

# DRAFT Finding of No Significant Impact

**Beartooth Front Storm Damage Clean-up and Fuels Reduction  
Healthy Forests Restoration Act Project – Main Fork Rock Creek and Benbow Area  
Beartooth Ranger District, Custer National Forest  
Carbon and Stillwater Counties, Montana  
Township 5S, Range 16E; Township 9S, Range 19E**

After considering the environmental effects described in the attached Draft Environmental Assessment, and the entirety of the Project File, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

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TRAUTE PARRIE  
District Ranger  
Beartooth Ranger District

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Date

I base my finding on the following:

## Context

The effects of the Beartooth Front Storm Damage Clean-up and Fuels Reduction Healthy Forests Restoration Act Project – Main Fork Rock Creek and Benbow Area Proposed Action would be limited in context. Treatment areas are limited in size (mechanical/hand treatments and prescribed pile burning across 377 acres in the Benbow area and 238 acres in the Main Fork Rock Creek area) and activities would be limited in duration (Tree removal and thinning could begin as early as winter 2008/2009 and continue for up to 5-10 years. Prescribed burning could take several years depending on burning factors like fuel moisture, weather conditions, etc.). Effects would be local in nature and are not likely to significantly affect regional or national resources.

The project is located on Custer National Forest lands both out of and within the wildland-urban interface (WUI) adjacent to private property, structures, and developed recreation sites (see Proposed Action Maps, Draft EA Figures 4 and 5). The National Forest System lands in the treatment areas would be affected by the Proposed Action. People most affected by the Proposed Action would be residents near the project area and recreational users of these areas during project implementation. This action is a continuation of fuel reduction projects that have occurred for many years on the Custer National Forest, within the Northern Region, and across the nation without significant effects. Short-term adverse effects would be mitigated through implementation of numerous mitigation and design features (see ‘Action Alternative Design and

Mitigation Measures' section in the EA) developed specifically for this project. The project design features minimize and avoid adverse impacts to the extent that such impacts would be almost undetectable and immeasurable, even at the local level. Within the context of the landscape as a whole, and at the stand level, the ecological consequences were not found to be significant in either the short-term or long-term.

## Intensity

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. I considered beneficial and adverse impacts associated with the Proposed Action as presented in the Draft Beartooth Front Storm Damage Clean-up and Fuels Reduction Healthy Forests Restoration Act Project – Main Fork Rock Creek and Benbow Area EA (EA pages 40 to 67, EA appendices) and supporting project record. These impacts are within the range of effects identified in the Custer National Forest Land Management Plan (USDA 1986). I conclude that the specific direct, indirect, and cumulative effects of the Proposed Action are not significant, and this action does not rely on beneficial effects to balance adverse environmental effects.
2. There will be no significant effects on public health and safety, because project design features and mitigations have been established to ensure any potential threats to public health and safety have been mitigated and resolved (see EA pages 22-37, EA page 49).
3. There will be no significant effects on unique characteristics of the area, because:
  - The project does not contain any parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas (EA page 17).
  - The cumulative effect of the Action Alternative to cultural sites would be the restoration of the project area to a more desired condition and the protection and preservation of cultural resources, through fuel load reduction, making them more fire resistant (EA page 63).
  - Protection measures included in the proposed action would ensure the physical integrity of riparian areas and wetlands (EA Appendix F, page 17).
4. The effects on the quality of the human environment are not likely to be highly controversial. I received several public comments through the scoping process (see project record) and no highly controversial issues related to the human environment were identified during the public comment period (EA, pages 14-16). Effects analysis was conducted using scientific literature (see References Cited in EA and EA appendices). Effects analysis and the literature that applies to this project did not indicate that this project would be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risk: Specialist involved with this project have considerable knowledge of and experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA pages 40 to 67 and EA appendices).

6. This action is a site-specific project that would not set precedence for future actions nor would it present a decision in principle about future considerations. Any proposed future project must be evaluated on its own merits and effects. The Proposed Action is compatible with the Custer Forest Plan and the capabilities of the land. This action does not represent a decision in principle about a future consideration.
7. Predicted cumulative impacts are not significant (see EA pages 40-67, EA appendices). Analysis disclosed in the EA and supporting documents maintain this proposal would not cause significant cumulative effects on biological or physical resources, even when considered in relation to other past present and reasonable foreseeable future activities.
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because the cumulative effect of the Action Alternative would be the restoration of the project area to a more desired condition and the protection and preservation of cultural resources, through fuel load reduction, making them more fire resistant (see EA pages 61 to 63). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because:
  - Proposed treatment plans for 11 sites where treatments will occur will be reviewed by the Montana State Historic Preservation Officer.
  - Proposed use (including maintenance and/or realignment) of one historic road by log trucks and heavy equipment may require MT SHPO consultation prior to any disturbance. Determination of consultation requirements for work on this road is pending, but, if necessary, will be completed in compliance with applicable law, regulation, and policy to ensure no significant effects occur.
  - An archaeologist will identify all site locations and/or structures to be treated and monitor all treatment activities.
  - One culturally sensitive site may require consultation with the Crow Tribe in order to verify its significance and to insure its respectful consideration and treatment (see EA page 62).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because my decision “May effect - Not likely to adversely affect” the threatened Canada lynx or proposed Canada lynx critical habitat and is “Not likely to jeopardize the continued existence of the species or result in destruction or adverse modification of proposed critical habitat” for the Experimental Nonessential gray wolf. (EA Appendix E). No impacts to other listed species are predicted because these species do not occur or have habitat in the project areas. Verbal concurrence with effects determinations for Gray wolf and Canada lynx was received from U.S. Fish and Wildlife Service on July 24, 2008 and written concurrence is pending (EA Appendix E).
10. 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 (see EA appendices).

## **Findings Required by Other Laws and Regulations**

### **National Forest Management Act**

The proposed action is consistent with the National Forest Management Act (NFMA) and the Custer National Forest Land and Resource Management Plan (Forest Plan). This proposal to improve public and firefighter safety by cleaning up areas of wind-damaged trees and reducing fuel loading on 238 acres in the Main Fork Rock Creek drainage and 377 acres in the Benbow area (see proposed action description, EA pages 17 to 37) is consistent with the intent of the Custer Forest Plan's long term goals and objectives (EA pages 8 to 10). The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for fuels, timber, and specific management areas (Forest Plan, pages 12 to 100). This proposal does not require any Forest Plan amendments.

### **Environmental Justice (Executive Order 12898)**

No impacts to minority or low-income populations were identified from public comment or any other portion of public involvement during the course of this analysis.

Consistency with other applicable laws, regulations, and policies, including the Endangered Species Act, Clean Water Act, Safe Drinking Water Act, Healthy Forests Restoration Act of 2003, Montana Water Quality Law, Montana Streamside Management Zone Law, Montana Stream Protection Act, National Historic Preservation Act, is disclosed on a resource-specific basis in the EA and appendices.

## **Administrative Review or Objection Opportunities**

The Beartooth Front Storm Damage Clean-up and Fuels Reduction Healthy Forests Restoration Act Project – Main Fork Rock Creek and Benbow Area project is an authorized fuel reduction project as defined by the Healthy Forest Restoration Act of 2003, section 101(2). This project is subject to the Predecisional Administrative Review Process (referred to as the ‘objection process’) pursuant to the interim final rule for 36 CFR 218, subpart A, published January 9, 2004 (available online at: <http://edocket.access.gpo.gov/2004/pdf/04-473.pdf>). This process is not subject to notice, comment, and appeal provisions pursuant to 36 CFR 215 (see 36 CFR 218.3).

Objections must be filed with the Reviewing Officer in writing. The Reviewing Officer is the next higher level supervisor of the Responsible Official. Objections must be submitted by mail at: USDA Forest Service, Northern Region, P.O. Box 7669, Missoula, MT 59807; by FAX at: (406) 329-3411; or by Email at: [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us). The acceptable formats for submitting an electronic objection are: MS Word, Word Perfect, or RTF. Please type “Beartooth Front Objection” in the Email subject line. Hand-delivered objections will be accepted at the Regional Forester’s Office, 200 E. Broadway, Missoula, MT, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. All objections shall be open to public inspection during the objection process (36 CFR 218.7(a)).

Objections will be accepted only from those who submitted written comments specific to the proposed project during the 30 day comment period (36 CFR 218.6). The publication date of this legal notice in the Billings Gazette is the exclusive means for calculating the time to file an objection (36 CFR 218.9(a)). Those wishing to object should not rely upon dates or timeframe

information provided by any other source. An objection, including any attachments, must be filed (regular mail, fax, Email, hand-delivery, express delivery, or messenger service) as stated above within 30 days of the date of publication of this legal notice for the objection process (36 CFR 218.9(a)). Incorporation of documents by reference shall not be allowed in the objection (36 CFR 218.7(c)).

At a minimum an objection must include the following (36 CFR 218.7(d)): 1) The objector's name and address, with a telephone number, if available; 2) a signature or other verification of authorship upon request (a scanned signature for Email may be filed with the objection); 3) when multiple names are listed on an objection, identification of the lead objector (verification of the identity of the lead objector shall be provided upon request); 4) the name of the proposed authorized hazardous fuel reduction project, the name and title of the Responsible Official, and the name(s) of the National Forest(s) and/or Ranger District(s) on which the proposed authorized hazardous fuel reduction project will be implemented; and 5) provide sufficient narrative description of those aspects of the project that are objected to (36 CFR 218.7(b)) by identifying specific issues and suggested remedies which would resolve the objection.

If an objection is received on this project the Reviewing Officer and objector may meet and/or converse by telephone to discuss issues raised in the objection and potential resolution. The Reviewing Officer has the discretion to determine whether or not adequate time remains in the review period to make a meeting with the objector practical. These meetings would take place soon after the closing date for filing an objection. All meetings are open to the public. If you are interested in attending any resolution discussions, please contact the Responsible Official or monitor the following website for postings about current objections in the Northern Region of the Forest Service: [http://www.fs.fed.us/r1/projects/appeal\\_index.shtml](http://www.fs.fed.us/r1/projects/appeal_index.shtml).

## **Implementation Date**

Pursuant to 36 CFR 218.11, if no objections are filed within the 30-day objection filing time period, a Decision Notice may be issued and decision implementation may occur on, but not before, 5 business days from the close of the objection filing period. When objections are filed, the Responsible Official may not issue a Decision Notice and begin implementation until the Reviewing Officer has responded to all pending objections.

## **Contact**

For additional information concerning this project or the Forest Service objections process, contact Dan Seifert, at the Beartooth Ranger District., 6811 US Highway 212 South, Red Lodge, MT 59068, 406-446-2103.

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