



United States
Department of
Agriculture

Forest
Service

September 2013



Decision Notice and Finding of No Significant Impact (DN/FONSI)

Hams Fork Vegetation Project

**Kemmerer Ranger District, Bridger-Teton National Forest
Lincoln County, Wyoming**

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Decision Notice and Finding of No Significant Impact for the Hams Fork Vegetation Project

USDA Forest Service
Kemmerer Ranger District
Bridger-Teton National Forest Service
Lincoln County, Wyoming

The Decision Notice and Finding of No Significant Impact (FONSI) for the Hams Fork Vegetation Project are presented here. The Decision Notice documents my decision and rationale. The FONSI presents the reasons that I find this action will not have a significant effect on the human environment. The Environmental Assessment (EA) completed for the project is incorporated by reference in this Decision Notice/FONSI. The EA documents the direct, indirect, and cumulative environmental effects of two alternatives and documents the ability of the alternatives to meet the purpose and need for the project.

Background

The Kemmerer Ranger District of the Bridger-Teton National Forest proposed the Hams Fork Vegetation Project to address forest fuel levels and forest health concerns in the headwaters of the Hams Fork watershed. This project falls under the authority of the Healthy Forest Restoration Act (HFRA) and the Purpose and Need for Action were developed with public involvement (EA pg. 16).

The Hams Fork Vegetation Project was listed in the Schedule of Proposed Actions Spring 2011. A series of meetings were hosted during the summer of 2011 (June 1, June 23, July 7, July 13, and August 4, 2011) to develop a collaborative proposal that addressed increased future fuel loads, forest health and public safety concerns in the upper Hams Fork watershed. The collaborative group, consisting of interested individuals, organizations, state and Federal agencies, and elected officials, developed a proposal described in the Collaborative Agreement: Framework for Proposed Action (Western Wyoming Resource and Development Council et al. 2011). This proposal was the foundation for development of Alternative 2 (Proposed Action) in the EA. The collaborative process was documented in the "Hams Fork Vegetation Restoration Project – a report on the collaboration process" (Thom 2011).

Wyoming Governor Mead and the Lincoln County Commissioners have expressed their concern regarding the extent of pine mortality, fuel loading, protection of municipal watershed and the wildland urban interface WUI associated with the Hams Fork project area.

In order to address the purpose and need stated below the Kemmerer Ranger District of the Bridger-Teton National Forest prepared an EA in compliance with the National Environmental Policy Act, the Healthy Forests Restoration Act (HFRA) and other relevant Federal and state laws and regulations. It discloses the direct, indirect, and cumulative environmental impacts that would result from the Proposed Action and the No Action alternatives. The Hams Fork Vegetation Project qualifies as an authorized hazardous fuel reduction project because it addresses a threat to an ecosystem component or forest resource on Federal land due to an epidemic of the mountain pine beetle (HFRA, 16 USC 6512(a)(4)).

The original Collaboratively Developed Proposal consisted of approximately 10,414 acres of treatment. This proposal was not developed due to the proposed construction of eight miles of temporary roads within the inventoried roadless area (EA pg. 19). Therefore, the proposal the public commented on during scoping was substantially smaller in scope than originally proposed. The collaborative process was effective in mitigating resource concerns.

The project will reduce fuel loadings by removing primarily dead, dying and diseased conifers. It will improve age class diversity and enhance aspen and whitebark pine by removing encroaching conifers through harvest and prescribed burning. The Forest Service proposes to meet the purpose and need of the project by conducting mechanical silvicultural treatments and prescribed burning on approximately 8,622 acres, which accounts for about 16 percent of the forested area, within the Hams Fork project area over 2 to 10 years.

Project Area and Location

The 74,276-acre Hams Fork project area lies in the south-central portion of the Kemmerer Ranger District in Lincoln County, Wyoming and encompasses the headwaters of the Hams Fork watershed. The project area is approximately 73 percent forested, with lodgepole pine as the predominant forest type, followed by aspen, spruce/subalpine fir, whitebark/limber pine, and Douglas-fir. The majority of stands contain a mix of tree species with the pine component significantly affected by the mountain pine beetle. Non-forested areas are willow dominated riparian areas and tall forb/sagebrush/grass communities. A variety of fish and wildlife species are found in the area including elk, moose, mule deer, American marten, northern goshawk, boreal toad, and Colorado River cutthroat trout.

The headwaters of the Hams Fork watershed are located within the project area and are municipal watersheds supplying water to six communities downstream. Eighty-seven percent of the project area lies within two inventoried roadless areas and 20 percent of the project area lies within the wildland urban interface (WUI) as identified in the Lincoln County, Wyoming Community Wildfire Protection Plan (Lincoln County 2006). The WUI overlaps with the southern portion of the project area along the Bridger-Teton National Forest boundary. To the south of the project area and adjacent to the Bridger-Teton National Forest boundary is a combination of Bureau of Land Management, private and state lands. The main Hams Fork travel route (Forest Road 10062) is designated as a Scenic Backway. The project area is popular with campers, fisherman, hunters, and firewood cutters.

DECISION AND RATIONALE

It is my decision to select Alternative 2, the Proposed Action as described in the EA and Appendix B, C, and D. I believe Alternative 2 best meets the purpose and need for action described in the EA, adequately addresses key issues, and is responsive to public comment provided during the collaborative process.

My decision is based on a review of the analysis in the June 2013 Hams Fork Vegetation Project Environmental Assessment (USFS 2013a), the project record (which includes an analysis of relevant scientific information), a careful examination of applicable laws, regulations, policy, and the Bridger-Teton National Forest Land and Resource Management Plan (Forest Plan, USFS 1990). My decision for the project includes numerous measures specifically incorporated to preserve and protect area resources, and these design features are found in Appendix D of the EA.

I have also considered the numerous comments received (supportive and otherwise) from the collaborative group, the public, and four objection letters submitted regarding the proposal, including the

Collaborative Agreement: Framework for Proposed Action (Western Wyoming Resource Conservation and Development Council et al. 2011).

Alternative 2 best meets the purpose and need of the project and includes conducting mechanical silvicultural treatments and prescribed burning on approximately 8,622 acres within the Hams Fork project area over 2 to 10 years as defined in Appendix C of the EA.

Silvicultural treatments in the inventoried roadless areas include salvage, salvage/sanitation, salvage/sanitation with aspen improvement, whitebark pine improvement and hazard tree removal. Hazard tree removal would generally occur up to 300 feet from both sides of forest system roads, except in identified old growth stands.

Outside of the inventoried roadless areas, additional silvicultural treatments are proposed: aspen improvement, clearcut with reserves, patch clearcut with salvage/sanitation, salvage/sanitation/commercial thinning, and salvage/sanitation/commercial thinning with aspen improvement. Prescribed fire would occur both inside and outside of roadless areas. These treatments are described in detail in Appendix C of the EA.

The Forest Service will use existing roads for silvicultural treatments within the inventoried roadless areas. Construction of approximately 4 miles of temporary roads would occur outside of the inventoried roadless areas and would be reclaimed upon completion of the silvicultural treatments. Additionally, 4 miles of currently unauthorized roads outside of the inventory roadless areas will be added to the Forest transportation system as level 1 roads. Level 1 roads are for administrative use and are closed to public access.

Treatments will occur primarily in the western portion of the project area which offers relatively low quality roadless character due to well-developed existing roads, facility development and previous timber harvest. The eastern portion of the Hams Fork project area although partially roaded, has a higher quality roadless character; therefore, proposed treatments are limited there. The Proposed Action was also designed to avoid impacts to potential Canada lynx habitat by limiting treatment in areas with a dense understory preferred by snowshoe hares. For specific Design Features see Appendix D in the EA.

In addition Alternative 2 provides social and economic benefits to local communities. This is truly a secondary benefit. The Forest Service recognizes that the Roadless Rule does not allow for the cutting of timber in inventoried roadless areas for the purpose of providing forest products to local communities. However, trees removed from the inventoried roadless areas to meet the purpose and need have a secondary benefit of providing forest products to local communities (EA pg. 11-12). In order to meet the purpose and need of fuel reduction the trees have to be removed from the forest. Simply falling the trees in place will only result in a change in fuel structure and will not reduce the fuel loading within the project area (EA Table 10 p. 44).

In comparison, the No Action alternative will not meet the purpose and need and will result in a less diverse mix of vegetative composition and increased fuel loading. It will not promote the enhancement of aspen and whitebark pine stands, improve lodgepole pine communities and will not minimize hazards associated with standing dead trees (EA Table 10 pp. 44 - 45 and Table 9 p. 36, 41).

Public Involvement

The Bridger-Teton National Forest in partnership with the Western Wyoming Resource Conservation and Development Council, under the Natural Resource Conservation District, hosted a series of meetings during the summer of 2011 to develop a collaborative proposal to address pine mortality, increased future

fuel loads, forest health and public safety concerns in the upper Hams Fork watershed. The collaborative process was initiated with a notice of public meeting published in the Casper Star-Tribune on May 22, 2011 (Legal No.: 917130). Four public meetings (June 1, June 23, July 13, and August 4, 2011) were held in Kemmerer, Wyoming and a field tour of the Hams Fork project area (July 7, 2011) was conducted. The public was invited to all public meetings via news releases published in local newspapers and emails sent to participants and individuals who had expressed an interest in the project and the Bridger-Teton National Forest general email list. In addition, Lincoln County posted the meetings on their calendar at <http://www.lcwy.org/calendar>.

The collaborative group, consisting of interested individuals, organizations, state and Federal agencies, and elected officials, developed a proposal described in the Collaborative Agreement: Framework for Proposed Action (Western Wyoming Resource and Development Council et al. 2011) which is available on the Bridger-Teton National Forest website at <http://www.fs.usda.gov/goto/btnf/projects>. This framework was intended to guide the Forest Service in developing a final proposed agency action. Through the process the proposed treatment area was reduced within the 74,276 acre boundary to the 8,622 acre treatment units identified. The collaborative proposal was presented in Appendix A of the Scoping Document and Request for Public Comment (U.S. Forest Service 2012).

On February 14, 2012 the Scoping Document and Request for Comment was mailed to 217 individuals including representatives of state and local governments, State and Federal agencies, Tribes and interested persons. A legal notice requesting comments on the Hams Fork Vegetation Project was published in the Casper Star-Tribune on February 18, 2012 (Legal No.: 937022) and with its publication, a 30-day comment period was initiated. The scoping document and other information relevant to the project were made available on the Bridger-Teton National Forest website (<http://www.fs.usda.gov/goto/btnf/projects>). Fourteen comment letters or emails were received during the comment period. All comments received during the comment period were considered and are addressed in the Comment Analysis (USFS 2013b) in the project record.

With reinstatement of the 2001 Roadless Rule, the Acting Kemmerer District Ranger invited the collaborative group and interested parties that commented on the project during the scoping comment period to two update meetings. Subsequent to these meetings, the Acting District Ranger decided to change the scoped proposed action after reviewing and considering all public comments. The primary change in the scoped proposed action was to increase the hazard tree removal treatment area from one tree length plus 10 percent of the tree length from both sides of open roads to a 300 foot area along each side of the road to reduce fuels, enhance fire control measures along roads, and enhance safety of dispersed campers as proposed in the Collaborative Agreement (Western Wyoming Resource Conservation and Development Council et al. 2011). This change to a hazard tree removal treatment area of 300 feet along the roads better met the purpose and need to provide for public safety and increase fire management flexibility. This was in response to public comment received. This 300 foot distance is what was analyzed as the proposed action in the EA.

On June 7, 2013, a legal notice announcing the 30-day objection period to the EA appeared in the Casper Star-Tribune newspaper, the newspaper of record. The Forest Service posted the EA on the Bridger-Teton National Forest website and emailed a transmittal letter (Gibbons 2013) to parties who previously expressed interest in the project.

The Objection Reviewing Officer received four objections to the proposed project. Representatives from the Forest, including the Objection Reviewing Officer, met with objectors in two separate meetings (one on July 11, 2013 and one on July 15, 2013) to discuss the objections and potentially find a resolution to their concerns. The objections were generally in opposition to each other minimizing the resolution space

between the objectors. José Castro, Objection Reviewing Officer, sent his response to the objectors on August 7, 2013. In the same letters I was directed by the Objection Reviewing Officer to address and clarify the project's compliance with the 2001 Roadless Rule and the various exemptions for cutting, sale, and removal of timber. The other points of objection were determined by the Objection Reviewing Officer to have been adequately addressed in the EA.

Instructions from the Objection Reviewing Officer

There were objections to the proposed action with regards to its violating the 2001 Roadless Rule. Management direction for inventoried roadless areas were established in the Roadless Area Conservation Final Rule (36 CFR Part 294), commonly known as the 2001 Roadless Rule. This rule generally prohibits road construction, reconstruction, and timber harvest in inventoried roadless areas; however, timber cutting, sale, and removal may occur in inventoried roadless areas under certain conditions.

The first objection was with the proposed road maintenance and skid trails in the roadless areas. The Roadless Rule allows road maintenance in roadless areas and the road maintenance authorized in the Hams Fork Vegetation Project is consistent with the 2001 Roadless Rule definition of road maintenance. The definition of *road maintenance* in the 2001 Roadless Rule (p. 3272) is the ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective. The description of general maintenance in the EA (p. 28) is the ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective (FSM 7705). Roads inside of the IRA within the Hams Fork project area will be maintained to the existing maintenance level and therefore is consistent with the road maintenance allowed for by the 2001 Roadless Rule.

The definition of *road reconstruction* in the 2001 Roadless Rule (p. 3272) is activity that results in improvement or realignment of an existing classified road defined as follows: Activity that results in an increase of an existing road's traffic service level, expansion of its capacity, or a change in its original design function. Road reconstruction as defined in the 2001 Roadless Rule would not occur in the inventoried roadless areas of the Hams Fork project area, but would occur on four miles of roads outside of the IRA (EA, p. 179 Table 39 and p. 35 Table 8).

A road is different from a skid trail in that a road has a constructed template that will safely pass vehicles including logging trucks compared to a skid trail which is a path created when a skidder or dozer hauls a tree to a landing. Skid trails receive much less use than roads and are less compacted than roads. Because skidders and dozers have large tracks or tires, they often travel over tree limbs and slash, causing less impact to the traveled path. Skid trails are used for the removal of timber. The Hams Fork Project will utilize skid trails to remove timber as a means of meeting the purpose and need of the project.

Another main concern was with project's compliance with the 2001 Roadless Rule's exemptions for the cutting, sale and removal of timber, specifically the condition of "generally small diameter timber."

Each activity authorized by this decision which involves the cutting, sale or removal of timber in a roadless area meets at least one of the following exemptions in the 2001 Roadless Rule:

(§294.13(b)(1)) Cutting, sale, or removal of generally small diameter timber¹ is needed for one of the following purposes² and will maintain or improve one or more of the roadless area characteristics³ as defined in §294.11.

(ii) to maintain or restore the characteristics of ecosystem composition and structure², such as to reduce the risk of uncharacteristic wildfire effects², within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

or

(§294.13(b)(3)) The cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223;⁴

The 2001 Roadless Rule does not, by intention, define small diameter. The preamble of the 2001 Roadless Rule (36 CFR Part 294, p. 3257) states: “Because of the great variation in stand characteristics between vegetation types in different areas, a description of what constitutes “generally small diameter timber” is not specifically included in this rule. Such determinations are best made through project specific or land and resource management plan NEPA analyses, as guided by ecological considerations.”

Alternative 2 meets the criteria for allowing the “*cutting, sale or removal of generally small diameter timber*” because approximately 96 percent of all the trees proposed for harvest in inventoried roadless areas would be less than or equal to 16 inches in diameter. According to stand exam data, mature/large trees are those 20-29.9 inches DBH (EA, p. 65). Approximately 65 percent of all trees harvested in inventoried roadless areas (65 trees per acre) will be in the smallest merchantable size class (8-10 inches) and 31 percent (28 trees per acre) would be in the 12-16 inch size class (EA Table 20, p. 65). Only the remaining four percent of trees are in the largest size class (greater than or equal to 18 inches) or an estimated four trees per acre would be harvested. However, the actual number and percentage of trees harvested would be less than these estimates because design feature WL-11 (EA Appendix D, p.379) requires the retention of a minimum 1-3 snags (depending on specified conditions) with preference given to Douglas fir and Engelmann’s spruce and larger snags (minimum of 10 dbh). The Forest Vegetation section, Compliance with the 2001 Roadless Rule subsection (EA p. 65) and the Silviculture Report (Bruch 2013, p. 9-10) provides more detail on meeting the generally small diameter requirement for timber harvest.

The cutting, sale, or removal of timber is needed for the purpose to “*maintain or restore the characteristics of ecosystem composition and structure*”. Alternative 2 would enhance forested species composition by reducing conifer competition and increasing regeneration of aspen and whitebark pine, on approximately 1,400 acres and 200 acres, respectively. Implementation of Alternative 2 would result in an estimated three percent increase of early succession forestland in the project area which would improve the mix of forestland succession stages, enhance forest health and resiliency, and benefit wildlife species dependent on early succession forests. An over-abundance of late succession forestland currently exists in the project area and does not meet the desired condition of a balanced mix of succession stages. (EA pp. 36, 44, 59-63, 82 – 84)

In addition, Alternative 2 would “*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*” by reducing and removing fuels in the project area. Lodgepole pine communities naturally support high intensity fires resulting in stand replacing events. However, the size of fires is potentially larger under existing conditions than under historical conditions (EA, p.70). Desired conditions in the project area is a mix of forestland succession stages (EA Table 1, p. 8) and not an over representation of either mature forestland as under the existing condition nor an over representation of young age class which could occur if a wildfire were to occur under Alternative 1 (No Action). In the event that a wildfire were to occur within the Hams Fork project area, a high intensity fire was estimated to burn 71 percent of the forested area under moderate weather conditions under Alternative 1 compared to 63 percent of the forested area under Alternative 2 (EA pp. 71-76). This represents an eight percent decrease in potential fire size as a result of proposed treatments, including the cutting, sale and removal of timber, attributed to Alternative 2. The strategic location of the mechanical treatments along or near roads results in enhanced firefighting capabilities and the ability to manage fires to mimic more natural fire sizes (EA p. 36, 74 -

76). Therefore, high severity wildfire effects such as hydrophobic soils, erosion, reduced water quality, and mix of succession dominated by early succession forestland would be reduced under Alternative 2. The Fire/Fuels (EA pp. 74-77), Wildlife Habitat (EA pp. 82-85), Hydrology (EA pp. 206-210) and Soils (EA pp. 224-230) sections provide more detailed information on the effects of Alternative 2.

Alternative 2 meets the criteria that *“cutting, sale or removal of generally small diameter timber ... will maintain or improve one or more of the roadless area characteristics³.”* Currently, approximately 91% of forestland in the Hams Fork project area is in late succession, in contrast to 40-50% of forestland that existed in late succession under natural conditions. (EA Table 1, p8) The gap between existing and natural conditions represents a benefit to species associated with late-seral conifer forest and does not support a diversity of plant and animal communities especially those that depend on early to mid-succession communities, aspen communities and whitebark pine communities. Alternative 2 improves the roadless area characteristic of “Diversity of Plant and Animal Communities” (EA p. 192-193, 199-200) by increasing early seral forestland by three percent and enhancing aspen (1,400 acres) and whitebark pine (200 acres) communities through cutting of encroaching conifers and stimulating regeneration through prescribed burns. (See EA pp. 82-85 for the early seral forestland discussion, EA pp. 137-140 for the aspen discussion, and pp. 233-236 for the whitebark pine discussion.)

Alternative 2 meets the criteria that *“...cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223.”* Approximately 2,025 acres of hazard tree removal and facility protection treatments in inventoried roadless areas are needed for the maintenance of roads, bridges, and administrative sites as allowed for in § 223.2 *“Disposal of timber for administrative use: Trees ... may be disposed of for administrative use, by sale or without charge, .. limited to the following conditions and purposes: (a) For construction, maintenance or repair of roads, bridges, trails, telephone lines, fences, recreation areas or other improvements of value for the protection or the administration of Federal lands.”* Cutting of hazard trees also enhances human safety and allows for improved firefighter safety as lighter fuel loads along roads and near administrative sites generally leads to easier control actions. (EA pp. 35, 44, 249-251)

Table 1. 2001 Roadless Rule exemptions that allow for the cutting, sale, or removal of timber by proposed treatment type

Treatment	Acres in IRA	Exemption	Additional Exemption
Whitebark pine improvement	207	The cutting, sale, or removal of timber is needed to maintain or restore the characteristics of ecosystem composition and structure.	
Salvage/sanitation with aspen improvement	939	The cutting, sale, or removal of timber is to maintain or restore the characteristics of ecosystem composition and structure.	The cutting, sale, or removal of timber is 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;
Salvage	1320	The cutting, sale, or removal of timber is 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;	
Salvage/sanitation	1402	The cutting, sale, or removal of timber is 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;	
Hazard tree removal 300 ft.	2023	The cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223.	The cutting, sale, or removal of timber is 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;
Facility protection	2	The cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223.	

Finding of No Significant Impact

After considering the environmental effects described in the Hams Fork Vegetation Project Environmental Assessment, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of the impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my findings on the following:

Context

This project is limited in scope and duration. The proposed forest vegetation treatments have been determined appropriate to the location per the Bridger-Teton Land and Resource Management Plan. They are limited to fewer than 8,700 acres of the Bridger-Teton National Forest. As a result, this is a site-specific action with minor localized effects on the forest resources of the area. To put this in perspective, the Bridger-Teton National Forest is composed of more than 3.4 million acres of public land. The project area is 74,276 acres on the Kemmerer Ranger District (approximately 2.2% of the Forest) Of the project area less than 12% is proposed for treatment. That composes less than 0.3% of the Bridger-Teton NF. Moreover, the proposal does not result in deforestation or land use changes, which are the primary large-scale impacts to forest vegetation resources of regional or global concern.

Intensity

The following factors were considered to evaluate intensity.

- 1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.

The result of the proposed treatments on the forest vegetation in the project area is designed to be “beneficial.” The limited adverse effects, as disclosed in the EA, are acceptable in and of themselves and not only as a result of balancing them against the beneficial effects. Short-term negative impacts were identified for some resources in the EA and in specialist reports. These negative impacts were below established thresholds for significance or were below a level of concern in the professional judgment of resource specialists. Short-term and long-term effects are summarized in the EA (Table 9, pp. 36 – 43). Beneficial effects would modestly contribute towards the purposes of the project as described in the EA (Table 10 pp. 44-45). After reviewing Chapter 3 of the EA, specialist reports, and discussion with the specialists, I have determined that there were no negative or positive impacts that rose to a level of significant in the Hams Fork Vegetation Project.

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

The Hams Fork Vegetation Project will not have a significant effect on public health or safety. Hazard tree removal along 104 miles of road and at campgrounds, administrative sites and dispersed campsites will have the beneficial effect of reducing risks to public health and safety from falling trees (EA pp. 41-42, 275). Road maintenance would increase by 61 miles compared to the No Action alternative and improve public safety when driving on Forest System roads. (EA pp. 41-42). These beneficial effects do not rise to the level of significance because hazard tree removal and road maintenance are ongoing activities but they would be more systematic and timely under the Proposed Action. The Proposed Action would reduce fuel loads along or near open roads which would enhance firefighter and public safety. Clearing road corridors of standing dead trees allows for fire breaks along these roads that would enhance public ingress and egress during a fire and reduced fire behavior would enhance safety for firefighting crews as they access the area for fire management activities. (EA p. 74-76). However, fuel reduction would occur on only six percent of the project area and eight percent of the forested area. Although treatments are strategically located along or near roads, elevated fuel loads would remain on 63 percent of the forested area (EA pp. 36, 74-76) and is therefore not a significant benefit to public safety.

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.

The Hams Fork Vegetation Project will not have a significant effect on parklands, prime farmlands, wild and scenic rivers, and ecologically critical areas because none exist in the project area. The project would not significantly affect cultural resources because cultural resource surveys conducted to-date within the project area indicate that there are no eligible historic or prehistoric sites within the mechanical treatment units. Addition surveys will be conducted to inventory for and assess effects to historic properties once site-specific plans and silvicultural prescriptions are developed, in accordance with the Programmatic Agreement Among the U.S.D.A. Forest Service, Wyoming Forests, Wyoming State Historic Preservation Officer and Advisory Council on Historic Preservation Regarding Compliance with the National Historic Preservation Act on the National Forests and Grasslands of Wyoming (USFS 2008). These inventories will be conducted prior to project implementation in areas not previously covered during the analysis for this project. Documentation of these findings is included in Chapter 3 of the EA (pp. 285-287), as well as in the Cultural Resource Specialist Report (Schoen 2013).

The project will not have a significant effect on wetlands because treatments occur in forested areas and because design features H-1 through H-7, ROADS-1 through ROADS-5, and SOILS 1 through SOILS-12 (EA Appendix D features pp. 364-383) will avoid or minimize any potential adverse effects on riparian areas and wetlands. Wetlands are generally located along streams in the project area (Robertson 2013 p. 23). Design features include no active lighting of fuels within 100 feet of streamside boundaries and this would protect riparian vegetation and maintain stream channel condition. Design features including hardened water crossings, vegetation treatment buffers, and no pile-burning and decking logs near or

within riparian areas would allow for the protection of streambank vegetation and wetlands (EA p. 208, Appendix D pp. 364-383 and Hydrology Specialist Report pp. 29-30 (Robertson 2013)).

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

The effects of the project on the quality of the human environment are not likely to be highly controversial. The project area is a managed forest; the proposal is limited in scope; and the project design features, including standard management requirements, are demonstrably effective in reducing impacts to national forest resources. The effects of implementing these requirements are science based and are not generally controversial. While not all the public comments were supportive of the proposal, the interdisciplinary team review of these comments has addressed the concerns from the public through project design features or effects analysis in the EA (USFS 2013b). As a result, I have concluded that the effects under the Hams Fork Vegetation Project are not highly controversial.

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

The conditions present within the project area and the proposed action are similar to forest vegetation treatment projects that have been implemented on the Bridger-Teton National Forest and other National Forests throughout the Forest system lands in the past. Potential effects from such projects are routinely considered, documented, and monitored by the Forest Service. The effectiveness of project design features in minimizing or eliminating risks from forest management has been demonstrated. There is no evidence of highly uncertain, unique, or unknown risks to the human environment associated with this project.

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.

This proposal does not set a precedent for any other vegetation management projects that may be implemented to meet the goals and objectives of the Bridger-Teton Forest Plan. Any decision to treat the forest vegetation in the Hams Fork Vegetation Project applies to this project only and does not represent decisions about future actions. Thus, this action does not set a precedent for future actions or represent a decision in principle about a future consideration. Future actions will be analyzed on their own merits in compliance with NEPA and other laws.

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

This analysis includes a list of potential past, ongoing and foreseeable future actions that may create cumulative effects (EA, Appendix E, pp. 384–387). In general, those projects were designed, like the Hams Fork Vegetation Project, to have beneficial effects to the forested lands. Those incremental potential benefits are accounted for in the EA, but are unlikely to be significant.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.

This proposal will not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because none exist within the project area. The proposal will cause no loss or destruction of significant scientific, cultural, or historic resources. In addition, “in

accordance with the Programmatic Agreement Among the U.S.D.A. Forest Service, Wyoming Forests, Wyoming State Historic Preservation Officer and Advisory Council on Historic Preservation Regarding Compliance with the National Historic Preservation Act on the National Forests and Grasslands of Wyoming (USFS 2008), the Bridger-Teton National Forest will conduct additional inventory for and assess effects to historic properties once site-specific plans and silvicultural prescriptions are developed. These inventories will be conducted prior to project implementation in areas not previously covered during the analysis for this project.” Documentation of these findings is included in Chapter 3 of the EA (pp. 285-287), as well as in resource specialist report in the project record.

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.

A Biological Assessment has been completed to document analysis of potential effects of this project on endangered, threatened, and proposed species and their critical habitats (DeLong 2013a). The U.S. Fish and Wildlife Service reviewed and concurred with the Forest Service determinations in accordance with section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (50 CFR §402.13) (Sattelberg 2013). The project does not adversely affect any listed species. Documentation of these findings is included in Chapter 3 of the EA, as well as in resource specialist reports in the project record.

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

The proposed action would not violate Federal, State, or local laws or requirements. The action is consistent with the 1990 Bridger-Teton National Forest Land and Resource Management Plan. The EA and the specialist reports included in the project record demonstrate compliance with, *inter alia*, the National Environmental Policy Act of 1969, with the National Forest Management Act of 1976, and with the Endangered Species Act of 1973.

Conclusion

After considering the environmental effects described in the EA and specialist reports, I have determined that the proposed action will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Findings Required by Other Laws and Regulations

Planning Rule: On April 9, 2012 the Department of Agriculture issued a final planning rule for National Forest System land management planning (2012 Rule). None of the requirements of the 2012 Rule apply to projects and activities on the Bridger-Teton National Forest, as the Bridger-Teton Forest Plan was developed under a prior planning rule (36 CFR §219.17(c)). Furthermore, the 2012 Rule explains, “[The 2012 Rule] supersedes any prior planning regulation. No obligations remain from any prior planning regulation, except those that are specifically included in a unit’s existing plan. Existing plans will remain in effect until revised” (36 CFR §219.17).

Bridger-Teton National Forest Land and Resource Management Plan: My decision to salvage dead trees, remove hazards, is consistent with the intent of the LRMP’s long term goals and objectives. The project was designed in conformance with LRMP standards and incorporates appropriate land and resource management plan guidelines as well as the management area direction.

Endangered Species Act (ESA): The U.S. Fish and Wildlife Service has reviewed the specialist reports and has been engaged with the Forest Service in informal consultation as the

environmental analysis was prepared. The Service has concurred with the determination. (Sattelberg 2013)

Healthy Forests Restoration Act (HFRA): My decision is compliant with the Healthy Forests Restoration Act and found the Hams Fork Vegetation Project to be compliant with the HFRA. The project is exempt from the old-growth and large-tree retention provisions in Sections 102(e) and 102(f) because it does not constitute a 'covered' project as defined in Section 102(e)(1)(B). This project qualifies as an authorized hazardous fuel reduction project under Section 102(a)(4) [also cited as 16 USC 6512(a)(4)] because it addresses a threat to an ecosystem component (i.e., whitebark pine) and a forest resource (i.e., water quality, critical lynx habitat and the wildland urban interface) due to an epidemic of the mountain pine beetle. (EA p. 5) In addition, the short and long-term effects of undertaking Alternative 2 (the Proposed Action) outweigh the short- and long-term effects of not undertaking the project as described in the EA (HFRA sec 106).

2001 Roadless Rule: My decision is in compliance with the *2001 Roadless Rule* as stated above in this document.

American Antiquities Act: My decision is in compliance with this Act as stated above in the FONSI and as documented in the EA (EA pp. 338-339).

Archaeological Resources Protection Act (ARPA): My decision is in compliance with this Act as stated above in the FONSI and as documented in the EA (EA pp 338-339).

Clean Air Act, as amended: My decision is consistent with the *Clean Air Act* as outlined in chapter 3 in the EA (pp. 77, 338-339).

Clean Water Act: My decision is consistent with the *Clean Water Act* as outlined in the EA (pp. 338-339) and the Hydrology Specialist Report (Robertson 2013 pp. 22-23, and 30). Implementing design features H-1 through H-7 and ROADS-1 through ROADS-5 (EA Appendix D pp. 364-383) ensures the protection of streambank and wetland vegetation.

Executive Order 11593 (Cultural Resources): My decision is in compliance with this EO as stated above in the FONSI. (EA pp. 338-339)

Executive Order 11988 (Floodplains): My decision is consistent with this EO as outlined in the EA (pp. 338-339, 206-210) and Hydrology Specialist Report (Robertson 2013 p. 27) .

Executive Order 11990 (Wetlands): My decision is in compliance with this EO as stated above in the FONSI, the EA (pp. 338-339, 204, 206-210) and Hydrology Specialist Report (Robertson 2013 p. 27-30).

Executive Order 12962 (Fisheries): My decision is consistent with this EO as outlined in the EA (pp. 338-339, 215-219).

Executive Order 13186 (Migratory Birds): My decision is consistent with this EO as outlined in the EA (pp. 142-143 and 338-339) and the Biological Evaluation and Wildlife Report (DeLong 2013b pp. 174-185).

Migratory Bird Treaty Act, as Amended: My decision is consistent with the *Migratory Bird Treaty Act* as outlined in chapter 3 in the EA (pp. 140-143), Design Features WL-14 & 15 (EA, Appendix D, pp. 380-381), and the Biological Evaluation and Wildlife Report (DeLong 2013b p. 174-185).

Multiple-Use Sustained-Yield Act: My decision is consistent with the *Multiple-Use Sustained-Yield Act* as it meets the requirement to develop and administer resources on the Forest for multiple use and sustained yield.

National Environmental Policy Act, as amended (NEPA): My decision is in compliance with NEPA.

National Forest Management Act (NFMA): My decision is in compliance with NFMA as stated above in the FONSI. In addition I have determined that the selected alternative is consistent with the timber harvest provisions of the National Forest Management Act. This is documented in the EA and the forest vegetation specialist report located in the project record.

National Historic Preservation Act (NHPA): My decision is in compliance with this EO as stated above in the FONSI, in Chapter 3 of the EA (pp. 285-287), as well as in Cultural Resource Report (Schoen 2013 p. 6-7).

Relevant Scientific Information

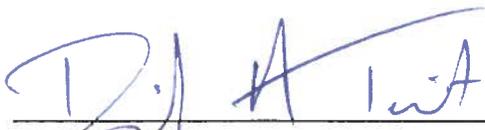
I am confident that the analysis of this project was conducted using relevant factors, including site specific data and available scientific information. My conclusion is based on a review of the record that shows my staff thoroughly researched the relevant scientific information, considered responsible opposing views, and acknowledged incomplete or unavailable information, scientific uncertainty, and risk. Please refer to the specialist reports in the project file for specific discussions of the science and methods used for analysis and for literature reviewed and referenced.

Implementation

Because this project was subject to pre-decisional administrative review (objection), it is not subject to post-decisional administrative appeal and can, therefore, be implemented immediately.

Contact Person

For further information concerning the Hams Fork Vegetation Project, you may contact me, David A. Tait, at (307) 828-5110 during normal business hours. Please send written comments to me at 308 HWY 189 North, Kemmerer, WY 83101 or via email at dtait@fs.fed.us



David A. Tait, Acting District Ranger

9-11-2013

Date

Citations

- Banister, B. 2013. Hams Fork vegetation project: fire/fuels report. Unpublished report, Kemmerer Ranger District, Kemmerer, Wyoming.
- Barthelenghi, B.. 2013. Hams Fork Project Visual Quality Report. Supervisor's Office, Bridger-Teton National Forest, Jackson, Wyoming.
- Brown, M.K. 2013a. Hams Fork vegetation project: special area report- inventoried roadless area. Unpublished report, on file at Kemmerer Ranger District, Kemmerer, Wyoming.
- Brown, M.K. 2013b. Hams Fork vegetation project: recreation report. Unpublished report, on file at Kemmerer Ranger District, Kemmerer, Wyoming.
- Bruch, T. 2013. Hams Fork vegetation project: silviculture report. Unpublished report, on file at Kemmerer Ranger District, Kemmerer, Wyoming.
- Burgoyne, T. 2013. Hams Fork vegetation project: soil report. Unpublished report, on file at Kemmerer Ranger District, Kemmerer, Wyoming.
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- Cameron, A. 2013b. Hams Fork vegetation project invasive plants report. Unpublished report, Bridger-Teton National Forest, Jackson, Wyoming.
- Dasher, Marc. 2013. Hams Fork Vegetation Project; Economics Report. Bridger-Teton National Forest, Jackson, Wyoming.. 23 p.
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- Johnson, T. D. 2013. Hams Fork vegetation project environmental analysis: botany report and environmental analysis. Unpublished report, Kemmerer Ranger District, Kemmerer, Wyoming. 45 p.
- Lincoln County. 2006. Lincoln County, Wyoming, Community Wildfire Protection Plan. Kemmerer, Wyoming. 78 p.
- Lusty, A. 2013. Hams Fork Vegetation Project transportation analysis. Kemmerer Ranger District, Kemmerer, Wyoming. 35 p.

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- Robertson, T. 2013. Hams Fork vegetation project: hydrology specialist report. Bridger-Teton National Forest, Kemmerer, Wyoming. 36 p.
- Schoen, J. 2013. Hams Fork Vegetation Project: Cultural Resource Report. Bridger-Teton National Forest, Jackson, Wyoming. 8 p.
- Sattelberg, M. 2013. Letter from the U.S. Fish and Wildlife Service dated Aug. 1, 2013 concurring with the Forest Service determinations for Canada lynx, designated critical habitat for lynx and grizzly bear in compliance with section 7(a)(2) of the Endangered Species Act. 4 p.
- Thom, D. 2011. Hams Fork Vegetation Restoration Project – a report on the collaboration process. Western Wyoming Resource Conservation and Development Council, Afton, WY. 52 p.
- U.S. Forest Service (USFS). 1990 Bridger-Teton National Forest Land and Resource Management Plan. U.S. Department of Agriculture, Forest Service, Region 4, Bridger-Teton National Forest, Jackson, Wyoming. Cheyenne, Wyoming. 396 p.
- USFS. 2008. Programmatic Agreement Among the U.S.D.A. Forest Service, Wyoming Forests, Wyoming State Historic Preservation Officer and Advisory Council on Historic Preservation Regarding Compliance with the National Historic Preservation Act on the National Forests and Grasslands of Wyoming. Region 2 Agreement #09-MU- 11020000-003.
- USFS. 2012. Hams Fork Vegetation Project Scoping Document and Request for Public Comment. Appendix A: Collaboratively Developed Proposal (3 p.) Kemmerer Ranger District, Kemmerer, Wyoming. 18 p.
- USFS. 2010. Forest Service Manual 7700 Travel Management, FSM 7705: Definitions. Pp. 19 – 22.
- USFS. 2013a. Hams Fork Vegetation Project Environmental Assessment. Kemmerer Ranger District, Bridger-Teton National Forest, Kemmerer, Wyoming. 387 p.
- USFS. 2013 b. Hams Fork Vegetation Project Scoping Comment Analysis. Spreadsheet dated 5/10/2013.
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