



**United States  
Department of  
Agriculture**

**Forest  
Service**

**Northern  
Region**

**June, 2008**



## **DECISION NOTICE**

**and**

## **FINDING OF NO SIGNIFICANT IMPACT**

### **Whitetail Hazardous Fuels Reduction Project**

**Under Authority of the Healthy Forest  
Restoration Act**

**Custer National Forest**

**Ashland Ranger District**

**Powder River County, Montana**



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## DECISION NOTICE

### Background

The Whitetail Hazardous Fuels Reduction Project involves treating fuels by using a combination of commercial, non-commercial tree removal and prescribed burning. The project area consists of approximately 9,767 acres of National Forest System lands and is located approximately 17 miles north east of Ashland, Montana in Powder River County, Montana in all or portions of Township 1 South, Range 46 East, Sections 26, 25, 36 and 34; Township 1 South, Range 47 East, Sections 31, and 32; Township 2 South, Range 46 East, Sections 2, 1, 11, 12, 14, 13, and 24; Township 2 South, Range 47 East, Sections 6, 5, 7, 8, 18, 17, 16, 19, 20, 30, 29, 28.

Ashland is the closest community but private property and rural residences adjoin the project area along its entire eastern border (approximately eight miles) while Forest Service infrastructure, including the historic Whitetail Cabin and Holiday Springs campground form the southern boundary of the project area. To the north and west the project area is National Forest System lands with some interspersed private property.

The Whitetail Project purpose is to reduce hazardous fuel loading and the risk of a stand replacing wildfire on NFS lands identified as priority number one (EA, page 2) in the Powder River County Wildfire Protection Plan. The action is needed because forest lands in the project area are comprised of dense stands of ponderosa pine with a high risk of high severity wildland fire. The project was designed to reduce the likelihood of a stand replacing wildland fire by removing down woody and ladder fuels and creating a distribution of forest structure and development classes that are more resistant to high severity stand replacing wildland fires. Fuel reduction treatments such as tree thinning and prescribed fire would help modify extreme fire behavior, lessen the severity of a wildland fire, and provide a better chance of control thus reducing potential effects to adjacent private property.

The goals and objectives of the Whitetail Project are consistent with that of the Custer National Forest Plan. Specifically, the proposed action is designed to meet objectives based on Forest-wide standards and guidelines (Custer Forest Plan pages 12-39,) as well as management area standards and guidelines (Custer Forest Plan pages 53, 54, 56; 61-63; 80-85; 88). The proposed project area does not contain any unique characteristics of the geographic area, such as, parklands, prime farms, wetlands, wild and scenic rivers or ecologically critical areas.

### Decision

As the responsible official and after careful review of the Environmental Assessment (EA) for the Whitetail Hazardous Fuels Reduction Project, comments received, and after conducting further analysis as a result of the objection process, I have decided to select the proposed action as modified. The proposed action was modified by changing 68 acres from Commercial Thin 1 to Non Commercial Nest Stand. The EA, pages 4-19 describes the proposed action in detail including treatment types and acreage, maps, design criteria and referenced BMP's (specialist report -soils). I have summarized the proposed action as modified below.

Within the project area, approximately 3,059 acres (31%) of forest and grassland would be treated with prescribed burning. Approximately 5,131 acres (52%) would be treated with a

variety of mechanical activities including slashing, hand or machine piling, pre-commercial thinning, commercial thinning, commercial harvest, and broadcast or jackpot burning. No treatment is proposed on 1,506 acres (15%).

In addition, an approximately 300 foot wide fuel break (about 150 ft. each side) along roads #4769 (Sartin – Stacey Cr.) #4427 (Beaver Cr./ Pumpkin Cr. Divide), #4777 (East Fork Otter / Pumpkin Creek Divide), #4769, 4133 (Beaver Creek), and #4423 (Pumpkin Cr.) would be constructed. The fuel break design includes: 1) a minimum 10 feet between canopies of individual trees, 2) reducing ladder fuel canopy base height of greater than 10 feet (no branches between ground and canopy), and 3) reducing surface fuels to less than 3 tons per acre on average.

No new permanent system roads will be constructed. However, approximately eight miles of temporary road segments are necessary to access fuel treatment areas. To minimize erosion and other detrimental impacts to the soil resource, all temporary road construction and road reconstruction will use Best Management Practices (BMP's) for Soil and Water Conservation. These practices are described in detail in the Forest Service Soil and Water Conservation handbook (FSH 2509.22) the Soil Management Handbook (FSH 2509.18) and the Streamside Management Zone Practices.

Temporary routes will not be open for public travel. Following treatment, these roads would be obliterated by scarifying in a random pattern, restoring to contour if a cut-slope exists and scattering of debris (where available). Signing may or may not be required to keep vehicle traffic from using the route. Signing needs will be addressed as rehabilitation activities are completed.

A year long gate closure will be instituted on roads #4512, #4473, #44237, #4777B1 following the project. These roads will be open for administrative use only. The closures will mitigate the effects of the project on big game wildlife cover until such time as they are no longer necessary. Big game hiding cover refers to how visible big game are during hunting season and is not a biological need or requirement.

My decision is based on the information contained in the environmental analysis for the Whitetail Hazardous Fuels Reduction Project. The Interdisciplinary (ID) Team who worked on this analysis consisted of a wildlife biologist, fuels specialist, silviculturist, heritage resource specialist, timber operations specialist, range conservationist, transportation engineer, soil specialist, hydrologist, and ID team leader. I further based my decision on the supporting information contained in the Project Record and comments received from the public and other agencies, through the National Environmental Policy Act (NEPA) scoping and comment process and the Healthy Forests Restoration Act (HFRA) 30-day objection process.

## **Public Involvement**

Following the 2000 fire season, Congress directed the Forest Service to identify high-risk wildland/urban interface areas, using the 2000 National Fire Plan Guidelines ([www.fireplan.gov](http://www.fireplan.gov)). On August 22, 2002, President Bush established the Healthy Forests Initiative, directing the Departments of Agriculture and the Interior, and the Council on Environmental Quality, to improve regulatory processes to ensure more timely decisions, greater efficiency, and better results in reducing the risk of catastrophic wildland fires. The Healthy Forests Restoration Act of 2003 (P.L. 108-148) contains a variety of provisions to expedite hazardous-fuel reduction and forest restoration projects on specific types of Federal land that are at risk of wildland fire or insect and disease epidemics.

In 2002 Powder River County personnel, Broadus Volunteer Fire Department and state and federal agencies began working together to identify wildland fire risks. This collaborative effort resulted in the 2004 Powder River County Wildfire Protection Plan (hereafter referred to as the PRCWPP). The plan identified the north-eastern portion of the Ashland Ranger District, which includes the project area, as the highest priority for fuels reduction in the approximately two million acre County.

On August 8, 2007, a letter detailing the proposed action and inviting comments on the Whitetail Hazardous Fuels project was mailed to 47 individuals and groups, including federal and state agencies, environmental organizations and adjacent landowners. The potential for exceeding a 40 acre opening size was identified in the scoping notice dated September 4, 2007 and mailed to 47 individuals and groups, including federal and state agencies, environmental organizations and adjacent landowners.

The public was invited to review the proposed action at an open house at the Ashland District Office on August 28, 2007. The meeting was attended by seven people. Additional informational meetings were also conducted with Powder River County Commissioners, adjacent private land owners and grazing permittees. Individuals at the open house expressed strong support for the project as has been the case with discussions with adjacent landowners and permittees. The project has been listed on the Custer National Forest Schedule of Proposed Actions (SOPA) since March 2007.

Copies of the EA were mailed to those individuals or groups who commented during the scoping period. A Legal Notice was published in the paper of record describing the project and starting the 30 day objection process as defined in HFRA on March 24, 2008. The objection period concluded on April 25, 2008.

### **Objection Process**

The HFRA provides for predecisional administrative review, and defines that the objector must provide sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objection (36 CFR 218.7) to the reviewing officer. The reviewing officer for the Whitetail Hazardous Fuels Reduction Project, Custer National Forest Supervisor, Steve Williams received one objection of the project, signed by two objectors. The objectors accepted the Forest Supervisors offer for a resolution meeting and selected a conference call as the format.

While the May 15 conference call was productive, remedies brought forward in the objection letter were not resolved. Other points brought up in the letter were discussed during the conference call particularly those that concerned goshawk. It was indicated on the conference call that the forest would be adding additional acreage to meet goshawk post-fledgling needs and expanding the big game analysis to include mule deer and whitetail deer as it relates to big game hiding cover. The effects of prescribed burning on sage brush habitat in the project area would also be disclosed.

Forest Supervisor, Steve Williams concluded his review with a May 23, 2008 letter to the objectors. This letter included direction to the responsible official to "evaluate the analysis and conduct if appropriate, additional effects analysis for sensitive wildlife species."

This direction resulted in a modification to the project which included 68 acres removed from Commercial Thin 1 treatment and placed in Non Commercial Nest Stand treatment. This modification will ensure compliance with Northern Region best available science for goshawk and bring the average of this area of goshawk nest habitat to 240 acres (183 acres already identified in the project) In addition further analysis was conducted on the following wildlife species: Brewers Sparrow, black tailed prairie dog, burrowing owl, loggerhead strike and several species of bat and the big game analysis was enhanced to include mule and whitetail deer per Forest Plan direction. The effect of prescribed burning in sage brush habitat was also addressed.

## **Alternatives**

A complete discussion of the alternatives considered is contained in the EA starting on page 19. I did not choose any of the action alternatives discussed because they either did not meet the purpose and need, had legal access issues or included new long term access routes as opposed to temporary routes which I felt were unnecessary for this project. I did not consider the No Action because it did not meet the purpose and need of the project and importantly, would not address the concerns brought forward by the local community through the Powder River County Wildfire Protection Plan.

## **Rationale for the Decision**

My criteria for making a decision on this project was based on how well the proposed management actions analyzed in the EA address the purpose and need, the issues that were raised during the initial scoping process, and the objection process. I also considered that the *Finding of No Significant Impact* (included with this document) supported the use of an EA as the appropriate level of NEPA analysis. And finally, I reviewed Forest Plan standards and guidance for the project area, and considered competing interests and values of the public.

The National Fire Plan and HFRA emphasize management in overly dense forest vegetation that is the result of fire exclusion, particularly within the wildland interface and where there are impacts on rural communities. The fuel reduction treatments as described in the Proposed Action as modified specifically address these resource conditions and the priorities defined in the Powder River County Wildfire Protection Plan.

The purpose and need for action and desired conditions for the Whitetail project area are based on Forest Plan goals, objectives and standards. The Proposed Action as modified, best meets the purpose and need while also being responsive to the issues identified through scoping and the objection process. I have considered the high level of local community support for this project. I believe the treatments described for this project will substantially lessen the risk of stand replacing wildfire and overall, move the project area toward condition class one. Future fire suppression efforts should be more effective and safer for firefighters while risk to private property in the proximity to Federal lands will be reduced.

This decision will reduce fuel levels on 8,262 acres or 85% of the project area. While some of the trees will be removed for commercial uses, smaller-sized trees will be burned or otherwise treated. Trees will be removed that most contribute to ladder fuels and continuous forest canopy cover. I believe that the actions I am authorizing with this decision, along with the design

features to meet wildlife concerns particularly for goshawk and big game security coupled with fuel reduction will reduce potential fire intensities, improve the opportunity for fire suppression and reduce risk to adjacent private property.

Overall, I conclude that the Proposed Action as modified best meets the purpose and need of the project while protecting the environment than the No-Action Alternative. I have selected the alternative with associated mitigation measures and design features as described in the EA for implementation. I have determined the environmental effects of implementing this alternative are acceptable.

## FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the Whitetail Hazardous Fuels Reduction Project Environmental Assessment (EA), I have determined that the proposed action will not have significant effects on the quality of the human environment based on the context and intensity of its impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. I considered the following in making this determination:

The proposed action would implement project activities that are of limited scope and duration, affecting only the immediate area around the proposed treatment units. The project is anticipated to be implemented over the next two to five years. The project was designed to minimize environmental effects through harvest unit location, logging methods, silvicultural prescriptions, and project design criteria (EA, pages 4-6; 13-19; 20-32). No significant issues or unresolved conflict were identified concerning alternative uses of available resources that warrant further consideration of additional alternatives (17-18).

I also considered the following elements in making this decision:

**1. Impacts that may be both beneficial and adverse:** It is my determination, based on review of the Whitetail Hazardous Fuels Reduction Project EA and consultation with specialists, that the proposed action as modified to meet the agreements with the objectors, including mechanical and hand fuel reduction treatments, burning of thinning slash and natural forest fuels, temporary road construction, would not have a significant impact on the environment. All effects would be small or short-lived. None is deemed irreversible or irretrievable and do not set in motion further effects. All potential direct, indirect and cumulative effects are evaluated in the EA, specialist reports and Biological Assessments and Evaluations. I considered beneficial and adverse impacts associated with the project. These impacts are within the range of effects identified in the Forest Plan for the Custer National Forest. 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. The degree to which the proposed action affects public health or safety:** The fuel reduction treatments are designed to increase the efficiency of fire suppression efforts and reduce risks to firefighters, local residents, the public, structures and natural resources. The implementation of these treatments would result in improved community safety because the fuel reduction would increase the chance of suppressing the fire before it reaches private property. All burning of thinning slash and natural fuels would comply with State Air Quality Standards and be coordinated through the Montana Airshed Group. Project design criteria have been established to ensure any threats to public health and safety have been mitigated and resolved during project formation (EA, page14).

**3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, parklands, prime farms, wetlands, wild and scenic rivers or ecologically critical area:** The project area does not contain, and is not near areas that have been identified as ecologically critical or otherwise unique for the geographic area. Heritage surveys have been completed and impacts to cultural and historic resources have been avoided (EA, pages 29-30). The project does not contain any parklands, prime farmlands, wild and scenic rivers, wetlands, or ecologically critical areas (EA, page 11). Based on this information, I conclude that the proposed action would have no effects on unique resources.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial:** The effects of the quality of the human environment are not like to be highly controversial. Effects analysis was conducted using scientific literature (see Literature Cited/ or References Cited for each individual specialist reports). The literature that applies to this project did not indicate that this project would be highly controversial. I received several public comments through the scoping process and objection periods. I feel all the agreed upon objection items have met. The local community and county were very much in favor of the proposed action. No highly controversial or significant issues related to the human environment were identified during the scoping period (EA, page 1). No significant issues were raised during the analysis process (EA, pages 22-31).

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risk:** Based on my review of comments received during the scoping of this project and the analysis documented in the EA and Project Record, I find the possible effects on the human environment that are uncertain or involve unique or unknown risks are non-existent. A technical analysis (EA pages 22-31) that discloses potential environmental impacts (which is supportable with use of accepted techniques, reliable data and professional opinion) has been completed, and I believe that the impacts of implementing this proposal are within the limits that avoid thresholds of concern.

**6. The degree to which the action may establish a precedent for future actions with significant effects or presents a decision in principle about future consideration:** The Whitetail Hazardous Fuels Reduction Project represents a site-specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any proposed future project must be evaluated on its own merits and effects. The proposed actions are compatible with the Forest Plan, and the capabilities of the land. I believe that this action does not represent a decision in principle about a future consideration.

**7. Whether the action is related to other actions with individual insignificant but cumulative significant impacts:** The cumulative impacts are not significant. Consideration of potential cumulative impacts of this proposal on wildlife, plants, watersheds, soils, heritage, fuels, and air shed resources were analyzed to consider past present and reasonable foreseeable future activities. The resulting 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 actions (Whitetail EA pages 22-31).

**8. The degree to which the action may adversely affects districts, sites, highway structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources:** Heritage surveys have been completed in the Whitetail Hazardous Fuels Reduction Project area. The project has been designed to exclude heritage resources from impact areas. The potential for impacting undiscovered sites is through the design features included as part of the proposed action (EA, pages 29-30). In the event such resources are discovered during project implementation, they will be evaluated and protected. I believe that this action will not have a significant effect on scientific, cultural or historical resources.

**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 proposed project would have no effect on the federally endangered black-footed ferret because the species is absent from the project area. The proposed action

would have no impact on the bald eagle, plains spadefoot toad, and Baar's milkvetch. The proposed action could impact individuals or their habitat, but will not likely contribute to a trend towards federal listing, or cause a loss of viability to the population or species for the Townsend's big-eared bat, pallid bat, spotted bat, fringed myotis, long-eared myotis, long-legged myotis, black-tailed prairie dog, burrowing owl, loggerhead shrike, great plains toad, northern leopard frog, greater short-horned lizard, milksnake, western hog-nosed snake, or heavy sedge (EA, pages 30-32).

**10. Whether the proposed action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment:** The Proposed Action meets federal, state, and local laws for, heritage resources or cultural sites (EA, pages 29-30), water quality (EA, pages 26-27), and Threatened and Endangered species (EA, pages 30-32). It also meets National Environmental Policy Act disclosure requirements (Whitetail Hazardous Fuels Reduction Project EA and this Finding of No Significant Impact).

The proposed action is consistent with the National Forest Management Act (NFMA) and the Forest Plan for the Custer National Forest. This proposal does not require any Forest Plan amendments. According to 36 CFR 219.7 (a) (2) (iv) (Subpart A - National Forest System Land and Resource Management Planning; Developing, amending, or revising a plan; General planning requirement ; Plan components; Suitability of areas) a final determination of suitability for timber production is made through project decisions.

16 USC 1604(g) (3) (E) National Forest System Land and Resource Management Plans

(i) Timber harvest is not expected to result in irreversible damage to soil, slope, or watershed conditions (EA, pages 27-29).

(ii) Openings will be restocked within five years after harvest (Silviculturist Report, page 39-41).

(iii) The proposed harvests will not seriously or adversely affect water shed conditions (EA, pages 26-27).

(iv) The proposed harvesting system is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber. The proposed location and size of the harvest units were determined to best meet the purpose and need of the project both spatially, and create the development class in greatest need identified during the Fire Regime Condition Class assessment.

16 USC 1604(g) (3) (F) National Forest System Land and Resource Management Plans

(i) In some areas the selected harvest methods will result in areas of even-aged stands of timber, but only ponderosa pine will be harvested. All other species will be left.

(ii) An interdisciplinary team reviewed and assessed the project. Their findings are reported in detail in each resource report and are summarized in the Whitetail Hazardous Fuels Reduction Project EA.

(iii) Opening size limitations for harvest units applies to this proposal. All harvest units, except for eight of the harvest units, within the proposed action meet the acre size

limitation of harvest openings created by even-aged silvicultural systems. Approval to create an opening greater than 40 acres on the Whitetail Hazardous Fuels Reduction Project was sought by the Forest Supervisor and granted by the Regional Forester (memos dated 10/5/2007 and 11/2/2007, respectively). The public was notified in a letter dated August 29, 2007 that the Forest Service was seeking comment on the proposal to exceed the 40 acres size limitation of harvest openings created by even-aged silvicultural systems within the Whitetail Hazardous Fuels Reduction Project (project record, public involvement section).

(iv) The proposed harvests will be carried out in a manner consistent with the protection of soil, watershed, wildlife, range and heritage resources, and the regeneration of the timber resource (EA, pages 5; 24-32).

### **Findings Required by Laws, Regulations, and Policy**

The Whitetail Hazardous Fuels Reduction Project EA addressed the regulatory framework and regulatory consistency by resource area. I have determined that my decision is consistent with the laws, regulations and policies related to this project. The analysis leading to my decision was developed within the framework of the following laws, regulations, and policies.

### **The National Forest Management Act (NFMA) (16 USC 1604)**

#### **1. Best Available Science**

My decision is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Each specialist report includes an extensive list of referenced literature. These references are included in the project file.

#### **2. Consistency with Forest Plan Standards, Goals, and Objectives**

The Custer National Forest Land and Resource Management Plan of 1986 (Forest Plan) establishes management direction for the Custer National Forest. This management direction is achieved through the establishment of Forest-wide goals and objectives, standards and guidelines. Additional goals and accompanying standards and guidelines have been established for specific management areas (MAs) across the Forest. Project implementation consistent with this direction is the process in which desired conditions described by the Forest Plan are achieved. The National Forest Management Act requires that all project-level resource plans, such as this DN, are to be consistent with the Forest Plan (16 USC 1604(i)). The EA displays the Forest Plan and MA goals and objectives and the standards and guidelines applicable to the Whitetail area (EA, page 11). The alternative development process is detailed in Chapter 2 of the EA, while the management goals of the alternatives and the environmental consequences of the alternatives in relation to the Forest Plan standards and guidelines are described in Chapter 3 of the EA. After reviewing the EA, I find that my decision is consistent with Forest Plan standards, goals, and objectives as amended.

#### **3. Wildlife Viability**

The NFMA directs the Forest Service to manage wildlife habitat to maintain diverse populations of existing native and desired non-native species in the planning area. Based on my review of the wildlife Biological Assessment and Biological Evaluation for the Whitetail Hazardous Fuels Reduction Project (located in the project file), I conclude that my decision poses little risk to the diversity and distribution of native wildlife species.

#### **4. Roads**

The NFMA requires that the necessity for roads be documented and that road construction be designed to "standards appropriate for the intended uses, considering safety, cost of transportation and impacts on land and resources" [16 USC 1608]. The NFMA also requires that "all roads are planned and designed to re-establish vegetation cover on the disturbed areas within a reasonable period of time, not to exceed 10 years ...unless the road is determined a necessary permanent addition to the National Forest Transportation System" [16 USC 1608 Sec. 8]. A transportation plan, including a Transportation Route Analysis Process, was completed for this project and is located in the project file.

I believe that we have met the intent of NFMA road requirements. Additional information regarding the road network in the analysis area can be found in the Transportation Route Analysis Report (located in the project file).

#### **Healthy Forest Restoration Act**

As discussed in the EA on pages 2-3, the Whitetail project qualifies for expedited NEPA review under the Healthy Forests Restoration Act, Section 102 (a)(1) and (4). The Act says that as soon as practicable, the Secretary shall implement hazardous fuel reduction projects on "Federal land in wildland-urban interface areas". The proposed action will be implemented on Federal land in wildland-urban interface areas. Other considerations consistent with the use of the Healthy Forests Restoration Act include the following:

- The proposed treatments are located on federal land in wildland-urban interface areas.
- The project is not within a wilderness or wilderness study area.
- The project is not in an area where removal of vegetation is prohibited by an act of Congress or Presidential proclamation.
- The project has been designated through a collaborative process.
- The project objective is to protect communities by treating hazardous fuels.
- The project is consistent with the Custer National Forest Plan.
- The proposed treatments are consistent with the Powder River County Wildfire Protection Plan.

#### **The National Environmental Policy Act (NEPA)**

National Environmental Policy Act (NEPA) provisions have been followed as required by 40 CFR 1500. The Whitetail Hazardous Fuels Reduction Project Decision Notice complies with the intent and requirements of NEPA. Scoping for the project included public meetings, a mailing that provided information about the project and solicitation for comments, public notices (legal and display advertisements) and a public review/objection period. Issues identified during the initial scoping for the Whitetail Project assisted the IDT and me in project design and with the analysis process. Specific public comment letters and comments made at public meetings are included in the Project File.

#### **Clean Water Act and Montana State Water Quality Standards**

Upon review of the EA and Project Record, I find that activities associated with my decision would comply with State water quality standards. My decision includes mitigation measures and project design features to protect the water resource (EA, pages 15-16) and applicable BMPs to achieve water quality standards (Hydrologist Specialist Report, Appendix SWCP).

#### **Clean Air Act**

After reviewing the EA and Project Record, I find that the activities to be implemented would be coordinated to meet the requirements of State Implementation Plans, the Smoke Management Plan and Federal air standards.

**Endangered Species Act**

Under provisions of this Act, Federal agencies are directed to seek to conserve endangered and threatened species and to ensure that actions are not likely to jeopardize the continued existence of any of these species. Upon review of the Biological Assessments for wildlife, plants and fish for the Whitetail Project, I find that the project meets the requirements of the Endangered Species Act.

**Migratory Bird Treaty Act**

On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of Federal agencies to protect migratory birds. Upon review of the information provided in the EA (pages 30-31) and the wildlife effects analysis included in the wildlife specialist report, I find that my decision complies with this Executive Order.

**National Historic Preservation Act, American Indian Religious Freedom Act, and Native American Graves Protection and Repatriation Act**

Based upon the analysis in the EA (pages, 29-30), and material in the Project File, no impact on cultural resources is expected by implementation of the Whitetail Hazardous Fuels Reduction Project. I have determined that my decision to implement the Whitetail Project complies with the Region One programmatic agreement (1995), with the State Historic Preservation Office, and the Advisory Council on Historic Preservation. The Forest Service has consulted with the Northern Cheyenne Tribe during the analysis process (scoping and comment periods). The intent of this consultation has been to remain informed about Tribal concerns regarding the American Indian Religious Freedom Act and other tribal issues. I believe that our actions fulfill the requirements under the National Historic Preservation Act and other related laws, regulations, and policies.

**Environmental Justice (Executive Order 12898)**

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," requires that Federal agencies make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high adverse human health and environmental effects of their programs, policies and activities on minority populations and low-income populations. I conclude that the risk of such disproportionate effects on minority or low-income populations from this action is very low. My decision does not pose any significant socio-economic risks that disproportionately affect low-income or minority populations in communities where timber producing employment opportunities and workers are located. The implementation of the Whitetail Hazardous Fuels Reduction project would not cause a significant change in local employment or revenue sharing with local communities. Thus, this decision should not disproportionately affect low-income or minority populations and communities.

**Appeals Provisions and Implementation**

Copies of the Whitetail Hazardous Fuels Reduction Project EA are available for review at the Ashland Ranger District Office in Ashland, Montana. The supporting Project File, which includes the project development notes, public involvement and the specialists' analyses, is also available at the Ashland Ranger District Office for review.

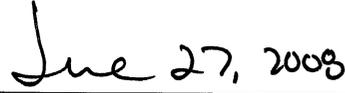
This Decision Notice is issued under the authorities as defined by the Healthy Forest Restoration Act of 2003, section 101(2). It is **not** subject to notice, comment and appeal provisions pursuant to 36 CFR 215(see 36 CFR 218.3). Implementation of this project may proceed following publication of this Decision Notice.

**Contact Information**

For any specific questions regarding the Whitetail Project you can contact ID team leader Nathan Gassmann at (406)784-2344



ELIZABETH A. MCFARLAND  
District Ranger



Date