

**FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION NOTICE  
FOR THE  
MUDDY GUARD ROAD REROUTE PROPOSED ACTIONS**

**USDA FOREST SERVICE, BIGHORN NATIONAL FOREST  
POWDER RIVER RANGER DISTRICT  
JOHNSON, COUNTY, WYOMING**

**DECISION**

Based on my review of the *Muddy Guard Road Reroute Environmental Assessment (EA)* and *Finding of No Significant Impact (FONSI)* as well as the project record, I have decided to implement the proposed action which is to reroute Muddy Guard road to the beginning of FSR 33 where it exits US Highway 16 and continues for approximately 400 feet. From there, the route will follow an old two track road for approximately 900 feet. The proposed reroute will remove approximately 950 feet of FSR 472 and FSR 473 which will be revegetated. A summary of my decision is listed below. The EA contains more detailed descriptions of the activities that will be authorized.

- Utilization of an existing two-track route and portions of FSR 472 to link FSR 33 to FSR 472 east of the Muddy Guard cabin.
- Provide a legal OHV route between FSR 473 and FSR 33
- Reconstruction of existing two track
- Elimination of through vehicle traffic at the Muddy Guard site
- Rerouting the road away from the intersection of FSR 473 and 472 eliminating resource damage caused by a low spot in the road that collects water and causes traffic to go around the mud puddle.
- Decommissioning of approximately 950 feet of FSR 472 and 473.

My decision includes implementation of the following design features and monitoring:

**Table 1. Design features for the proposed action.**

1.	Install public information signs during construction to inform the public of safety hazards. <i>Addresses Issue #1</i>
2.	Meet Highway Safety Act requirements and <i>Manual of Uniform Traffic Control Device</i> regulations. This is Forest Service standard operating procedure. <i>Addresses Issue #1</i>

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3.	Construct road profile grades and turning radiuses to accommodate passenger vehicles appropriate to the site in accordance with AASHTO's <i>A Policy on Geometric Design of Highways and Streets</i> . <i>Addresses Issue #1</i>
4.	If any unforeseen, ground-disturbing activities occur, the programmatic agreement with the Wyoming State Historic Preservation Office will be consulted to determine appropriate actions prior to conducting the disturbance. If heritage resources are discovered during construction, operations must cease and a Forest Service archeologist must be notified. <i>Addresses Issue #4</i>
5.	Maintain a meadow landscape character in the view from US Highway 16 and travel routes. Prepare a vegetation management plan to retain the meadow. <i>Addresses Issue #3</i>
6.	Implement an erosion control plan and revegetate with locally adapted native plants as appropriate. <i>Addresses Issue #5</i>
7.	Reclaim roads, dispersed campsite, and other disturbed sites within one year after use ends, to prevent resource damage (WCPH 13.4). Restore organic ground cover using certified weed-free local native plants, if natural regeneration does not occur (WCPH 11.2b) and consider scarifying compacted soils to a minimum depth of 8 inches and reseeding with native seed mix to aid in the establishment of vegetation and reduce sediment delivery to water bodies. <i>Addresses Issue #5</i>
8.	Keep heavy equipment out of streams, swales, and lakes. If heavy equipment must cross these areas at designated points, activity should occur during winter months or when soils are dry (WCPH 12.1c). <i>Addresses Issue #7</i>
9.	Keep new concentrated-use sites out of the water influence zone (WIZ), riparian areas, and wetlands. Reclaim existing sites located in the WIZ (developed campgrounds, roads, and dispersed campsites) to prevent detrimental soil and bank erosion (WCPH 12.1e). <i>Addresses Issue #6</i>
10.	Do not excavate earth material from, or store material in any wetland, stream, lake, swale, or WIZ, except at designated road-stream or trail-stream crossings (WCPH 12.1m). <i>Addresses Issue #6</i>
11.	Design and install road- and trail-stream crossings to sustain channel geometry and bank stability during all design flows. Obtain necessary permits. Install crossings on straight and resilient stream reaches, perpendicular to flow, and provide passage for fish and other aquatic life. Consult hydrologist/fisheries biologist during design and installation of road- and trail-stream crossings to ensure hydrologic and aquatic passage (WCPH 12.1k, 12.2a-d, 13.1h). <i>Addresses Issue #6</i>
12.	Avoid wetlands and disturbing their drainage patterns during construction/decommissioning activities (WCPH 12.4a-e). <i>Addresses Issue #6 and #7</i>
13.	Eliminate soil-disturbing activities during periods of heavy rain or on wet soils (WCPH 13.1b) <i>Addresses Issue #7</i>
14.	Where possible, construct roads with outslope and rolling grades instead of ditches and culverts (WCPH 13.1d). This minimizes concentrated flow and therefore reduces erosion and sedimentation into water bodies. In addition, fewer culverts are needed, reducing maintenance needs and erosion due to culvert failure (Robichaud et al. 2010). <i>Addresses Issue #6</i>
15.	Avoid unstable or highly erodible soils (i.e., Cryaquolls soil) when possible. Retain stabilizing vegetation on these soil types (WCPH 13.1e). Consult aquatics program personnel during trail layout, designated dispersed campsite layout, and campground decommissioning to avoid sensitive soils. <i>Addresses Issue #5</i>
16.	Construct roads and other disturbed sites to minimize sediment discharge into water bodies. Use filter strips and sediment traps where needed (WCPH 13.2) <i>Addresses Issue #5</i>
17.	Stabilize and maintain roads and other disturbed sites during and after construction to control erosion. Provide sediment control until erosion control is permanent (WCPH 13.3). <i>Addresses Issue #5</i>
18.	Operate heavy equipment only when soil moisture is below the plastic limit ("the water content at which soil begins to break apart and crumble when rolled by hand into threads 3mm in diameter (Sowers 1979)"), or protected by at least 1 foot of packed snow or 2 inches of frozen soil (WCPH 14.1b). <i>Addresses Issue #5</i>

**Table 2. Monitoring to be conducted for the proposed action in addition to Forest Plan required monitoring. All monitoring is the responsibility of the Forest Service.**

<i>Monitoring Objective</i>	<i>Monitoring Item</i>	<i>Monitoring Type</i>	<i>Frequency</i>
Compliance	Visitors are using the reroute to FSR 33	Ocular, incident reports, warnings, and violation notices	Weekly during periods of heavy summer use.
Effectiveness of revegetation	Monitor revegetated areas	Ocular	1 <sup>st</sup> year after revegetation and every three years until established.

## DECISION RATIONALE

I have reviewed the EA and the project record for the Muddy Guard Road Reroute project. I have determined that the environmental impacts of the proposed action are not significant; therefore, preparation of an environmental impact statement (EIS) is not required. The *Muddy Guard Road Reroute EA* and the project file document the environmental analysis and conclusions upon which I based my decision.

My decision to implement the proposed action is consistent with the purpose and need for action (EA page 5). Public safety is improved by rerouting the current road (FSR 473) to Muddy Guard cabin. Muddy Guard cabin use has increased by 768% (25 days of use to 192 days of use annually) in the past 10 years. This sizable increase in vehicle traffic amplifies the safety concerns. Since 2010 the District has had reports of near vehicle accidents from Forest visitors using FSR 473 due to the road intersects US Highway 16 on an upslope grade within a forested area, both of which limit sight distance. Vision is further impaired by the curve in US Highway 16 immediately to the south of the intersection.

My decision is consistent with the *Bighorn National Forest Revised Land and Resource Management Plan* (forest plan) emphasis on (Objective 4.a:) Improving the safety and economy of Forest Service roads, trails, facilities, and operations, and provide greater security for the public and employees.

## PUBLIC INVOLVEMENT

This action was listed as a proposal on the Bighorn National Forest schedule of proposed actions and updated periodically during the analysis. The EA lists agencies and people consulted on page 13.

Notice of Proposed Action was published April 1, 2012 with a legal notice in the Casper Star Tribune newspaper. The NOPA was posted on the Bighorn National Forest website.

All comments received were in favor of the proposed action.

## FINDING OF NO SIGNIFICANT IMPACT AND OTHER LAWS AND REGULATIONS

After considering the environmental effects described in the EA, I have determined that the proposed action will not have significant effects on the quality of the human environment based on the context

and intensity of its impact (40CFR 1508.27). Therefore, an environmental impact statement will not be prepared.

## CONTEXT

The Muddy Guard Road Reroute is located in the Bighorn Mountains in Johnson County, Wyoming. Maps of the proposed actions are in the project record located at the Powder River Ranger District office in Buffalo, Wyoming. The effects are localized to a small area around the Muddy Guard cabin.

## INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that, on balance, the effect will be beneficial.** My consideration of the intensity of environmental effects and my finding of no significant impacts was not biased by the beneficial effects of the action. While the proposed actions will have the beneficial impact of improved public safety for ingress and egress onto Highway 16, I considered the potential adverse impacts as well such as the short term increase in dust from road work and displacement of some wildlife species.
2. **The degree to which the proposed action affects public health or safety.** The reroute of FSR 473 will improve public safety through implementation of design features (EA page 8 and 9).
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area because no park lands, prime farmlands, wild and scenic rivers or ecologically critical areas will be affected by the project. No significant effects on unique characteristics of wetlands or historic or cultural resources were identified. Design features are in place to protect historic or cultural resources from potential indirect effects (EA page 4).
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. The Wyoming Department of Transportation supports the proposed action.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The agency has considerable experience with similar actions. The analysis shows the effects are not uncertain and do not involve unique or unknown risk.
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.** The action is not likely to establish a precedent for future actions with significant effects.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** There are no cumulative impacts.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places or may cause**

**loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will not cause loss or destruction of significant scientific, cultural, or historical resources because a Class III heritage resource inventory report was completed for the project.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect any endangered or threatened species or their habitat that has been determined to be critical under the Endangered Species Act of 1973 (EA page 11 and 12).
10. **Whether the action threatens to violate federal, state, or local law or requirements imposed for the protection of the environment.** The action will not violate federal, state, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the forest plan (EA page 12).

### ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is not subject to administrative review (appeal) pursuant to federal regulations at 36 CFR part 215. Individuals or organizations that provided comment or otherwise expressed interest in the proposed action during the comment period provided supportive comment; therefore the decision is not appealable pursuant to §215.12.

### IMPLEMENTATION DATE

Implementation of the selected alternative will occur under the authority of this DN immediately after publication (§2151.7(b)) in the Casper Star Tribune.

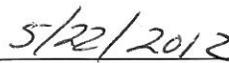
### CONTACT

For additional information concerning this decision, contact: Patricia Bills, District Administrative Assistant, Powder River Ranger District, 1415 Fort Street, Buffalo, WY 82834, [pbills@fs.fed.us](mailto:pbills@fs.fed.us), (307)-684-7806.



MARK BOOTH

Powder River District Ranger  
Bighorn National Forest



DATE