



## **Decision Memo Red Creek Prescribed Fire Project Teton & Bonneville Counties, Idaho**

### **DECISION**

It is my decision to implement the Red Creek Prescribed Fire Project which is intended to burn approximately 35-55 percent of the 6,900 acres within the project area. The project area is located on US Forest Service Administered lands on the Teton Basin Ranger District of the Caribou-Targhee National Forest. The treatment details are described in the Proposed Actions portion of this document. The location is legally described as T 4N R 44E Sec. 32-34; T 3N R 44E Sec. 2-5, 9-11, 13-16, 22-24; T 3N R 45E Sec. 19, Boise Meridian, Teton and Bonneville Counties, Idaho.

### **PURPOSE OF THE PROPOSED ACTION**

The primary purpose of this prescribed fire project is to create diversity of age classes within the current vegetation. Diversity of age classes in vegetation is needed because early seral stages (young aspen and brush) are underrepresented across both the Pine Creek and Mahogany Watersheds due to a lack of disturbance. Mountain shrubs, willows and aspen sprout from the roots after a disturbance to regenerate; historically this disturbance was fire. Many wildlife species rely upon the early seral stages of mountain shrubs, willows, aspen and the abundant herbaceous understory which occurs after a disturbance such as a wildland fire.

Idaho Fish and Game is a partner in the project since it is expected to create an early seral mountain shrub and aspen vegetation communities along with an increase in herbaceous understory vegetation. This is especially important for resident wildlife in this area, including mule deer, elk, moose, forest grouse and many species of songbirds. This area typically has too much snow to provide winter habitat, but does provide important mule deer fawning and elk calving habitat.

A portion of the project area is located within the Wildland Urban Interface (WUI) area that has been identified on the forest. As such, the secondary purpose of this prescribed fire project is hazardous fuels reduction to protect values at risk. Decreased fuel loads and conifer cover combined with increased aspen vegetation will result in decreased fire behavior and lower the probability of a wildfire moving beyond forest boundaries and threatening infrastructure and private lands and residences.

### **CURRENT CONDITION AND NEED FOR ACTION**

The project area is approximately 6,900 acres and is bounded by existing FS trails with the exception of the NW boundary which is located within the Holter Creek drainage. The project area lies primarily within the Pine Creek Principal Watershed (006) and a small portion is within the Mahogany Creek Principal Watershed (022).

Biophysical settings (For Fire Regime Condition Class (FRCC) purposes, biophysical settings use dominant vegetation types and their associated fire regimes as a proxy for the integration of a landscape's biotic and abiotic components. Biophysical settings can often be described according to their respective fire regimes and associated vegetation composition (native overstory species) and structures (major successional stages) based on the best available research describing historical ranges of variation (HRV)). The Red Creek Prescribed Fire Project Area is made up of approximately 78% mixed conifer, 8% mountain shrubs/grass, and 14% aspen. Approximate age classes of the vegetation in the project area by acreage & percentage can be found in table 1.1:

**Table 1.1**

BPS		A: Early Serai	B: Mid Ser Closed	C: Mid Serai Open	D: Late Serai Open	E: Late Serai Closed	TOTAL ACRES:
DOUGLAS FIR	Existing Acres	780	213	130	458	1545	3126
	Existing %	25	7	4	15	49	
	Desired Acres	469	781	625	782	469	
	Desired %	15	25	20	25	15	
GRASS	Existing Acres	26	6	0.11	0.43	0.005	33
	Existing %	80	18	0.5	1	0.25	
	Desired Acres Desired %	Not evaluated due to limited # of acres in project area.					
MOUNTAIN BRUSH	Existing Acres	46	37	58	134	216	491
	Existing %	5	91	3	1	1	
	Desired Acres	98	110	117	86	80	
	Desired %	20	22.5	23.75	17.5	16.25	
SPRUCE-FIR	Existing Acres	487	136	126	646	731	2126
	Existing %	23	6	6	30	34	
	Desired Acres	106	531	595	468	425	
	Desired %	5	25	28	22	20	
ASPEN	Existing Acres	127	79	244	197	290	937
	Existing %	14	8	26	21	31	
	Desired Acres	187	328	141	94	187	
	Desired %	20	35	15	10	20	

SCLASS A: Early - Post Replacement SCLASS B: Mid-Serai Closed SCLASS C: Mid-Serai Open  
SCLASS D: Late-Serai Open SCLASS E: Late-Serai Closed

The project area is located within the Big Hole Subsection (Targhee Forest ecological subsection). “The landscape in this subsection is a mixture of vegetation community types with 65 percent of the landscape forested and 35 percent nonforested. The most common forest type is mixed lodgepole and Douglas-fir, comprising 47 percent of the forested acres. Aspen, pure Douglas-fir and pure lodgepole pine each account for roughly 15 percent of the forest. Mountain mahogany is found on south slopes along with various mountain brush species (RTFP, III-58)”. Photo Guides for Appraising Down and Dead Fuels (NFES 2293/2294, 1981 and NFES 2629, 2000) were utilized to determine current fuel loading in the project area. In mountain shrub/grass cover types, fuel loading is roughly 5-7 tons/acre and in mountain shrub/conifer fuel loading is 7-15 tons/acre. Fuel loading in aspen/conifer cover type is approximately 15-25 tons/acre. In mixed conifer stands (Douglas-fir, Lodgepole, and Subalpine fir) fuel loading ranges from approximately 15 to over 25 tons/acre. Based upon LANDFIRE fire regime group data, 99% of the project area is in fire regime groups 3 and 4. Fire regime groups characterize the historical fire regimes within landscapes based on interactions between vegetation dynamics, fire spread, fire effects, and spatial context (Hann and others 2004). Fire regimes 3 and 4 historically burned every 35-200 years with varying severity. Based upon the LANDFIRE data, over 50% or 3,450 acres of the project area should have burned within the last 100 years with some of these areas burning more frequently (National Map LANDFIRE: LANDFIRE Fire Regime Groups Layer, 2008). See Table 1.1 for desired age structure as determined using FRCC analysis.

The Pine Creek watershed encompasses 44,875 acres with 1.2 percent (559 acres) of historic disturbance. The Mahogany Creek Watershed is 42,672 acres in size with 8 percent (3,384 acres) of historic disturbance. Fire Family Plus software was used to analyze past wildfire disturbance greater than 10 acres in size within the Pine Creek Watershed. According to the analysis, there have been a total of four wildfires, two of which occurred in 1992 (Pine Creek 1-200 acres and Pine Creek 2-10 acres). The Pine Creek Fires are adjacent to the southwest boundary of the project area. The other two fires occurred in 2007 (Spencer Canyon, 80 acres and Little Burns Fire, 36 acres). Spencer Canyon is located approximately 8 miles south and west of the project area and is situated at the southern end of the watershed. Little Burns Fire is located approximately 3 miles from the northern boundary of the project area and it is situated at the northern end of the watershed. GIS was utilized to determine the number of acres of timber harvest that has occurred in the past. The analysis determined there was 233 acres of timber harvest within the Pine Creek Watershed. Harvest activity was located in Tie Canyon, Mike Spencer Canyon and adjacent to the Pine Creek Organization Camp. According to District files, there has been no prescribed fire within the watershed. The Mahogany Creek Watershed has had 787 acres of timber harvest and approximately 2,590 acres of prescribed fire dating back to the late 1970's (Mahogany Creek Watershed Assessment, 2001). Both timber harvest and prescribed fire was located approximately 4-9 miles north of the project area from the Twin Creek drainage extending north to the Grandview area. Based on wildfire records from 1960 to 1998, there have been 30 fires within the watershed with the largest fire 7 acres in size (Mahogany Creek Watershed Assessment, 2001). From 1998 to the present there have been no fires greater than 10 acres due to successful fire suppression. In summary, only 4.5% of the combined Pine Creek and Mahogany Watersheds have been disturbed which is far less than expected under historic disturbance regimes and this has led to a decrease of biodiversity and age-class distribution of plant communities.

Aspen, mountain shrubs and willows are dependent upon disturbance to regenerate. Historically, disturbance such as wildland fire initiated the process of regeneration where most of these species sprout from the root. In Idaho, 61% of the aspen has been lost and much of the remaining aspen is mature and in danger from seral conifer and grazing of aspen by wild and domestic animals (Bartos, 2004). On the Teton Basin Ranger District, over 95 percent of the aspen is mature with varying degrees of seral conifer (Mahogany Watershed Analysis, January, 2001, page 31). Aerial photography from the 1940's and 1950's indicates much more aspen than what is found currently. When the aspen stands on these photos are re-visited, dense mixed-conifer stands with just a few remnant aspen trees or only aspen snags from a dead clone are present. The loss of aspen in this project area is the result of late-seral conifer encroaching, out-competing and finally excluding aspen. Additionally, many sites that were mountain brush & grass communities have also converted to mixed-conifer stands. This transition has occurred in the relatively short span of 50 to 60 years. The proposed action will move the landscape toward the desired condition by increasing the early seral stages in the mountain brush, aspen & Douglas-fir biophysical settings.

Additionally, fire suppression and a lack of disturbance within both the Pine Creek and Mahogany Watersheds have contributed to an increase in surface and canopy fuel loadings. Reducing current fuel loadings by using prescribed fire will minimize the wildfire hazard that poses a risk to utility corridors, roads, FS trails and campgrounds and WUI areas. Reduced fuel loading within the project area will improve the defensibility of these areas from wildfire and decrease risk of escape during future implementation of Wildland Fire Use (WFU) incidents.

The desired condition for the project area encompasses goals outlined in the Revised Targhee Forest Plan (RTFP). These goals are outlined below.

- Biodiversity is maintained or enhanced by managing as much as possible for a diverse array of habitats tied to natural occurrence and distribution of plant communities (RTFP, III-5).

- Maintain properly functioning condition for ecosystems and their components for dynamic and resilient disturbances to structure, composition and processes (RTFP, III-5).
- Identify the historic role of fire and restore fire as an ecological process, where appropriate to achieve multiple use and ecosystem management objectives (RTFP, III-6).
- Prescribed fire and managed natural fire is used to achieve desirable soil and habitat characteristics, improve forest health and create or maintain diversity in vegetative structure, composition, and patterns (RTFP, III-6).
- Fuel accumulations are reduced and managed within their historic range (RTFP, III-6).
- Maintain and restore healthy diverse forested ecosystems through time (RTFP, III-12).
- Use vegetation management to achieve a broad array of multiple use and ecosystem management objectives including maintenance, improvement and restoration of: forest health; wildlife habitat effectiveness and quality; hazardous fuels reduction; biological diversity of plant and animal communities; vegetation structure, composition and distribution in larger landscapes (RTFP, III-12).
- Wildlife biodiversity is maintained or enhanced by managing for a diverse array of habitats and distribution of plant communities (RTFP, III-15).
- Provide habitat to support the wildlife and hunting goals in the State of Idaho (RTFP; III-15).

The Red Creek Prescribed Fire Project area is located in Forest prescriptions 2.1.2 (Visual Quality Maintenance) 2.8.3 (Aquatic Influence Zones), 3.2(i) (Semi-Primitive Motorized), 4.1 (Developed Recreation) and 5.1.3(b) (Timber Management Big Game). The relevant management direction for these areas includes:

- Manage travel corridors to protect their natural visual quality (2.1.2).
- Maintain stand vigor by controlling tree density (2.1.2).
- Minimize adverse effects to aquatic and riparian dependent species from past, existing and proposed management activities (2.8.3).
- Manage wood residue (natural and human-made), including fuelwood, to maintain or restore ecological health and function (2.8.3).
- Prescribed natural fire and management-ignited fire will be managed to maintain fire's ecological role and to enhance habitat (3.2(i)).
- Protect and enhance a natural appearing environment within and adjacent to the existing sites to the extent possible while maintaining the existing array of developed recreation sites (4.1).
- Manage aspen for its value in providing seasonal color (4.1).
- Manage vegetation and fuels to minimize fire risk for urban facilities within the interface (5.1.3(b)).

The Desired Future Condition (DFC) for ecosystem processes and patterns is to provide for a mosaic of age classes and types of vegetation across the landscape and sustain it through time. Natural disturbances such as insects, disease and fires continue their natural role (currently, that role has been interrupted by modern fire suppression). The Forest functions as an integral part of the Greater Yellowstone Ecosystem as well as adjacent systems sustaining habitat and conditions necessary for free movement of wildlife (RTFP; II-2).

## **PROPOSED ACTION**

Approximately 35-55% of the project area is targeted to be burned using management ignited prescribed fire to create a mosaic of burned and unburned areas. The project area will be broken into subunits between 300 and 1,200 acres in size using existing trails and changes in aspect or fuel continuity to contain the prescribed fire. Zero to three subunits may be ignited each spring or fall until objectives have been met. The number of subunits ignited will be dependent upon weather and fuel conditions. Routine trail improvement and brushing adjacent to existing roads and trails may be necessary to facilitate containment. Hand and helicopter ignition will be employed to ignite subunits within the project area. Due to planned burn ignition in fall or spring conditions, moderate fire intensity is expected.

Some slashing of live conifers with chainsaws will occur where conifer encroachment into aspen is present. Slashing of live conifer will only target trees less than 12" dbh. Approximately 20-30% of the project area has been identified for potential slashing (See Figure 2 below). The purpose of slashing is to create additional fuels on the ground to aid fire spread into aspen stands under moderate weather conditions.

Project implementation is planned to begin 45 days after publication in the Idaho Falls Post Register.

## **DESIGN FEATURES ASSOCIATED WITH THE PROPOSED ACTIONS**

- Two landslides have been identified within the project area and those areas will be avoided to maintain soil productivity.
- Implement prescribed fire during periods of higher soil moisture to conserve soil resources.
- Identified cultural sites will be avoided.
- During mechanical slashing, crews will attempt to close user created non-system trails.
- Livestock (sheep) will not be allowed to graze the treated area for two years (RTFP, III-30) following the treatments or until conditions can support their use, whichever is longer.
- The two old growth stands within the project area will be excluded from treatment (Fig. 2).
- Spring burns will occur before plant growth or nesting and denning begin and late summer, fall burns will occur after the young of the year have fledged or otherwise become independent and mobile enough to move away from the disturbance.
- The project area includes portions of two lynx analysis units (LAU) and vegetation has been evaluated for potential snowshoe hare habitat. One 286 acre area has been identified in the Red Creek drainage as snowshoe hare habitat in multi-storied mixed conifer and therefore potential lynx habitat. As such, this area will be excluded from all treatments. Moistures of extinction will be used to exclude fire from this area.
- All burning will comply with clean air act standards for particulate emissions and will be coordinated with the Idaho/Montana Smoke Monitoring Unit and the Idaho Department of Environmental Quality.
- All burning will require a burn plan conforming to agency standards approved by the line officer and a qualified Prescribed Fire Burn Boss prior to ignition.
- When felling trees in the AIZ, fell trees in a manner that protects residual vegetation from damage. In timbered areas, provide residual timber for long-term maintenance of instream large woody debris expected values (RFP, pg III-11) of greater than 20 pieces per mile.
- Minimize burning within the AIZ to what is needed for riparian area enhancement. The Burn Boss and resource advisor shall monitor the amount and severity of fire activity within the AIZ during operations to ensure that excessive burning does not occur. Soil moisture, topography, fire severity, and the amount of area burned within the AIZ should be considered. Modify activities as necessary to protect AIZ resources.

- Conduct burning operations so as to maintain organic ground cover; maintain at least 80% of the natural ground cover within the AIZ. The expected re-growth and litter fall can be used in estimating this percentage if the burn occurs in the spring. Limit burn intensity and burn severity to low within the AIZ.
- Avoid jack pot burning within the AIZ, unless determined necessary for resource protection.
- If using pumps, wash all intake hoses prior to and after use to prevent transfer of aquatic nuisance species. Intake hoses shall be screen if drawing from fish bearing streams.

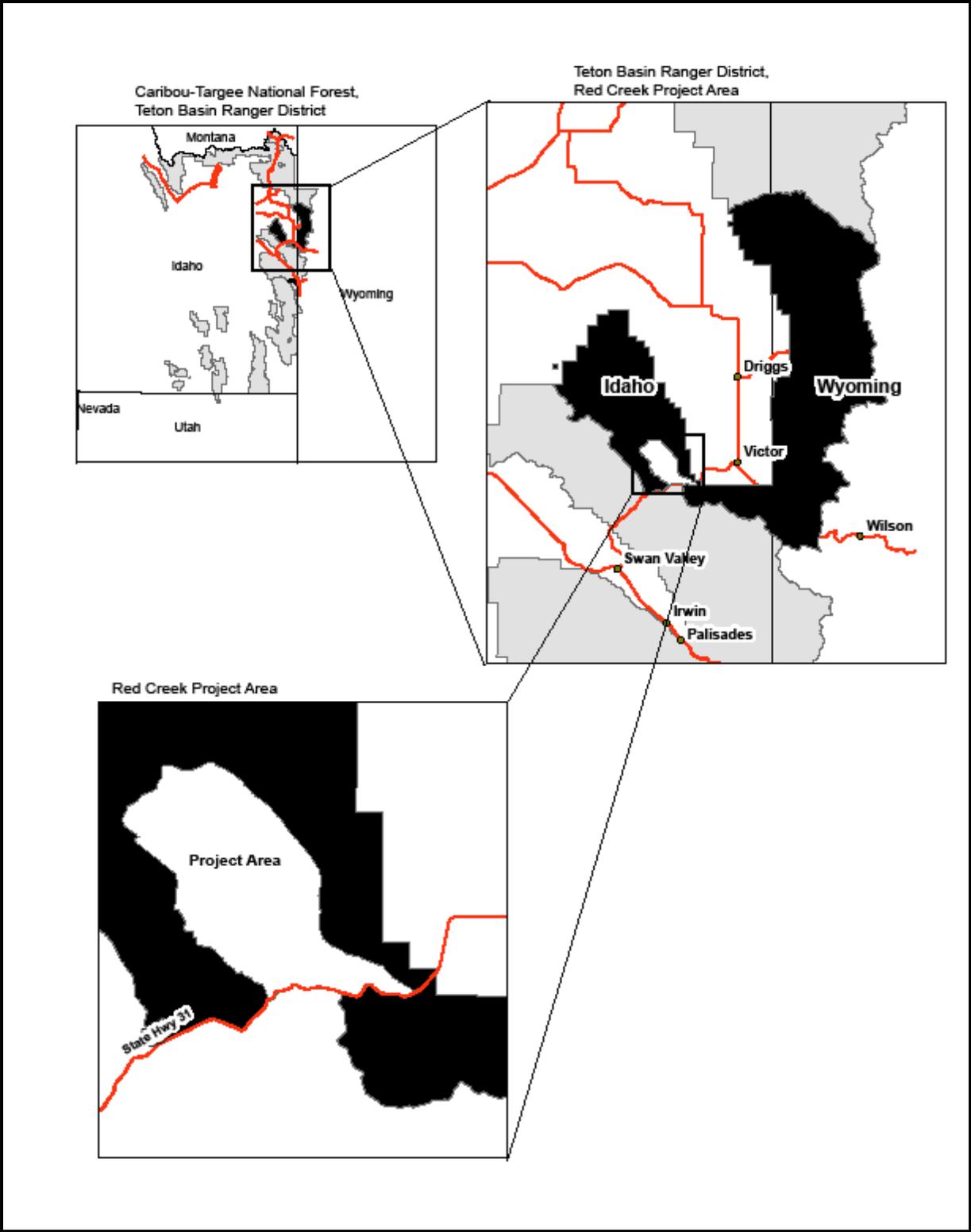


Figure 1: Vicinity Map

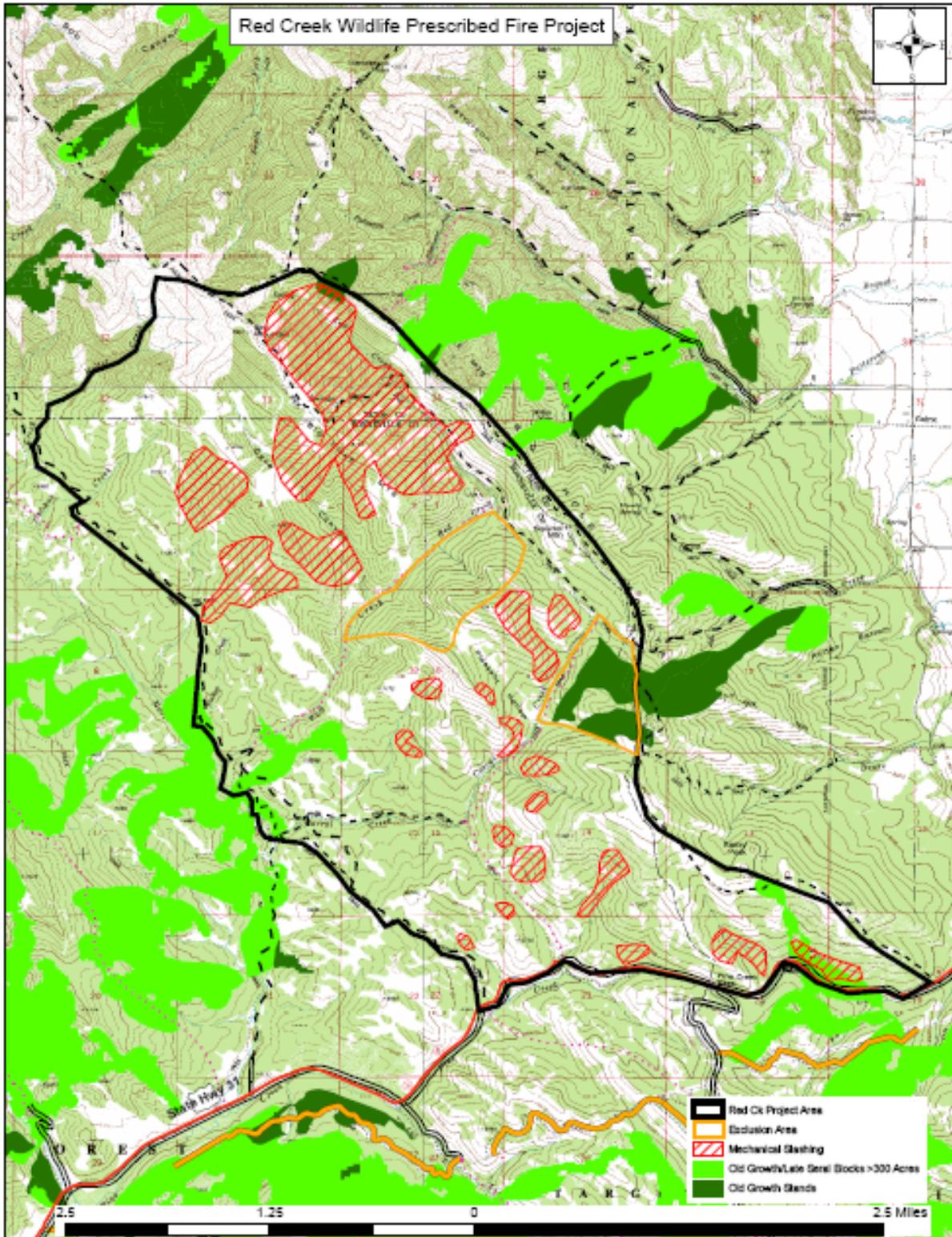


Figure 2: Red Creek Project Map

## CATEGORICAL EXCLUSION

I have made a preliminary assessment that this proposal meets RTFP direction and falls within a category of actions listed in the Forest Service Handbook that is excluded from documentation in an Environmental Assessment or Environmental Impact Statement because this proposal falls into a category of action that does not individually or cumulatively have a significant effect on the human environment. No extraordinary circumstances exist that would preclude use of the category. The category in which this action falls is “Timber stand and/or wildlife habitat improvement activity which do not include the use of herbicides or do not require more than one mile of low standard road construction” [31.2(6)].

My conclusion 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.

I have reviewed the public and interdisciplinary team comments and determined that this project is in the wildlife and resources best interest. A public comment portrays this project as eliminating old growth habitat and harming wildlife species depended on that habitat and snags. I have a great deal of respect for the local Forest Service and State wildlife biologists familiar with the area and have discussed these comments with them. I am very comfortable with the local biologists’ strong recommendations, to approve this project based on their field review (Ovard, August 2008) and literature search. The public comments associated with old growth, sensitive species, aspen management and other inferred potential harmful effects of this project exhibits a lack of understanding of the habitat types, current conditions, past disturbances and wildlife species associated with the project area. I acknowledge that this project has not address every possible uncertainty as that is an impossible task, especially since experts routinely disagree. My review of the project, project file, project design features including retention areas, and personal observations of successful previous projects makes me comfortable that implementing this project is necessary and meets the purpose.

## EXTRAORDINARY CIRCUMSTANCES

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances which could significantly affect the environment.

- The Proposed Action has been evaluated to determine the effects on **Threatened, Endangered, and Proposed Species and their Habitats**. The BEs for Plants and Fisheries and BE/BA for wildlife have determined that there are no significant effects to these species (Sensitive Species BE, 2008, Biological Assessment for Canada Lynx, 2008, Biological Evaluation for Yellowstone Cutthroat Trout, 2008, Biological Evaluation for Sensitive Plant Species).

Biological Evaluation and Assessment have been completed. Listed or proposed species that could be affected by the project are Yellowstone cutthroat, Gray wolf & Canada Lynx.

Primary threats to Yellowstone cutthroat in *Pine Creek* and its tributaries would be the introduction of non-native trout. The proposed project will not alter the threat posed by or

increase the likelihood of introduction of non-native salmonids. However this project should reduce the risk of catastrophic fire by burning under prescribed conditions at low to moderate intensities. Because this project should reduce the risk of catastrophic fire in the drainage and not increase sedimentation, preliminary determination is that this project is not likely have an adverse affect on Yellowstone cutthroat(Lee Mabey, Fishery Biologist, CTNF).

The preliminary determination agreed upon at Streamlining and the final determination in the Biological Assessment (using the Counterpart Regulations) is that this project **may affect individual lynx but is not likely to adversely affect the lynx**. All treatments will comply with the amended forest plan to safeguard the future existence of Canada Lynx (USFWS Streamlining, Spring 2008).

There are no known sage grouse found in the Teton Basin (Idaho Department of Fish and Game).

This project follows all standards and guides in the RTFP for plants & wildlife (Biological Evaluation, Biological Assessment).

- My decision will have no effects on **Flood Plains, Wetlands, Municipal Watersheds** and other soil and water resources.
- Proposed activities will not occur within or adjacent to any **Congressionally Designated Areas** such as **Wilderness, Wilderness Study Areas, or National Recreation Areas** and therefore will have no effect on these resources.
- **Inventoried roadless areas.** 6,700 acres of the Red Creek Prescribed Fire Project area are located in the Garns Mountain Roadless area. This project is not inconsistent with the 2001 Roadless Rule (36 CFR Part 294):

§ 294.13 Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

The roadless character will be maintained because project implementation will not include:

- Use of heavy equipment.

- Commercial timber harvest.
- Construction of new motorized roads or trails.
- Any removal of materials from the project area
- All vegetation cut will be for ecosystem restoration & maintenance purposes.
- There are no **Research Natural Areas** within the project area.
- No effects to **American Indian and Alaska Native Religious or Cultural Sites**. No sites were identified during consultation.
- No effects to **Archaeological Sites, or Historic Properties or Areas**. All significant sites will be avoided by burning. Mechanical treatments will not be ground disturbing.

## FOREST PLAN CONSISTENCY

### Woody Residue:

The Forest Plan contains guidelines for woody residue by forest habitat type. Previous prescribed fire projects, Beacon Basin and Airways Basin (both timber harvest/prescribed fire projects on the Dubois Ranger District monitored in 2004) were assessed for coarse woody debris post fire, and met the RTFP guidelines. This project is expected to meet these guidelines post implementation (Kara Kleinschmidt, Soil Scientist; CTNF, March, 2008).

### Snags:

Existing snag conditions identified in the Process Paper D (Forest Plan Document) by the watershed scale shown Pine Creek Watershed with 76% of biological potential for snag densities for all woodpeckers and 61% for the larger group of birds. Existing snag conditions in the Mahogany Watershed was 77% of biological potential for snag densities for all woodpeckers and 61% for the larger group of birds (Process Paper D, Pages 173-174).

Snag requirements by Forest Plan Prescription Areas included within the project:

2.1.2 (Visual Quality Maintenance):	No snag requirements.
2.8.3 (Aquatic Influences Zones):	100%
3.2(i) (Semi Primitive Motorized):	60 %
4.1 (Developed Recreation Sites):	No snag requirements.
5.1.3(b) (Timber Management):	40%

Both the Pine Creek and Mahogany Watersheds meet or exceed the requirements for snags. Fire typically recruits more snags into the system than are lost (USDA 2008).

### Goshawks:

At this time, there are no known goshawks in the area. Field surveys will be continued and completed prior to treatment. Any new nest sites identified will comply with Forest Plan standards and guidelines.

### Old Growth:

Acres of forested vegetation potentially affected by the Red Creek Project Area were analyzed using Targhee Vegetation GIS data layer clipped to the principle watersheds of interest. Data tables were then exported into an excel spreadsheet & tabulated:

Principle Watershed 022 (Mahogany Creek)							
		# of acres equaling 20%	Existing OG/Late Seral Acres:	Shortage or Surplus	# of acres equaling 10%	Existing OG w/in 300 Acre Blocks.	Shortage or Surplus
Forested Acres	31886	6377	22878	+16501	3189	3339	+150
Non-Forested Acres	18823						
Principle Watershed 006 (Pine Creek)							
		# of acres equaling 20%	Existing OG/Late Seral Acres:	Shortage or Surplus	# of acres equaling 10%	Existing OG w/in 300 Acre Blocks.	Shortage or Surplus
Forested Acres	26025	9780	13299	3519	2603	2110	-493
Non-Forested Acres	18823						

Very little forested vegetation within the project area meets the old growth definition (R4-Characteristic of Old Growth in the Intermountain Region, 1993). However two stands on the eastern edge of the project area do meet the definition and fall within TNF Principle Watershed 006. This watershed is short of meeting forest plan requirements for old growth despite the abundance of late seral vegetation. As such, the two old growth stands (see fig. 2) have been excluded from treatment by this project in order to prevent further decrease in this resource.

### MANAGEMENT INDICATOR SPECIES

Determining MIS is a programmatic determination, not a project level determination. The 1982 NFMA regulations do not require an MIS species for each habitat type. The RTFP may not include an MIS for sage brush, mountain shrub or shrub steppe but several sensitive species are dependent of these communities such as Columbian sharp tailed grouse, sage grouse, and pygmy rabbit. These three species are not found in the project area because there is no shrub steppe habitat. The project area is too high in elevation, has soils which are too shallow, and is too steep to support these communities. Additionally, the RTFP may not include an MIS for aspen but several sensitive species benefit from healthy aspen such as three-toed woodpecker, goshawk, boreal owl, flammulated owl, peregrine falcon, migratory birds, and gray wolf. The biological evaluation and biological assessment address the importance of this project for these species.

### SCOPING

Formal public scoping was mailed on April 11, 2008, a legal notice was posted in the Idaho Falls Post Register on April 14, 2008, and three responses were received. The public was invited to attend an informational/scoping meeting which was advertised in the Teton Valley News, local radio stations, and the Idaho Falls Post Register, and via flyers in local businesses. This meeting was held on April 11, 2008, 3 interested parties attended. Input was assessed and comments

were responded to by the ID team and are on file at the Teton Basin Ranger District Office. All concerns were resolved through project design features.

## **ADMINISTRATIVE REVIEW AND IMPLEMENTATION DATE**

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215 pursuant to the July 2 and September 16, 2005, orders issued by the U. S. District Court for the Eastern District of California in Case No. CIV F-03-6386JKS. Appeals must meet the content requirements of 36 CFR 215.14. Appeals must be postmarked within 45 days of the publication of the Legal Notice in the Idaho Falls, Post Register. The Appeal Deciding Officer is Larry Timchak, Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. E-mailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

Appeals, including attachments, must be filed within 45 days from the publication date of the Legal Notice in the Idaho Falls Post Register, the newspaper of record. The publication date in the Idaho Falls Post Register is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition.

## **CONTACT PERSON**

For additional information about this project, please contact Red Creek Prescribed Fire Project Leader: Spencer Johnston, Palisades Ranger District, 3659 E. Ririe Hwy, Idaho Falls, ID 83401, or (208)-523-1412. Or contact David Ovard, Kristy Swartz, or Jay Pence at: Teton Basin Ranger District, PO Box 777, Driggs, Idaho 83422, or call 208-354-2312.

/s/Jay Pence  
JAY PENCE  
Teton Basin District Ranger

September 29, 2008