Bangtail Road Decommissioning and Trail Obliteration Project

Decision Notice and Finding of No Significant Impact

Gallatin National Forest
Bozeman Ranger District
Gallatin and Park County, Montana

May 24, 2006

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USDA Forest Service

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Decision Notice

Introduction

This Decision Notice documents my decision and finding of no significant impact to implement Alternative B and decommission approximately 46 miles of road and obliterate 1.2 miles of motorized trail in the Bangtail Mountains 10 miles northeast of Bozeman, Montana in Gallatin and Park Counties (Figure 1). The project will start in July of 2006.

Purpose of and Need for Action

The purpose of this proposal is to reduce the level of sediment entering streams attributable to roads on National Forest System Lands in the Bangtail Mountains to bring area streams into compliance with Gallatin Forest Plan and Clean Water Act Standards.

The majority of roads are on those lands acquired by the Forest Service under the Gallatin Land Consolidation Act (the Act) of 1998 (PL 105-267). A key objective for the Act was watershed rehabilitation. The BSL Legislative Environmental Impact Statement (EIS) and Report to Congress (September 1998) specifically mentions the need to conduct road decommissioning in the Bangtail Mountains (and other areas).

The Bangtail Travel Planning area is one of two Gallatin National Forest Travel Planning areas that are above the Forest Plan sediment standards (Forest Plan Appendix C-1). Sediment yield for the Bangtail Travel Planning area is 35 percent above natural. Required sediment standard for drainages containing the sensitive Yellowstone cutthroat trout (defined as Category A streams in the Forest Plan) in the Bangtails is 30 percent over natural. The biggest problem areas are Willow Creek (45 percent over natural) and Bangtail Creek (44 percent over natural).

Willow and Bangtail Creeks flow into the Shields River a portion of which is listed as a 303(d) water quality limited stream (WQLS). In 2006, the State of Montana is scheduled to set Total Maximum Daily Load (TMDL) standards for this WQLS segment to comply with the Clean Water Act. To comply with meeting this standard for the Shields River, sediment reduction work is necessary. The best long-term resolution to the sediment problem is to improve the hydrologic function of the watersheds in the Bangtails by decommissioning roads (EA Chapter 1-1, p.1).

The Forest is proposing to conduct road decommissioning in 2006 because dollars are available this year to begin the work. Deferring the work until a later date, for example until the Gallatin Travel Planning process is completed will delay meeting the Forest sediment standard and the TMDL standards for at least another year, perhaps longer depending upon priorities and dollar availability.

Of all the land management activities that are undertaken, road construction has arguably contributed the most to cumulative degradation of streams. There are also many effects on wildlife related to such things as disturbance during breeding and rearing, increased vulnerability of wildlife during hunting seasons, and poaching (EA Chapter 1.2 and Appendix A).

Site-specific field reviews of these roads to determine their status and maintenance needs were conducted in 1996, 1998, 2002 and 2003 (Project Record, Hydrology). Table 1 displays the road densities by drainage (6th order hydrologic unit).

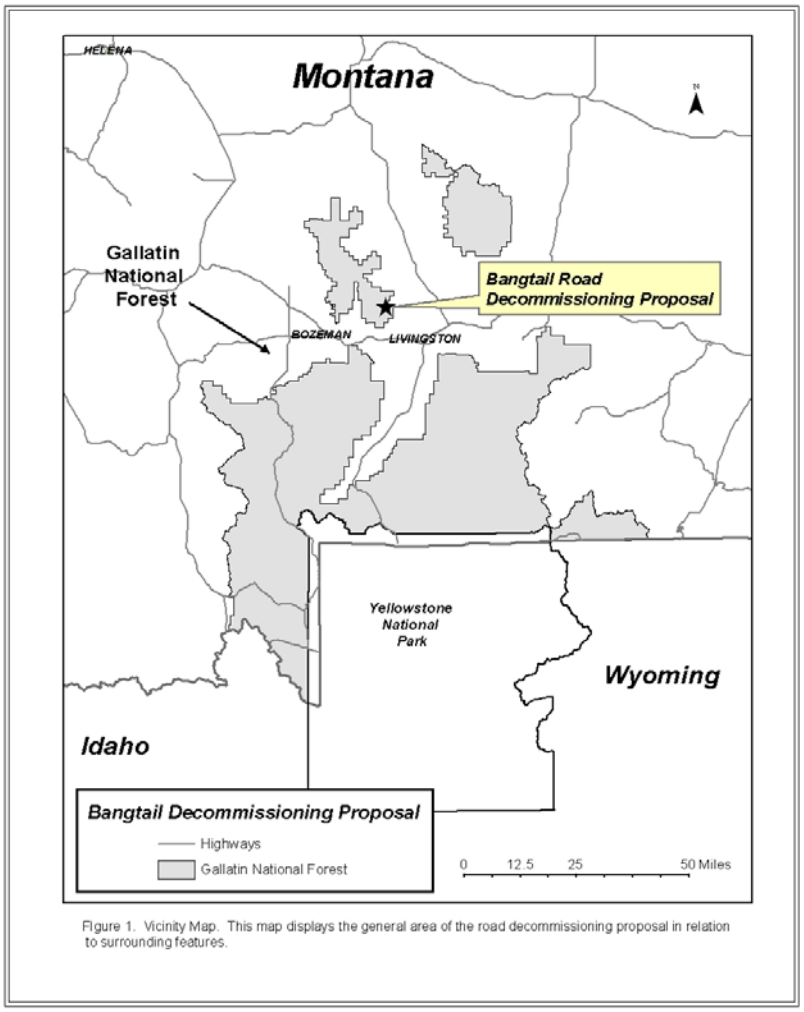

Figure 1. Vicinity Map. This map displays the general area of the road decommissioning proposal in relation to surrounding features.

Table 1.1. Road Densities by Hydrologic Unit. This table displays the road densities by 6th order hydrologic unit (NRCS 2004).

Name of 6th Order Hydrologic Unit (HUC)	Square Miles National Forest Land Area within each HUC (Acres of NFS/640 acres per sq mile)	Total Miles of Road on National Forest Land in each HUC*	Miles of Road per Square Mile of National Forest Systems Lands
Bangtail Creek	6.8	37.0	5.4
Brackett Creek	0.1	1.0	10.0**
Bridger Creek	1.0	2.0	2.0
Jackson Creek	4.5	25.0	5.6
Perkins Creek	1.5	6.0	4
Willow Creek	6.0	34.0	5.7

*Acres and miles rounded to the nearest whole number.

**Brackett Creek shows an abnormally high road density because one mile of road happens to bisect the only area of National Forest in that drainage. The average density overall is much lower.

Goals and Objectives

The overall goal is improve the hydrologic function of the watersheds and reduce sediment delivery into streams on the eastern and southern areas of the Bangtail Mountains and bring all Category A streams into compliance with the Gallatin Forest Plan, and State of Montana and Federal Clean Water Act standards.

Project objectives to achieve this goal:

- Eliminate motorized use on those roads identified for decommissioning.
- Obliterate user-built trails not part of the Gallatin National Forest transportation system or those not planned to be part of the system in the upcoming Gallatin National Forest Travel Plan.
- Improve infiltration of water into the road surface to help restore surface and subsurface water flows.
- Reestablish natural stream flows where roads cross streams.
- Reduce sediment transport from road surfaces directly into streams.

Proposed Action (Alternative B)

Alternative B will decommission (EA Chapter 2.8) 46.6 miles of roads and 1.2 miles of non-system user built ATV trails that are not part of the Forest transportation system and not included in any of the alternatives in the proposed Gallatin National Forest Travel Plan.

Decision and Reasons for the Decision

Decision Criteria: In making a decision about this project I focused on meeting the following criteria: our legal and agency requirements to meet the Endangered Species Act; Forest Plan Standards; the Memorandum of Understanding between Federal and State Agencies for cutthroat trout recovery; the Clean Water Act; whether or not this proposal would conflict with the upcoming Forest Travel Plan Decision; how well the alternatives addressed the issues; whether or not the purpose and need of the project is being met; and, whether or not I feel there is a need to conduct any additional analysis and public review of the project.

Decision: Based on the above criteria and a comparison between alternatives, I have decided to implement Alternative B the proposed action.

Alternative B will include:

- Ripping of roads surfaces where needed to restore infiltration of water into road surface and to help reestablish vegetation
- Felling or pushing over a few trees as needed to provide downed woody debris to reduce erosion and to block roadways to vehicles
- Placement of rock as needed to block vehicle use and prevent erosion
- Recontouring short distances of the road if needed to block vehicles and reestablish water infiltration and subsurface water flow.
- Seeding with native seed mix to reestablish vegetation on road surfaces where no little vegetation exists

- Placement of downed woody debris to reduce erosion, establish vegetation and block vehicles
- Removing culverts to reestablish unrestricted stream flows
- Reshaping and hardening of stream banks where culverts are removed. Coir matting or other materials may be used to reestablish vegetation and reduce erosion into streams at these points

Table 1.1. Road Densities Before and After. This table displays the road densities before and after treatment for each 6th order Hydrologic Unit.

Name of 6th Order Hydrologic Unit (HUC)	Square Miles of National Forest Land Area within HUC	Before		Proposed Treatment	After	
		Total Miles of Road on National Forest in HUC*	Miles of Road per Square Mile of National Forest	Total Miles of Roads on National Forest to be Treated	Total Miles of Road on National Forest in HUC*	Miles of Road per Square Mile of National Forest
Bangtail Creek	6.8	37.0	5.4	17.2	19.8	2.9
Brackett Creek	0.1	1.0	10.0**	0.7	0.3	3.0
Bridger Creek	1.0	2.0	2.0	0.0	2.0	2.0
Jackson Creek	4.5	25.0	5.6	10.3	14.7	3.3
Perkins Creek	1.5	6.0	4	2.4	3.6	2.4
Willow Creek	6.0	34.0	5.7	18.1	15.9	2.7

*Acres and miles rounded to the nearest whole number.
**Brackett Creek shows an abnormally high road density because one mile of road happens to bisect the only area of National Forest in that drainage. The average density overall is much lower.

Project Design Features, Mitigation and Monitoring:
The following list includes those actions that will be followed to implement the project. These are designed to reduce adverse environmental effects and facilitate the implementation of the project. They have been used successfully on a number of projects across the Forest (EA Chapter 2.8.1).

Mitigation:

1. Conduct all work in a manner such that the result is as visually appealing as is practical. Responsible Official: Forest Landscape Architect, and Contracting Officer's Representative

2. The Montana Department of Fish Wildlife and Parks in accordance with the Montana Stream Protection Act are reviewing this project. Prior to culvert removal or any activities that involve direct disturbance to streams, all Streamside Protection Act 124 Permits will be acquired. Some of the permit requirements will be as follows. Responsible Official(s): Contracting Officer's Representative, Forest Hydrologist:

    - All in-stream work will be completed in an expeditious manner to avoid unnecessary impacts to the stream
    - Extra precautions will be taken to preserve existing riparian vegetation

- All construction activities performed in the stream and immediate vicinity will be conducted in a manner to reduce in-stream turbidity along with minimizing disturbance to the streambed and/or banks of the stream
- All stream bank and adjacent areas disturbed by the construction activity will be protected with temporary erosion control measures. These areas will be reclaimed with long-term erosion control measures and revegetated immediately after construction
- The excess material and supplies will be placed in a area where they will not damage vegetation or cause erosion or sedimentation after their removal or prior to their use
- Work will be completed as outlined in the plans submitted with the permit application and as discussed on site

3. Use native materials such as downed logs, slash, rock, and soil to close roads to motor vehicles. Responsible Official: Contracting Officer's Representative

4. Use a native weed-free seed mix wherever areas are reseeded to reestablish vegetation. Responsible Official(s): Contracting Officer's Representative and Gallatin Invasive Species Coordinator.

5. Conduct weed suppression prior to the decommissioning work and schedule follow-up weed suppression. Follow weed Best Management Practices in FSM 2080. For instance, all equipment will be washed to remove weed material and weed seeds prior to coming onto the Forest and beginning work. Responsible Official(s): Contracting Officer's Representative, Gallatin Invasive Species Coordinator and District Invasive Species Coordinator

6. Occasionally, a live or dead tree will be pushed over or felled to facilitate the effective decommissioning of a road. These will be smaller intermediate or suppressed trees that do not contribute to the main canopy of the adjacent forest. This mitigation is being implemented to reduce the loss of larger trees and to provide for a more aesthetically acceptable decommissioning. Responsible Official: Contracting Officer's Representative.

7. Rip road surfaces where it appears ripping will help restore hydrologic function. If road surfaces are not eroding and have grown in with grasses, trees, or brush they will not be ripped. Responsible Official: Contracting Officer's Representative

8. Inspect each road length prior to beginning work to make sure no vehicles get trapped behind the decommissioning work. Responsible Official: Contracting Officer's Representative

9. Work areas will be signed disclosing the operation of heavy equipment for public safety. Responsible Official: Contracting Officer's Representative

10. To reduce the potential for sediment to enter streams during decommissioning, work will be conducted during the drier months of the summer. Contracting officer's representatives will determine those times when conditions are too wet to operate. Contract clauses restricting operations to drier days will be included in the contract. Responsible Officials: Contracting Officer's Representative and the Forest Contracting Officer

11. Past experience has shown that small excavators and small dozers do the best job of decommissioning. Therefore, the decommissioning will be accomplished through a contract using an excavator or dozer to rip or recontour road surfaces, remove culverts and reshape stream banks. Responsible Officials: Contracting Officer's Representative, the Forest Contracting Officer and the District Ranger

12. No known goshawk nest are present however, to reduce the potential for disturbance of nesting goshawks, schedule the use of heavy equipment after either August 1 or at least ½ mile away from potential nesting habitat. Responsible Officials: Contracting Officer's Representative and the District Wildlife Biologist

13. Road decommissioning activities will be coordinated with livestock permittees in the area to eliminate conflicts with livestock and the potential for access problems to allotment improvements. Responsible Officials: Contracting Officer's Representative and Rangeland Management Specialist

14. Prior to pushing over any trees, they will be inspected for cavity nesting wildlife species. If cavities are present they will be left standing. Responsible Official: Contracting Officer's Representative

15. No ground disturbance or use of heavy equipment will occur in wet areas such as seeps, springs or bogs. The exception to this will be those areas where roads crossed these areas and where culverts are removed. These areas will be rehabilitated. Responsible Official: Contracting Officer's Representative

16. The Bangtails have had past surveys for cultural resources. None of the proposed decommissioning will affect any known sites. A special clause will be included in the contract that will require the equipment operator to stop work if a site is encountered. The site will then be avoided. Responsible Official: Contracting Officer's Representative

Monitoring:

1. Inspect each decommissioned or obliterated road for weeds each year for a period of no less than five years and conduct weed suppression as needed.

Funding: Monitoring and suppression of weeds will be funded annually with weed suppression funding. These dollars have historically been available on an annual basis will continue to be available in the foreseeable future. It is the responsibility of the Forest Invasive Species Coordinator to allocate dollars each year to the Districts for weed suppression programs. Noxious weeds are identified as a national priority for the Forest Service.

2. Inspect contract work with certified contracting officer representatives.

Funding: Dollars required to accomplish the contract inspection have been set aside. The Forest Hydrologist is responsible for seeing that the work is accomplished according to standards.

3. Decommissioning work will be inspected for the first three years after the work is completed to assess the level of success with stopping vehicle use, reestablishment of hydrologic function and growth of seeded grasses.

Funding: Money to accomplish this task will be allocated each year in the Watershed Budget for the Forest Hydrologist.

Reason for the Decision based on the Decision Criteria

Our legal and agency requirements to meet the Endangered Species Act: One reason I have chosen Alternative B is because Alternative A (no action) would not be consistent with Lynx Conservation Assessment Strategy (LCAS) direction since it does not prioritize roads for seasonal restrictions or reclamation in areas where road densities are over 2 miles per square mile (EA Chapter 3.3). On the other hand, Alternative B meets the intent of the LCAS. This project meets direction contained within the LCAS and is therefore covered under the "Programmatic Biological Assessment for activities that are not likely to adversely affect Threatened and Endangered Terrestrial Species" (Programmatic Biological Assessment February 1, 2005).

Forest Plan Standards, the Memorandum of Understanding between Federal and State Agencies for cutthroat trout recovery; and, the Clean Water Act: Another reason I chose Alternative B over Alternative A is that Alternative A does not meet requirements in the Forest Plan or the Clean Water Act. Chapter 3.2 of the EA documents that the sediment analysis for existing road miles indicates that both Bangtail Creek and Willow Creeks are in excess of the 30 percent over reference (natural) standard for Category A streams. Perkins Creek is also a Category A stream since it is a tributary to Fleshman Creek, which has Yellowstone cutthroat trout in the lower 8 miles. Bangtail Creek and Willow Creek, at 44 percent and 45 percent over natural respectively, exceed the 30 percent over natural guideline. The R1R4 model indicates that Perkins Creek is currently at the sediment standard. Implementation of Alternative A will result in sediment levels continuing at the current levels which are in excess of the required standards to meet the Clean Water Act. I do not believe Alternative A (No Action) is an acceptable decision because we would be in violation of the agreements for the recovery of Yellowstone cutthroat trout, the Clean Water Act, and Forest Plan Standards for Category A streams (EA, Chapter 3.2). Alternative B, on the other hand, will bring us into compliance with the Forest Plan and the Clean Water Act.

Whether or not this proposal would conflict with the upcoming Forest Travel Plan Decision:
We have known for many years that some streams in this area are not functioning properly because of high road densities (EA Chapter 1.2). The upcoming Gallatin Travel Plan decision will put into place the travel routes for this area. The Travel Planning process has been extensive. As noted in the response to Comment 3-2 (Appendix A) around 18,000 comments were received on the Travel Plan over the last four years. The Bangtail Road Decommissioning Project does not conflict with any of the alternatives being considered for implementation in the Travel Plan. None of the roads proposed for decommissioning are proposed for use in any of the alternatives in the upcoming Travel Plan. The emphasis for travel management in the Bangtails is for motorized use. This is because of the public's demand for motorized use close to Bozeman, Livingston and other nearby communities. Alternative B meets this intent.

How well the alternatives addressed the issues (also see discussion below): The two issues relevant to this proposal centered on water quality and wildlife. Alternative A does not directly address either issue. Because of the high number of roads in these watersheds (EA Chapter 3.2) it is apparent to me that just relying on our road maintenance practices is not going to solve the sediment problem. Many of these roads were constructed based on old logging system technology and were constructed to lower standards than are National Forest System roads (EA Chapter 1.2, p. 2). This, coupled with the high mileage, makes it impractical to rely on tax dollars to keep these acquired roads maintained to a standard that provides for safe public travel (Appendix A). Alternative B, however, reduces road related sediment to within the standards we are required to meet under the Forest Plan and the Clean Water Act and will reduce the miles of road maintenance.

The effects of roads on wildlife are well documented throughout the scientific literature (EA Chapter 3.3 and Appendix A). Alternative A would maintain what is considered high road densities that contribute to wildlife habitat fragmentation (EA Chapter 3.3.2) and would not meet the intent of the strategy for the Canada lynx. Alternative B will reduce fragmentation and will meet the intent of the Canada Lynx Conservation Assessment and Strategy (EA Chapter 3.3).

Whether or not the purpose and need of the project is being met: The purpose of this project is to reduce sediment to within levels that are considered acceptable under the Forest Plan and the Clean Water Act. Based upon my review of Chapter 3.2 of the EA and Appendix A it is apparent that the best long-term solution to reduce sediment is to restore hydrologic function of these watersheds by road decommissioning. Alternative B will accomplish this objective and Alternative A does not.

Whether or not there needs to be any additional analysis and public review of the project: I do not feel there are any reasons to extend the public comment period on the project or to conduct further analysis. There has been ample public notification of this project and few persons responded. This is an indication to me the project; has a low level of controversy; it does not conflict with other travel management goals or plans; and, the level and extent of analysis is commensurate with the scope of the anticipated environmental effects (see following Finding of no Significant Impact).

Consideration of the Issues

Scoping is an early and open process for determining the issues to be addressed related to a proposed action [40 CFR 1501.7]. Based on comments received during scoping for this proposal and the environmental analysis disclosed in the EA, I found two issues to be significant to my decision. My conclusions about each of these issues are discussed below.

Issue #1: Ground-disturbing activities associated with decommissioning or obliterating sections of roads could affect water quality.

This issue was identified by both the public and the Forest Service interdisciplinary team (ID Team) conducting the environment analysis. Chapter 3.2 in the EA discusses the environmental effects related to this issue. The Forest Hydrologist reviewed numerous important aspects related to the effects of roads on the landscape's hydrology. To name just a few he examined data related to: soils; precipitation; geology; stream channel morphology; timber harvest; sediment yield; the Montana Water Quality Act; the Clean Water Act; Forest Plan standards; and past, present, proposed and future activities (EA pp. 3-1 through 3-5).

In evaluating this project, I considered whether sufficient information has been provided to me to make an informed decision. While I realize landscapes are very complex and a person could spend years trying to evaluate everything in great detail, I feel the Hydrologist conducted an excellent effects analysis. The level of detail is more than adequate when compared to the extent of the project, and the low potential for adverse environmental effect and the high potential for favorable environmental effects. The affects analysis is also more than adequate for me to have an informed decision related to the hydrological effects of this project. I am personally familiar with the project area having visited there many times and it is very evident to me that the Hydrologist has an excellent grasp on the specific conditions of the area.

I also know the mitigation included in Chapter 2.8.1 are standard and proven techniques for reducing the short-term sediment that may result from decommissioning and for improving the effectiveness decommissioning over the long-term. This is demonstrated by many successful past decommissioning projects on the Gallatin (Appendix A). The issue of sediment has been thoroughly addressed.

Issue #2: Ground-disturbing activities associated with decommissioning or obliterating sections of roads could affect terrestrial and aquatic plant and animal life including threatened, endangered, and sensitive and management indicator species.

Issue #2 was also identified by both the public and the ID Team. Chapter 3.3 in the EA discusses the anticipated effects related to this issue.

It is almost a given that every project we undertake may affect either terrestrial or aquatic life. The District Biologist and the Forest Fisheries Biologist provided the effects analysis contained in the EA. Based on my review of the EA and my knowledge of this issue I feel the analysis is complete and conducted at a level that provides me with more than enough information to make an informed decision.

The analysis is well thought out and mitigation in Chapter 2.8.1 includes many considerations for the protection and enhancement of wildlife and their habitat. For instance, the relationship between timing of implementation, spawning fish, and sediment yield was brought up during scoping and the 30-day comment period (Appendix A). To address this issue several mitigation are included in Chapter 2.8.1 that will reduce the potential for sediment's adverse effects. Also, the timing and location of activities is coordinated with concerns for forest raptors such as the goshawk (Mitigation #12) and for protection of cavity nesters (Mitigation #14).

The analysis meets all legal and agency requirements for threatened, endangered, and sensitive species plus consideration of management indicator species in the Forest Plan. Consultation guidelines provided by the U.S. Fish and Wildlife Service were followed. Alternative B may affect but would not likely adversely affect the Canada lynx (other threatened or endangered species are not affected). The analysis for sensitive species concluded this project may impact individuals or habitat, but would not lead to a trend toward federal listing for those species affected. This includes the Yellowstone cutthroat trout in which the EA concludes on page 3-11 that the risks of negative effects are not expected to be measurable or significant to any fish species or their habitat, and would be more than compensated by the beneficial effects of the project.

Non-significant Issues

Chapter 3.2 in the EA identifies one non-significant issue. It is related to the upcoming Forest Travel Plan decision. The public and the Forest Service both identified the possibility for conflicts between this proposal and the ongoing Forest Travel Planning process. To eliminate this issue only those roads and trails not selected for use under any of the alternatives the Travel Plan have been selected for decommissioning or obliteration. Therefore, this issue was determined to be not significant to the analysis.

Alternatives Studied In Detail

There were two alternatives studied in detail; Alternative A (no action) and Alternative B (proposed action). I felt two alternatives were a sufficient range to evaluate based on the limited number of issues generated from scoping and the fact that the Travel Planning process has identified those roads that are not being considered for use in any of the Travel plan alternatives. The mitigation in EA Chapter 2.8.1 also helps reduce potential issues that could have then resulted in additional alternatives needing consideration.

Alternative A: The no action alternative is required to be evaluated under the National Environmental Policy Act (1969) Forest Service policy. It is used as a basis for comparison of the other alternatives. Under the No Action alternative, no road decommissioning or obliteration of trails would take place. Activities that currently occur on those roads and trails that are legally sanctioned would continue. This includes public travel with motor vehicles on those routes that are designated open to motor vehicles. This alternative would defer any decommissioning of roads and trails until some later date. Timing of that work would depend upon which alternative is chosen in the Travel Plan Decision and when the Forest could get around to completing the required environmental analysis and documentation. However, Alternatives 2 through 7M in the Travel Plan would include some level of road decommissioning in this area. At a minimum, it would propose that all the roads included in this proposal be decommissioned but it is possible that it could propose to decommission more roads than what are proposed in this project.

Alternative B: Alternative B proposes to decommission 46.6 miles of roads and 1.2 miles of non-system user built ATV trails that are not part of the Forest transportation system and not included in any of the alternatives in the proposed Travel Plan.

Alternative B would include:

- Ripping of roads surfaces where needed to restore infiltration of water into road surface and to help reestablish vegetation
- Felling or pushing over a few trees as needed to provide downed woody debris to reduce erosion and to block roadways to vehicles
- Placement of rock as needed to block vehicle use and prevent erosion
- Recontouring short distances of the road if needed to block vehicles and reestablish water infiltration and subsurface water flow.
- Seeding with native seed mix to reestablish vegetation on road surfaces where little vegetation exists
- Placement of downed woody debris to reduce erosion, establish vegetation and block vehicles

- Removing culverts to reestablish unrestricted stream flows
- Reshaping and hardening of stream banks where culverts are removed. Coir matting or other materials may be used to reestablish vegetation and reduce erosion into streams at these points
- Decommissioning would take 1-3 years.

For the purposes of evaluating environmental effects, the area has been divided into 6th order Hydrologic Units (NRCS 2004). These are listed below in Table 2.

Table 2.1. Road Densities Before and After Implementation. This table displays the road densities before and after treatment for each 6th order Hydrologic Unit.

Name of 6th Order Hydrologic Unit (HUC)	Square Miles of Forest Land Area within HUC	Before		Proposed Treatment	After	
		Total Miles of Road on Forest in HUC*	Miles of Road per Square Mile of Forest	Total Miles of Roads on National Forest to be Treated	Total Miles of Road on National Forest in HUC*	Miles of Road per Square Mile of Forest
Bangtail Creek	6.8	37.0	5.4	17.2	19.8	2.9
Brackett Creek	0.1	1.0	10.0**	0.7	0.3	3.0
Bridger Creek	1.0	2.0	2.0	0.0	2.0	2.0
Jackson Creek	4.5	25.0	5.6	10.3	14.7	3.3
Perkins Creek	1.5	6.0	4	2.4	3.6	2.4
Willow Creek	6.0	34.0	5.7	18.1	15.9	2.7

*Acres and miles rounded to the nearest whole number.
**Brackett Creek shows an abnormally high road density because one mile of road happens to bisect the only area of National Forest in that drainage. The average density overall is much lower.

Alternatives Not Given Detailed Study

Because of the numerous roads in the area, any number of configurations of roads could have been evaluated for decommissioning under various alternatives. However, two important factors helped the ID Team decide which roads to propose for treatment. The first was that watershed rehabilitation is the emphasis behind this project. Therefore, those drainages with the highest potential for road-related sediment problems were high priority. Willow and Bangtail drainages both contain populations of Yellowstone cutthroat trout and have high sediment levels therefore they were highest on the list to be completed. This sensitive species has been petitioned for listing as threatened under the Endangered Species Act. The second factor is the ongoing Forest Travel Planning process. Over the past four years the Forest Service and the public have reviewed every road and trail on the Gallatin to decide which roads and trails to keep open for different uses and which to gate, decommission or obliterate. This limited the discretion that the ID Team had in choosing which roads to treat under this proposal. No alternative was proposed that potentially precluded implementing any of the alternatives in the Travel Plan.

One alternative eliminated would have only decommissioned roads in the Willow and Bangtail Creek drainages because of their populations of Yellowstone cutthroat trout. Only treating these two drainages was eliminated since it would be more cost effective and would bring the Bangtail Travel Planning area into Forest Plan compliance for sediment by conducting road decommissioning across the entire Bangtail Mountains area. Completing the environmental

analysis process is often the most expensive part of any project we undertake. Completing one analysis over a large area is more cost effective than having to complete several analyses. Also, knowing that sediment problems exist throughout the Bangtails; that there are more roads than we need or can afford to maintain; and knowing which roads are not being considered for use in the Travel Plan it was decided that rehabilitation of roads on only the Willow and Bangtail drainages would not make sense (EA Chapter 2.3).

One alternative proposed closing more roads than what is proposed. The ID Team decided this would be premature in light of the ongoing Travel Plan analysis and therefore was not evaluated in detail. If more roads are determined to need decommissioning in the future, additional environmental analysis could be completed.

Public Involvement and Overview of the Public Involvement Process

The District initiated public involvement on the project in January of 2006. Fifty five individuals, agencies, and special interest groups (EA, Chapter 4.0) were mailed a copy of the initial proposal. This mailing included the offices of Congressman Dennis Rehberg and Senator Conrad Burns along with the Gallatin County Commissioners. Also, a legal notice asking for public comments was published in the Bozeman Daily Chronicle. Four comment letters were received from the scoping process. These letters were reviewed by the interdisciplinary team and myself to identify important issues (Project File, IDT notes). Two issues were identified; potential effects on water quality and potential effects on wildlife. These issues were then used to identify alternatives to the proposed action.

Once the alternatives were identified, the environmental analysis was completed by the ID Team and documented in the environmental assessment (EA). Those persons that expressed an interest in receiving a copy of the EA were sent one for a 30-day comment period. Also, the EA was available on the Gallatin Website to those with computer access. The Bozeman Daily Chronicle published a legal notice notifying the public about the availability of the EA for comments. Four letters were received during the 30-day comment period. Responses to these comments are included in Appendix A.

Consideration of Public and Other Agency Comments

During the 30-day comment period one letter was received that asked for more detail about several aspects of the project. Appendix A comments 3-1 through 3–18 responds to the comments contained in this letter. Additionally, the project leader and the Forest Hydrologist phoned the person that submitted the comments and reviewed them in more detail. We also offered to personally meet with them and review their comments. After reviewing Appendix A and speaking to the Project Leader and the Forest Hydrologist I am satisfied that we have done our best to answer this person's questions and to resolve their concerns. Appendix A also contains our response to the three other letters received during the comment period. After reviewing all the comments and responses, I have determined that no new issues we identified during the 30 comment period that would cause the ID Team to evaluate additional alternatives or to conduct additional analysis.

Finding of No Significant Impact

I have determined through the Bangtail Road Decommissioning and Trail Obliteration Environmental Assessment and project record that this is not a major federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not needed. This determination is based upon review of the following criteria:

1) Impacts that may be both beneficial and adverse.

The environmental effects discussed in the EA are fairly localized, with adverse effects of sediment delivery into streams being short-term and not significant (EA Chapter, 2.8.1 and 3.2.1). While the long-term benefits are important to this localized area I do not feel they would cause a significant beneficial effect on large segments of the nation as a whole or to large portions of the local human population.

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

Projects such are this are carried out routinely by Federal land management agencies. Decommissioning these roads will not cause a significantly large reduction in public access to the National Forest; motorized or otherwise. Although it was not brought up as an issue, access for search and rescue has been an issue related to some other decommissioning projects. In this case I do not foresee any conflicts since nearly three miles of road per square mile of land area will remain to provide ample motorized access (Appendix A). Mitigation and project Design Features in Chapter 2.8.1 include considerations for public safety both during the project implementation and afterward.

3) Unique characteristics of the geographic area.

Chapter 3.1 of the EA documents that there are no unique characteristics of the area such as prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no known significant historic or cultural resources that will be affected. The Bangtails Mountains have many important values but nothing exceptional that will be adversely affected by this project. There are no wilderness areas, no inventoried roadless areas, and no large unroaded areas on the Bangtails.

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

Fifty–five letters were sent out during the scoping process and only four responses were received. Of these responses only two issues were generated. During the 30-day comment period only four responses were received (Appendix A). No comments were received that lead me to believe the effects of this project have a high degree of controversy.

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

The last paragraph in Chapter 3.2 discloses that decommissioning roads is a common practice and does not involve unique or unknown risks to the aquatic environment. I believe this is also true based on conclusions in Chapters 3.3 where adverse effects on wildlife are minimal and no great uncertainties were found related to effects. Road decommissioning is a common practice on many National Forests. When done correctly, as I believe it will be done here, the environmental effects are predictable.

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.

Chapter 3.5 of the EA documents this project is not precedence setting since road decommissioning is a common practice and implementation of this project will not change National Forest programs or policies. There are no future actions that will become imminent or necessary as a result of this decision. There are no conflicts with other Forest programs or policies and there are no conflicts with the upcoming Travel Plan decision.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Cumulative effects are discussed at the end of the discussions for each resource area in Chapter 3.0. Based upon these discussions and concluding remarks in Chapter 3.4 I have determined there are no significant cumulative effects. The highest potential for individually insignificant but cumulative significant effects is related to soil displacement into streams. However, the conclusions discussed in Chapters 3.2 and 3.3.1 and 3.3.2 and Appendix A conclude that adverse effects are acceptable and short-term. The cumulative effect analyses follow the guidance provided by the Council on Environmental Quality (Project File, Correspondence).

8) The degree to which the action may adversely affect districts, sites, highways, 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.

No sites identified for potential listing in the National Register of historic Places exist in the project area (Project File, Heritage Resources). Mitigation in Chapter 2.8.1 includes mitigation to protect cultural or historic resources in the event something is found.

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.

Chapter 3.3 of the EA documents the effects on threatened and endangered species. Only lynx is determined to be affected by my choice of Alternative B. But the effect is acceptable. This project meets direction contained within the LCAS and is therefore covered under the "Programmatic Biological Assessment for activities that are not likely to adversely affect Threatened and Endangered Terrestrial Species" (Programmatic Biological Assessment 2005) (Project File, Wildlife BA).

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Chapter 3.6 documents that Alternative B will be in compliance with all relevant laws and regulations. Chapter 3.2 and 3.3 also document specifically how Alternative B complies with such laws as the Clean Water Act and the Endangered Species Act.

Findings Required by Other Laws, Regulations, and Policies

This action is consistent with the Gallatin Forest Plan approved in 1987. Specifically, Forest Plan Standards for Category A streams will be met by reducing sediment levels in Bangtail and Willow Creeks. Decommissioning of roads will also bring sediment levels to within standards for the rest of the Bangtail Travel Planning. Accomplishing these sediment reductions will meet the Clean Water Act and the Montana Water Quality Act. Chapter 3.3 of the EA evaluates the effects on threatened endangered, sensitive and management indicator species as required in the Forest Plan. This action complies with the Endangered Species Act. A wildlife report was completed and the project was found to only affect the Canada lynx. Those effects meet the guidelines in "Programmatic Biological Assessment for activities that are not likely to adversely affect Threatened and Endangered Terrestrial Species". The National Forest Management Act and the National Environmental Policy Act of 1969 are met by following the Forest Plan and by conducting the environmental analysis using Forest Service guidelines for implementation of the National Environmental Policy Act including a public involvement process. This project does not violate any Federal State, or local laws or requirement imposed for the protection of the environment (EA, Chapter 1.5). This project also complies with Presidential Executive Order 12962, signed June 7, 1995, that furthered the purpose of the Fish and Wildlife Act of 1956. The project also complies with the Memorandum of Understanding (MOU) and Conservation Agreement for westslope cutthroat trout in Montana that has now been also adopted for Yellowstone cutthroat trout (EA, Chapter 1.5 and Chapter 3.3.1). Sediment reductions in Yellowstone trout habitat will meet the intent of the MOU.

Implementation

If no appeals are filed within the 45-day appeal period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. However, implementation will be delayed until field conditions meet the recommendation in Chapter 2.8.1 of the EA. If appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215.11. Only individuals or organizations that submitted comments or otherwise showed interest in this project may appeal. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Bozeman Chronicle, Bozeman, Montana. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the *exclusive* means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to: USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, P.O. Box 7669, Missoula, MT 59807; or USDA Forest Service, Northern

Region, ATTN: Appeal Deciding Officer, 200 East Broadway, Missoula, MT 59802. Office hours: 7:30 a.m. to 4:00 p.m. Fax (406) 329- 3411.

Electronic appeals must be submitted to: <appeals-northern-regional-office@fs.fed.us>. In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project or activity-specific evidence and rationale, focusing on the decision, to show why the decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information: The appellant's name and address, with a telephone number, if available; A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal); When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request; The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision; The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C; Any specific change(s) in the decision that the appellant seeks and rationale for those changes; Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement; Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and, How the appellant believes the decision specifically violates law, regulation, or policy.

Offer to Meet. When an appeal is received under this rule, the Responsible Official, or designee, must contact the appellant and offer to meet and discuss resolution of the issues raised in the appeal (36 CFR 215.17). If the appellant accepts the offer, the meeting must take place within 15 days after the closing date for filing an appeal (i.e. 45 to 60 days from the publication date of the legal notice of this decision in the Bozeman Chronicle). These meetings, if they take place, are open to the public. For information on if, when and where such a meeting is scheduled, please visit the following web site: www.fs.fed.us/r1/planning/final_appeals/current_appeals_and_objections.pdf

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact John Councilman, Resource Assistant, Bozeman Ranger District, 370 Fallon Street, Suite C, Bozeman, Montana 59718. Phone: (406) 522-2533.

JOSÉ CASTRO
District Ranger

Date