

**Decision Memo  
for  
Brush Creek Mushroom Project**

**Tally Lake Ranger District  
USDA Forest Service  
Flathead National Forest  
Flathead County, Montana**

**PURPOSE AND NEED**

In 2007, the Brush Creek fire burned approximately 24,700 acres on the Tally Lake Ranger District, Flathead National Forest. The Forest Service's experience with past fires has indicated that the general public and commercial harvesters will come to recently burned sites to gather mushrooms. Commercial harvest of wild mushrooms began in earnest in the 1980s including the development of foreign markets. Based on past experiences with other large fires on the Flathead National Forest (fires of 2003, etc), we expect an influx of up to several hundred people seeking to harvest mushrooms. Based on these past experiences, the Forest has identified that there is potential for some impacts. These potential impacts may include increased needs for law enforcement, sanitation concerns and conflicts between commercial and personal use harvesters.

Our experience has shown that people will arrive with the expectation of harvesting mushrooms after a fire whether or not we have a permit system in place. Our responsibility is to manage this use by providing reasonable opportunities for both personal and commercial harvest of mushrooms while minimizing the social conflicts and impacts to National Forest resources. A permit system is necessary to protect resources and to reduce social conflicts.

**PROPOSED ACTION**

The proposed action is to utilize a permit system that establishes certain conditions for mushroom harvesting on the Flathead National Forest in the spring/summer of 2008. The forest proposes to sell permits for commercial mushroom harvesters. No fees would be charged for personal use harvesters. In addition, the forest proposes to require commercial harvesters to camp in designated areas with sanitation and garbage services provided. A camping permit and fee would be required for commercial harvesters to camp in designated camping areas. No heavy equipment would be allowed. Harvest of mushrooms would be limited to hand picking.

The fire areas where mushrooms are expected to grow includes approximately 24,700 acres of national forest land within the Brush Creek Fire perimeter, Tally Lake Ranger District, Flathead National Forest (see map). Commercial and personal use mushroom gathering would be allowed on 24,700 acres in the burned area only on the Flathead National Forest. A morel mushroom harvest is expected sometime between May and July, 2008. Mushroom seasons will vary somewhat with local weather conditions and quality of mushrooms growing in other regions.

Commercial mushroom harvesting permits and buyers permit would be sold at the Tally Lake Ranger Office, Kalispell, Montana. Personal-use mushroom harvesting would require a permit but no fees would be charged. Personal-use mushroom permits would be available at all Flathead National Forest offices.

## Permit Conditions:

The terms of the Flathead National Forest Grizzly Bear Food Storage Order would be required at the designated camp sites and within the burned area. Translations on the food storage information are available in English, Spanish, Cambodian, Hmong and Laotian, to facilitate communication and understanding of this permit condition.

## Permit Area:

Permit areas for mushroom gathering would be limited to the Brush Creek fire area boundary within the Flathead National Forest. Commercial harvesting would be authorized on approximately 24,700 acres of designated burned areas. The remainder of the Flathead National Forest would be available for personal use. Camping for commercial harvesters would be designated (see attached map).

## Commercial Camp Locations

There would be one designated main camp for commercial mushroom harvesters and three overflow areas that may be used for commercial harvesters if the main camp becomes full. Commercial camping permits would be required for anyone over the age of 12 who camps at a commercial use camp area. Commercial harvesters would not be allowed to camp on National Forest lands except in the designated sites listed below.

- December Camp would be the main camp and is located in an old gravel pit in Section 29, T30N, R25W, off of Forest Service road 1153. About 36 people could camp in this area. Portable toilets and bear resistant dumpsters would be provided.
- Dunsire Camp would be the first overflow camp and is located in an old gravel pit in Section 31, T31N, R25W. The camp is located close to Forest Service road #2890. Portable toilets and bear resistant dumpsters would be provided. About 24 people could camp in this area.
- Listle Creek Camp would be the second overflow camp and is located in an old gravel pit. Section 5, T30N, R25W. Portable toilets and bear resistant dumpsters would be provided. About 24 people could camp in this area. Section 5, T30N, R25W.
- Ingalls Trail Camp would be the third overflow camp and is located at the junction of Forest Service road 538 and Forest Service road 2921 in Section 18, T30N, R24W. Portable toilets and bear resistant dumpsters will be provided. About 24 people could camp in this area.

### Buyer Location Sites

Two sites for mushroom buyers would be provided if they choose to set up a buyers site on National Forest System lands. The buyer must provide self-contained toilet facilities or other approved sanitation methods. The permit holder must remove all garbage, trash, refuse, and litter from the site daily. The buyers fee is \$500 per site.

- Swaney Creek Site: Located at the junction of Star Meadows Road #539 and Sheppard Ck Road # 113
- Four Corners Site: Located at the junction of Forest Service road #113, Forest Service road #2890 and Forest Service road #2846.

### Specifics:

- A harvest permit, whether personal or commercial, would be required for any person over the age of 12.
- Personal use permits would allow holders to harvest a maximum of 5 gallons per day and up to 20 gallons for the entire season. Personal use permit holders would be required to slice harvested mushrooms lengthwise immediately when harvesting mushrooms.
- Information would be issued to all harvesters regarding the terms of the food storage order requirements, dog control in bear country, bear behavior, use of pepper spray, fishing regulations, noxious weed awareness, human sanitation, leave no trace camping and safety in burned areas.
- Law enforcement patrols would increase in the project area for the entire harvest season.
- Commercial camping areas would be patrolled daily, or as often as necessary, to enforce camping regulations.

### **SCOPING AND PUBLIC INVOLVEMENT:**

Starting in the fall of 2007, the Flathead National Forest provided a public field trip of the Brush Creek Fire area. Included in the discussion of logging the burned area were discussions on mushroom harvesting. Flathead National Forest officials began discussing the potential influx of up to several thousand people seeking to pick mushrooms as a result of the 2007 fire season. The forest decided to be proactive and manage this use by providing reasonable opportunities for both personal use and commercial harvest of mushrooms while minimizing the social and resource impacts. In January 2008, an open house meeting for the Sheppard Creek Post-fire project occurred and there was an information table set up specifically to address mushroom issues.

A scoping letter was mailed to 172 persons or groups, including the Flathead County Commissioners. Other involvement included coordination with other National Forests in western Montana and other agencies (ie. US Fish and Wildlife Service, State Historic Preservation Office). Based on parameters and restrictions proposed, written concurrence from the U.S. Fish and Wildlife Service that the proposal is not likely to adversely affect or jeopardize threatened and endangered species was obtained.

## **SUMMARY OF PUBLIC INVOLVEMENT:**

The majority of comments raised concerns about the camps being too close to private land and impacts to private landowners. In response to comments, I chose to move the main camp, one overflow camp and one buyer's camp to new locations that are not adjacent to private land ownership.

## **DECISION:**

I have decided to implement the proposed action for the following reasons:

Requiring a permit system for mushroom harvesters provides an organized way to minimize the potential impacts such as increased needs for law enforcement, sanitation and conflicts between commercial and personal use harvesters. Camping will be permitted by commercial mushroom harvesters in designated sites on Flathead National Forest lands to reduce potential impacts to resources.

The no action alternative was considered and is not a viable alternative. People are going to arrive with the expectation of harvesting mushrooms whether or not a permit system is in place. We have a responsibility to manage this use by minimizing the social and resource impacts that may occur.

## **TEST FOR EXTRAORDINARY CIRCUMSTANCES**

I have determined that the 2008 Mushroom Harvest Program can be categorically excluded from documentation in an environmental impact statement or environmental assessment. It falls within FSH 1909.15, category 31.12 (8), which includes approval, modification, or continuation of minor, short-term (one year or less) special uses of National Forest System lands, and there are no extraordinary circumstances related to the Proposed Action as documented below.

- (a) **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species:** A Wildlife Biologist evaluated the Proposed Action in regards to the Endangered Species Act as documented in the Biological Evaluation, and found that the action is not likely to adversely affect the threatened grizzly bear, the threatened Canada lynx or the endangered gray wolf. No formal consultation with USFWS is required.
- (c) **Floodplains, wetlands, or municipal watersheds:** No effects are expected to floodplains, wetlands, or municipal watersheds. Camping areas are within old gravel pits and are located outside of floodplains, wetlands and municipal watersheds. There is one buyer's camp that is on a wide spot on road 539 with in 100 feet of the Sheppard Creek, but because the area is flat and the permit conditions stipulate having a portable toilet, there should be no effect to the wetlands or floodplains.

- (d) **Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.** No commercial harvest of mushrooms will be authorized within any of these areas.
- (e) **Inventoried roadless areas:** There are no roadless areas within the proposed harvest area.
- (f) **Research Natural Areas:** The Brush Creek Fire did not burn within a Research Natural area, therefore none will be affected.
- (g) **American Indans and Alaksa Native religious or cultural sites.** Archeological sites, or historic properties or areas. Potential effects to known archeological sites were assessed and concurred with by SHPO. No evidence of cultural or historical significance was found. Should any cultural material be located, the Forest Heritage Program Manager must be notified immediately. Consultation with the Kootenai-Salish tribe resulted in assurance of protection of their treaty rights.

Past actions: Past actions that have occurred in the drainages where mushroom harvesting will be allowed include timber harvest and road construction going back as far as the early 1920s. However, the effects of these past actions have no cumulative relationship to the effects of the proposed action, hand picking mushrooms and camping in designated areas. Therefore the cumulative effects of the proposed action and past actions have been considered when considering extraordinary circumstances and it has been determined that there are no extraordinary circumstances related to this proposal.

#### **CATEGORICAL EXCLUSION:**

The proposed action falls under FSH 1909.15, category 31.12 (8), which includes approval, modification, or continuation of minor, short-term (one year or less) special uses of National Forest System lands, and there are no extraordinary circumstances related to the Proposed Action (previously documented). Under this category a project or case file and a decision memo are not required but may be prepared at the discretion of the responsible official.

In addition to examining whether there are extraordinary circumstances, potential impacts to soil were also considered. The proposed action involves commercial and non-commercial picking of mushrooms. No heavy equipment will be allowed. Harvest of mushrooms will be limited to hand picking. Therefore we expect limited soil disturbance, specifically disturbance that would affect or accelarate soil movement.

This action is consistent with the National Forest Management Act (NFMA) and the Flathead National Forest Land and Resource Management Plan which allows issuance of special use permits when compatible with management area objectives.

**FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS:**

**National Historic Preservation Act:** an agreement with the Montana State Historic Preservation Office has been reached based on the parameters and restrictions proposed.

**Endangered Species Act:** a Biological Evaluation has been completed based on the parameters and restrictions spelled out in the proposal. I have received written concurrence from the US Fish and Wildlife Service that the action is not likely to adversely affect threatened or endangered species.

**Montana Streamside Management Zone Act:** the proposed action does not include streamside management zones pertaining to this Act.

**ADMINISTRATIVE REVIEW AND IMPLEMENTATION DATE:**

This decision is not subject to appeal as stated in 36 CFR 215.4 9a) “Actions not subject to legal notice and opportunity to comment”. Implementation of this decision may begin immediately.



LISA A. TIMCHAK  
District Ranger

Attachment: Map of Commercial Mushroom Permit Area with camp locations