

# **DECISION NOTICE AND 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  
February 2009**

## **DECISION AND REASONS FOR THE DECISION**

### **Background**

This action is needed to respond to potentially hazardous fuels conditions, including increased fuel loads created by the November 2007 storm event (Beartooth Front Storm Damage Clean-up and Fuels Reduction Healthy Forests Restoration Act Project – Main Fork Rock Creek and Benbow Area Environmental Assessment (EA) pages 2 to 6 and Appendix A); the need for this action arose in response to a 2007 wind event that created heavy concentrations of snapped and fallen trees on National Forest System (NFS) and private lands. The purpose of this project is to:

- Improve the ability to control and/or suppress wildfires to protect human and natural resource in the project areas.
- Reduce the risk to wildland firefighters and residents of the wildland-urban interface should a fire occur.
- Improve the ability to safely leave the areas in the event that a wildfire occurs.

The environmental assessment (EA) documents the analysis of one action alternative to meet this purpose.

### **Decision**

Based upon my review of the Proposed Action and No-action alternatives and the effects of these alternatives disclosed in the EA, I have decided to implement the Proposed Action to reduce fuels and clean-up storm damage across 377 acres in the Benbow area (EA Figure 5 and Table 3) and 238 acres in the Main Fork Rock Creek area (EA Figure 6 and Table 4). The proposed action includes numerous design and mitigation measures (see EA Table 5, pages 21 to 35) that are also included as part of my Decision.

This action is needed to respond to increased fuel loads on National Forest System (NFS) lands in the wake of the November 2007 wind storm. These needs would be addressed by reducing fuel loads and creating fuel breaks which would meet the purposes identified in the background section above, and would also improve overall defensibility of nearby values at risk. Values at risk in or near the project area include the communities of Dean and Nye, a small subdivision,

recreational lease cabins on National Forest System Lands, numerous private residences and ranches, heavily utilized Forest Service developed recreation sites associated with the Beartooth Scenic Byway (US Highway 212), and the Stillwater Mine. Removal of wind thrown trees has been completed on adjacent affected private lands.

The proposed action initially included treatment areas in the West Fork of Rock Creek. However, the 10,000 acre Cascade Fire burned approximately 70% of the proposed treatment area in the West Fork, and proposed treatments in that drainage were subsequently withdrawn from this proposed action. The loss of 4 cabins and another structure, as well as the Cascade campground and other developed recreation sites, in the Cascade Fire, underscores the risk associated with the remaining wind thrown trees where they lay adjacent to high value areas. This fire occurred in a year with remarkably little fire activity elsewhere in Montana. The goal is to have the risk reduced by fire season of 2009.

The Beartooth Front Storm Damage Clean-up and Fuels Reduction Healthy Forests Restoration Act Project – Main Fork Rock Creek and Benbow Area is an authorized fuel reduction project as defined by the Healthy Forest Restoration Act of 2003, sections 101(2), 102 (a) (1), and 102 (a) 4). Both the Stillwater and Carbon County Wildfire Protection Plans identified the need to pursue fuel reduction projects in wildland urban interface areas addressed by this project. When compared to the No-action alternative, the Proposed Action will meet the purpose and need and will not result in significant effects on the quality of the human environment.

The effects analysis (EA and Appendices A to R) generally concluded that the proposed treatments would have beneficial effects or minimal additional influence to affected natural resources. Some natural processes have already been affected by the initial loss of timber canopy and fuel loading created by the wind storm. The proposed treatments would not further reduce timber canopy to any substantial degree. While the amount of wind thrown trees treated is a small percentage of the total storm damage that currently exists, from a cumulative effects standpoint, considering the potential for large scale wildfire, the proposed treatments would help to reduce fire intensity and hasten recovery of post-fire landscapes near values at risk. Localized removal of excess woody debris in streams would also have beneficial impacts to Yellowstone cutthroat trout and wild trout. It must be recognized that benefits of treatment under a wildfire scenario are localized, as only a small percentage of the total storm damage would be treated. Therefore, from a watershed scale perspective, the Proposed Action is not substantially different than the No-Action with respect to resource impacts. However, the benefits to recreational users and values at risk are much more tangible.

The potential would continue to exist for large acreage wildfires within the project areas during the effective period for the treatment (EA Appendix A, page 17). The highest percentage of ignitions within the proposed project units are from human causes. Many fires occur in dispersed camping areas from unattended or un-extinguished campfires. The proposed action is focused on treatments in specific and strategic areas where such treatments would likely be most effective at improving public and firefighter safety and improving the tactical ability to suppress fires. Given that a high percentage of recent and historic fires in the area have been started due to human activities in drainage bottoms and along roads (EA Appendix A, pages 7 to 10), fuels reduction is focused on areas most used by the public where such fires could start, such as near roads, homes, and developed recreation facilities. Due to heavy dense vegetation and days of poor air quality, campfires left un-extinguished may smolder for long periods undetected,

becoming a wildfire under the right condition. Thinning these areas will increase visibility for detection of smoldering campfires.

As stated in the Purpose and Need section of the EA (pages 10 to 12), this proposal is not intended to nor can completely prevent wildfires in the Main Fork and Benbow areas. The proposed action is designed to enhance egress and access in the canyons by public and firefighters and improve firefighter capabilities in tactical wildfire suppression. Proposed treatment areas and past timber harvest have and would only change small portion of the total fuels loads present within the drainages. Modeling indicates that the proposed actions would reduce potential for ignitions from any source and limit fire intensity and duration within the treated units. When compared to the No-action alternative, modeled fire behavior in treated units would be surface fire (rather than crown fire) with lower rates of fire spread, lower flame length heights, and increased production rates for fire suppression resources (EA Appendix A, pages 15-17). I find that decreased fire behavior and increased ability to build fireline in the treatment areas would improve the tactical ability of firefighters to control and/or suppress wildfires in and near treated areas, reduce the risk to wildland firefighters and residents of the wildland-urban interface should a fire occur in treated areas, and improve the ability to safely leave the areas in the event that a wildfire occurs.

As disclosed in the EA (Appendix D, pages 4 to 6), storm damage clean-up is consistent with and needed to comply with Custer National Forest Management Plan (Forest Plan) recreation goals, objectives, and standards (USDA 1986). Without clean-up, no routes or dispersed recreation sites would be opened by fuels treatment and storm damage clean-up in the Main Fork and Benbow areas and increased resource damage would be likely. In addition, the proposed action would address local requests to make firewood available for personal use from log decks and slash piles.

This alternative meets requirements under numerous applicable laws, regulations and policies, including, but not limited to, 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, and the Custer Forest Plan as disclosed in the EA, EA appendices, and project record.

## **Other Alternatives Considered**

In addition to the selected alternative, I considered the No-action alternative. A comparison of these alternatives can be found in the EA starting on page 35.

### ***No-action***

Under the No-action alternative, current management plans would continue to guide management of the project area. No fuels reduction or additional storm-damage clean-up activities would be implemented on National Forest System lands to accomplish project goals.

## **Public Involvement**

A proposal to reduce fuels and clean up storm damage in the Benbow area and Main Fork Rock Creek areas has been listed in the Custer National Forest's Schedule of Proposed Actions since

April 2008. The proposal was provided to the public and other agencies for comment from January 25 to February 25, 2008. Comment period and public meeting notification were also provided via a legal advertisement published in the Billings Gazette on January 29, 2008 and news releases sent to several area and regional newspapers.

Approximately 200 letters describing the proposed action and asking for comment were mailed or e-mailed to individuals, agencies, groups, and Forest Service permit holders that could be potentially affected by or interested in the proposal. The Beartooth District Ranger presented project information to the Red Lodge City Council and Carbon County Commissioners. Public collaboration meetings were held on January 30 in Nye and on February 6 and February 19, 2007 in Red Lodge. A total of 17 responses to project collaboration and public comment efforts were received (see project record).

Using the comments from the public and other agencies (see Issues section in EA), the interdisciplinary team identified several issues regarding the effects of the proposed action. Key Issues (see EA Table 1, pages 14 to 15) of concerns are:

- Effects to visual resources.
- Effectiveness of fuels treatments in decreasing fire risk and improving firefighter and public safety.
- Effects to recreational users
- Identification of a need for commercial and personal firewood harvest opportunities.
- Effects to water quality.
- Effects to fisheries.
- Effects of project implementation to noxious weed proliferation and post-project weed monitoring needs.
- Effects of tree removal and equipment use on future off-road use and car camping sites.
- Effects to snag amount and distribution.

To address these concerns, the Forest Service developed the proposed action and included numerous design features and mitigation measures (see EA Table 5, pages 21 to 35).

Analysis summarized in an EA and draft Finding of No Significant Impact were sent to individuals that provided comment or otherwise expressed interest in this project in October 2008.

Pursuant to 36 CFR 218, an October 10, 2008 legal notice of the opportunity to object to this authorized hazardous fuel reduction project was published in the Billings Gazette newspaper. Two objections were received (see project record). In response to these objections, a conference call meeting was held on December 3, 2008 with the objectors to resolve objection issues. There was no resolution of any of the issues during the conference call. On December 8, 2008, an objections response letter from Forest Supervisor Steve Williams, the reviewing official, was mailed to the objectors describing the findings of the review and direction for the Responsible Official to follow (see project record). This direction from the reviewing official was addressed through additional analysis included in the EA and project record.

# **FINDING OF NO SIGNIFICANT IMPACT**

After considering the environmental effects disclosed in the Beartooth Front Storm Damage Clean-up and Fuels Reduction Healthy Forests Restoration Act Project – Main Fork Rock Creek and Benbow Area Environmental Assessment, and the Project File, I find 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. My Decision is based on the following findings:

## **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 pile 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 NFS lands administered by the Custer National Forest lands. Activities would occur on NFS lands both near and within the wildland-urban interface (WUI) adjacent to private property, structures, and developed recreation sites (see Proposed Action Maps, EA Figures 5 and 6). NFS 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 (some of whom have completed fuels treatments on adjacent private lands) and Forest visitors to 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 measures (see ‘Action Alternative Design and Mitigation Measures’ section in the EA) developed specifically for this project. The project design features reduce and avoid the environmental impacts of the proposed action. Within the context of the landscape as a whole, and at the stand level, I find that the ecological consequences are not 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 Beartooth Front Storm Damage Clean-up and Fuels Reduction Healthy Forests Restoration Act Project – Main Fork Rock Creek and Benbow Area EA (EA, EA appendices) and supporting project record. I find that the selected alternative, the Proposed Action, is consistent with the Forest Plan (USDA 1986). I find that the 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 at: Table 5, pages 21-35; page 46; Appendix A page 16).
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 16).
  - No treatments will occur in Inventoried Roadless Areas or the Absaroka-Beartooth Wilderness (EA Appendix K).
  - 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 59).
  - Protection measures included in the proposed action would ensure the physical integrity of riparian areas and wetlands and comply with State of Montana and Federal water quality and stream protection law, regulation, and policy (EA Appendix F, page 4).
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: Natural resource specialists who were members of the interdisciplinary team for this project have considerable knowledge of and experience with the types of activities to be implemented. The effects analysis discloses that the effects are not uncertain, and do not involve unique or unknown risk (see EA starting at page 35 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 consistent with the Forest Plan and the capabilities of the land (see EA starting at page 35 and EA appendices). This action does not represent a decision in principle about a future consideration.
7. Predicted cumulative impacts are not significant (see EA starting at page 35 and EA appendices). Analysis disclosed in the EA and supporting documents maintain this proposal would not cause significant cumulative effects on biological or physical resources or the human environment, 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 57 to 59). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because:
  - No significant scientific resources have been identified in areas potentially affected by the proposed treatments.
  - Proposed treatment plans on or adjacent to 10 cultural resource sites will be reviewed by the Montana State Historic Preservation Officer to ensure that any potential effects are avoided or appropriately mitigated.
  - Complete avoidance would occur at nine sites. These sites may be monitored during and after unit treatment activities to insure that they are not disturbed.
  - An archaeologist will identify all site locations and/or structures to be treated and monitor all treatment activities. If the archeologist deems it necessary to verify significance and insure respectful consideration and treatment at one culturally sensitive site, consultation with the Crow Tribe will also be completed (see EA page 59).
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 the proposed action “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, pages 13 to 17). 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 (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 for numerous potentially affected resource areas (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 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 16 to 35) is consistent with the intent of the Custer Forest Plan's goals and objectives (EA pages 8 to 10 and EA appendices). The project was designed in compliance with Forest 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 or environmental analysis 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 was 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 project is not subject to notice, comment, and appeal provisions pursuant to 36 CFR 215 (see 36 CFR 218.3). As detailed above under the Public Involvement subsection, the objection process has been completed.

## IMPLEMENTATION DATE

The Reviewing Officer has responded to all pending objections. The objection process has been completed and implementation of this project may proceed pursuant to 36 CFR 218.11(a).

## CONTACT

For additional information concerning this project or the Forest Service objection 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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TRAUTE PARRIE  
District Ranger  
Beartooth Ranger District

February 6, 2009  
Date

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