current 0 percent to 17 percent in 20 years. (EA, Section 2.5, Table 14, page 31; Table 15, page 32; Section 3.2.3, Table 28, page 50 )**

### ***Tracking Issue #3: Long-Term Soil Productivity - Coarse Woody Debris (CWD)***

There is a concern that the selected alternative and alternatives to the selected alternative may have an effect on long-term soil productivity by an inadequate amount of coarse woody debris left on site after treatments.

- **A project design measure was incorporated into the selected alternative that would require a range of three to seven tons/acres of CWD left in treated stands. CWD amounts will be adequate to protect long-term soil productivity. (EA, Section 2.5, Table 14, page 31).**

### ***Tracking Issue #4: Noxious Weeds***

There is a concern that the selected alternative may have an effect on the spread of noxious weeds within the project area. The invasion of treatment areas by noxious weeds is a concern because they compete with native grass, shrubs, and tree species for occupation of a site, make regeneration difficult and costly, and can be harmful to domestic stock and wildlife.

- **Project design measures for control of noxious weeds were adopted for the selected alternative. Although the analysis notes that an estimated 270 acres of new noxious weeds could occur, I feel that the introduction and spread of noxious weeds will be limited and will be controlled by project design measures, post-project surveys and aggressive control procedures coordinated by both the FS and Carter County Weed Control Board.**

## **1.2.3 Consideration of Other Resource Areas**

I considered effects to other resource areas analyzed by the interdisciplinary team in the process of preparing the selected alternative and identifying the consequences of the alternatives in the EA. The following table is from the EA, Section 2.5, page 32. This displays the effects on other resource areas not yet discussed. I feel that there are no significant effects to any resource noted below and Custer NF Plan standards or Guidelines are met.

**Table 8: Comparison of the Alternatives: Other Resource Areas and Indicators**

Other Resource Indicators	Alternative #1 No Action	Alternative #2 Selected Alternative
<b>Watershed/Soils</b>		
Detrimentially Disturbed Soils (%)	Estimated at 2%	Estimated at 4% for 1-10 years
Sediment delivery from roads (tons/acre/yr)	4.4 tons/year	16.6 tons/yr during activity period.
<b>Wildlife-Fisheries<sup>1</sup></b>	No effect in short-term. In the long-term impacts on some wildlife species from a large wildfire	No significant effects on any wildlife species or habitat
<b>Rare Plants<sup>2</sup></b>	No effect	No significant impacts on sensitive plant species
<b>Range and Grazing Livestock</b>	No effect	Increase in transitory range for grazing livestock
<b>Cultural Resources</b>	No effect in short-term. In the long-term there could be impacts from a large wildfire.	No effects on any historical property or Native American sites or Traditional Use Areas.
<b>Transportation System</b>	No changes	<ul style="list-style-type: none"> <li>• System Roads are improved.</li> <li>• Unneeded roads are closed.</li> </ul>

<sup>1</sup> See EA, Section 2.5, Table 16, page 33 for full list of wildlife TES and MIS species and the effects determinations

<sup>2</sup> See EA, Section 2.5, Table 17, page 34 for a full list of Sensitive plant species and the effects determinations

**1.2.4 Consideration of Comments by the Public, State or Local Government, and other Agencies.**

We invited neighbors who lived near the project area, government agencies, the public, and other groups and individuals potentially interested in or affected by the project to review and comment on our initial proposal (selected alternative) and the purpose and need for the project.

Interested Tribal governments were contacted about the project via letter and they did not indicate any concerns with the project. Both the South Dakota Department of Fish, Wildlife, and Parks; and the Department of Environment and Natural Resources submitted comments, and those comments were considered in the analysis. In addition, Harding County Commissioners submitted supportive comments. No other Tribal, Federal, or State Agency submitted comments on the project.

All of the public comments received were analyzed by the IDT Team and responded to in a table format to help us determine if there was a need for alternatives to the selected alternative or whether we needed to analyze effects on certain resources. I have reviewed all the public comments and our responses to those comments and find that all concerns and issues have been addressed. A summary of the public involvement for this analysis is in Section 3 of this document. The complete comment analysis is in the project files.

I have considered all comments and opinions that have been received to date on this project in making my decision.

## 2 Alternatives Considered

### 2.1 Alternatives Considered in Detail

There were two (2) alternatives considered in detail for this analysis:

**Table 9: List of Alternatives**

1. <u>Alternative 1-No Action</u> , is the baseline for comparing the other alternatives. The proposed management actions will not occur in the project area at this time, and the project area will remain subject to natural events and ongoing management activities.
2. <u>Alternative #2-Proposed Action</u> , is the agency proposal for vegetation treatments, fuel treatments, and roads management activities. This alternative was developed to meet the purpose and need for action and accomplish the project objectives.

#### 2.1.1 Alternative #1-No Action

The Council on Environmental Quality (CEQ) regulations (40 CFR 1502.14d) requires that a "no action" alternative be analyzed. This alternative represents the existing and projected future condition against which the other alternatives are compared. The management activities that are proposed will not occur; however, it does not preclude ongoing activities in this or other areas or management proposals for the area at some time in the future. Alternative 1, the No Action, is represented by the current distribution of fire condition classes, fire hazard ratings and departure from desired condition and needing silviculture treatment.

#### 2.1.2 Alternative #2-Proposed Action (Selected Alternative)

Alternative #2, Proposed Action, proposed hazardous fuels reduction treatments that include commercial thinning, non-commercial thinning, pre-commercial thinning, prescribed fire, aspen stand rejuvenation, and activity fuels abatement on approximately 8,525 acres of National Forest System lands in response to the purpose and need for action. Activity fuels abatement includes treatments such as lopping, activity fuels underburning, and whole tree yarding. Commercial thinning will use only tractor yarding methods. No new system roads will be needed, but temporary roads will be used to access the commercial thinning acres. This is the Selected Alternative and is described in detail in Section 1 of this document and in Chapter 2, Section 2.4, pages 17-29 of the EA.

### 2.2 Alternatives Considered But Eliminated From Detailed Study

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Therefore, a number of alternatives were considered, but dismissed from detailed consideration for reasons summarized in the EA in Chapter 2, Section 2.3, pages 15-17.

1. Use of Prescribed Fire Only
2. Non-Commercial Thinning Only and No New Temporary Roads
3. Treat All Forest Stands In Project Area with High or Moderate Fuel Hazard
4. Treat Only WUI Stands Using Direction in the Healthy Forests Restoration Act (HFRA, 2003)

### 3 Public Involvement

The actions taken to ensure the involvement of the public, tribes, local governments and other agencies was comprehensive and meets all guidelines and direction for public involvement

In addition to the following specific public involvement activities, the Ekalaka Hazardous Fuel project has been listed on the Custer National Forest Schedule of Proposed Actions (SOPA) since January 2004. Scoping has included coordinating with Carter County Commissioners, Bureau of Land Management, tribal governments, and adjacent landowners.

#### 3.1.1 Public Mailing

On December 19, 2003, a letter providing detailed information on the proposed actions in the Ekalaka Hills Land Unit was mailed to approximately 100 individuals and groups, including federal, state, and local agencies, and affected Indian tribes. A total of twenty-one (21) responses to this mailing were received.

On August 2, 2004 a cover letter and the completed Environmental Analysis document were mailed to approximately 40 individuals, groups and tribal governments that had expressed interest or provided scoping comments. This 30-day notice and comment period ended on September 3, 2004. A total of four responses were received during the notice and comment period. Only supportive and/or non-substantive comments were received during the notice and comment period.

A content analysis was conducted on the initial scoping comments and the comments received during the formal notice and comment period. The content analysis is a compilation of comments from public scoping and shows how comments were used to develop any significant or tracking issues, alternatives to the selected alternative, and any additional project design measures. The content analysis with the mailing lists, and public comments received are in project files located at the Sioux Ranger District office.

#### 3.1.2 Local News Media

Announcements and notices about the project and requesting public scoping comments were published in the Ekalaka Eagle (January 9, 2004). On August 4, 2004, a legal notice was published in the Billings Gazette notifying the public of the 30-day notice and comment period.

#### 3.1.3 Custer National Forest Website

The Ekalaka Hazardous Fuel project was posted on the Custer NF website at: (<http://www.fs.fed.us/r1/custer/>, and scoping information and maps were available to the public effective December 19, 2003. The January 2004 Schedule of Proposed Actions (SOPA) for the Custer NF listed the Ekalaka Project and project information was posted on the Custer NF website. The completed EA document was posted on the Custer NF website effective August 4, 2004 for the 30-day notice and comment period.

### 4 Finding Of No Significant Impact (FONSI)

The Council on Environmental Quality (CEQ) regulations note that when an environmental assessment has been prepared, the responsible official shall review that document and determine whether the proposed action (selected alternative) may have a significant effect on the quality of the human environment and if an environmental impact statement should be prepared (40CFR 1508.13).

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Environmental Assessment (EA) for the Ekalaka Hazardous Fuel Project. I have also reviewed the project record for this analysis and the effects of the proposed action and alternatives as disclosed in

## Decision Notice/FONSI

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the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significant, as used in NEPA required consideration of both context and intensity.

**(a). Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance will usually depend upon the effects in the locale rather than in the world as a whole. Both short-and long-term effects are relevant (40 CFR 1580.27):**

The disclosure of effects in the EA found the actions limited in context. The project area is limited in size and the activities limited in duration. Effects are local in nature and are not likely to significantly affect regional or national resources (EA, Section 3.10, pages 94-97).

**(b). Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27):**

**1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effects will be beneficial.**

Impacts associated with the project are discussed in the EA. These impacts are within the range of those identified in the Forest Plan. The actions will not have significant impacts on other resources identified and described in Chapter 3. The effects of the decision to be made are not significant in the long and short-term (EA, Chapters 2 and 3). The analysis clearly shows that the beneficial effects and any economic return from the commercial thinning of trees will not occur at the expense of other resources (EA, Chapter 2, Section 2.5, pages 30-34).

**2. The degree to which the proposed action affects public health or safety.**

There will be no significant adverse effects on public health and safety. Objectives for the project include reducing the fire hazard risk to adjacent private lands and within the project area. This would benefit firefighter and public safety, and provide added protection to adjacent private property (EA, Chapter 1, Section 1.3, page 5). This action and the range of activities is typical of management actions taken in the National Forests, including logging truck traffic and other activities that involve the harvest of timber or the cutting of trees.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There will be no significant effects on unique characteristics of the area, or ecologically critical areas such as historic or cultural resources, parklands, prime farmlands, wetlands, inventoried roadless areas, and wild and scenic rivers (EA Chapter 3, Section 3.10, pages 94-97).

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The effects on the quality of the human environment are not likely to be highly controversial with the majority of the interested and involved public because they are proposed in a National Forest where timber harvest, fuels reductions, prescribed fire and silviculture activities have occurred for the past several decades in an area compatible with those forest management activities. The actions in the

Selected Alternative are well founded in science, current research, and other available information that is relevant to the actions.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

Scoping did not identify highly uncertain, unique, or unknown risks. The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for determinations of the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgment. The Forest Service has considerable experience with the types of timber thinning/harvest and fuels reduction activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA, Chapter 2, Section 2.5, pages 30-34; Section 3.10, pages 94-97).

**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.**

This project is not setting a precedent for future actions with significant effects. The sites receiving treatments have been designated in the Forest Plan for grazing, wildlife, and long-term forest diversity (EA Chapter 1, Section 1.6.4, pages 9-10). The management practices are compatible with the Forest Plan, and with the capabilities of the land.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small components parts.**

In the EA, Resource Sections 3.1 to 3.9, cumulative impacts are disclosed for each of the resource areas analyzed, and I find that cumulative impacts are not considered to be significant.

**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, cultural, or historical resources.**

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 (EA, Chapter 3, Section 3.7, pages 88-89, and Section 3.10.4, page 94).

**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 Endangered 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. A Biological Assessment for T&E species was completed and no effects will occur on any T&E species (EA, Chapter 2, Section 2.5, Table 16, page 33; Chapter 3, Section 3.4.3, page 71; and Chapter 3, Section 3.10.18, page 97).

### **10. Whether the action threatens a violation of 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 (Section 3.10). The action is consistent with the Custer National Forest Land and Resource Management Plan (EA, Chapter 1, Section 1.6.4).

### **4.1 FONSI Summary**

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed for the Ekalaka Hazardous Fuel Project is not a major federal action. In addition, the implementation of this project will not significantly affect the quality of the human environment. Accordingly, I have determined that an environmental impact statement need not be prepared for this project.

## **5 Findings Required By Other Laws, Regulations, and Policies**

I have determined that my decision is consistent with all the laws, regulations, and agency policies related to this project. Chapter 3 of the EA, Section 3.10 summarizes findings required by major environmental laws.

## **6 Implementation Date**

As noted in the following section on administrative appeal information, implementation of the selected alternative may begin immediately after publication of the Legal Notice for this decision in the Billings Gazette, the newspaper of record.

## **7 Administrative Appeal Information**

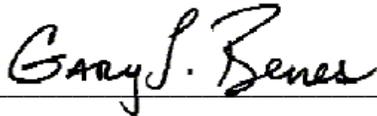
This decision is not subject to appeal in accordance with 36 CFR 215.12. No substantive comments expressing concerns and/or only supportive comments were received during the comment period for the proposed action. In accordance with 36 CFR 215.9, implementation of this decision may occur immediately following publication of this decision in the Billings Gazette, Billings, Montana.

Copies of the Ekalaka Hazardous Fuel Project EA and DN/FONSI are available at the Sioux Ranger District Office in Camp Crook, South Dakota, and at the Forest Supervisor's Office in Billings, Montana. In addition the complete EA and DN/FONSI including color project maps is available on the Custer NF website at: <http://www.fs.fed.us/r1/custer/>. The supporting Project Record, which includes the internal scoping, public involvement, specialist reports, and other supporting documents, is available at the Sioux Ranger District Office.

## 8 Contact Person

For further information on this decision, contact Rhonda O'Byrne, District Ranger, or John Clark, Project Leader, Sioux Ranger Station, Camp Crook, South Dakota (605-797-4432).

## 9 Responsible Official and Signature



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GARY L. "STAN" BENES

Deputy Forest Supervisor  
Custer National Forest



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DATE