

Decision Notice

Transitional Special Uses Permit Washakie and Wind River Ranger Districts Fremont County, Wyoming

Introduction

Transitional permits are a result of the 2008 revision to the Forest Service's Special Uses program. They were developed to enable users that had recurrent temporary use a way to convert that use to priority use. The Forest developed criteria to assess who would be eligible for a transitional permit and a total of 15 such permits were issued across the two districts. There were no new camps developed, no new trails constructed, no new areas developed; these permits simply authorized activities that had been undertaken for multiple years but under the auspices of a temporary permit. The main activities covered under these permits were backpacking, camping, and trail rides. The regulations allowed for a five year window before the transitional permits could be considered for conversion into priority use permits. Priority use permits authorize long term (up to ten years) use.

Decision

I have decided select the Proposed Action Alternative which authorizes the conversion of the 15 transitional special use permits into priority use permits. The number of days to be converted will be determined by the 5 year priority use review. I am also deciding incorporate the project design features displayed in the Environmental Assessment (EA, pp. 9-10).

Reasons for the decision

I chose that Alternative because the uses authorized have been occurring for a lengthy period of time and no resource concerns were identified. The permittees have performed satisfactorily with no known problems or concerns. Finally, the selected Alternative is consistent with the Management Direction in the Forest Plan (EA, p. 3).

How issues were considered

Public comments and internal concerns related to the project's effects on the natural and human environments were identified as key issues (chap 1, pp. 4 - 5) and addressed in the effects analysis (chap 3) in the Environmental Assessment. Three key issues were identified.

What effects will the proposed activities have on Threatened, Endangered, and Sensitive Species?

As shown in chapter 3 (pp. 11-18) in the Environmental Assessment, the project area is utilized by a multitude of TES species. To reduce potential impacts, the following project design features were developed:

- All nightly campsite locations should be at least 100 feet from streams, wetlands, and lakes.
- Outfitter and guide livestock use will follow the same utilization standards as general livestock grazing.
- Livestock use will be discouraged in sensitive riparian/wetland areas.
- Livestock will be restrained at least 100 feet from water sources and in a manner that does not damage trees, tree roots, and fragile vegetation.
- No permit will be allowed to use electric fences as a means for primary food storage.
- All permits will include:

- “Grizzly Bear Protection” clauses (SH- X2)
- “Grizzly Bear Management and Protection Plan”
- All permits will be required to follow the Food Storage Sanitation Order (#04-00-104).
- All permits will comply with the Reasonable and Prudent Measures, Terms and Conditions, the Conservation Recommendations listed in the 2012 USFWS Biological Opinion.

As described in the Environmental Assessment and in the Biological Assessment, while there will be some habitat disturbance and increased human activity, the limited scale of the project and incorporation of the design features resulted in minor potential impacts to the species.

What effect will the proposed activities have on wetlands and riparian areas?

As shown in chapter 3 (pp. 19-21) in the Environmental Assessment, there are wetlands and riparian areas scattered thorough out the project area. To reduce potential impacts, the following project design features were developed:

- All nightly campsite locations should be at least 100 feet from streams, wetlands, and lakes.
- Outfitter and guide livestock use will follow the same utilization standards as general livestock grazing.
- Livestock use will be discouraged in sensitive riparian/wetland areas.

As described in the Environmental Assessment the limited scale of the project and incorporation of the design features resulted in minor potential impacts to the species.

What effect will the proposed activities have on the economics of the permit holders?

As shown in chapter 3 (pp. 21-22) in the Environmental Assessment, there would be a positive economic effect as a result of converting the transitional permits to priority use permits.

Summary of alternatives considered

Two alternatives were considered in the Environmental Assessment (chap 2). The selected alternative is the Proposed Action Alternative.

No Action Alternative

In Alternative 2, the no action alternative, none of the transitional permits would be converted into priority use permits. This alternative did not meet the purpose and need of the project and did not meet the Forest Plan management direction as well as Alternative 1.

Summary of public involvement

The proposal was listed in the schedule of Proposed Actions since March 1, 2013. The Forest sent out a Scoping Notice seeking comments on the proposal for a 30-day period which was initiated February 28, 2013. Three comment letters were received and all of them were supportive of the conversion of the transitional permits.

The Proposed Action was also made available for a 30 day Comment period beginning with the publication of a legal ad on January 16, 2014 in the Dubois *Frontier*, the newspaper of record. Comments were received until February 18, 2014. There were no comments received.

Finding of no significant impact

Based on my review of the Environmental Assessment and the supporting project record, and upon the conclusions, I find that actions resulting from this decision do not constitute major federal actions

significantly affecting the quality of the human environment, as defined in 40 CFR 1508.27 in terms of either context or intensity, and that an environmental impact statement need not be prepared. The EA prepared for this project contains my findings and rationale (Ch. 4, pp. 28-30).

Forest Service objection regulations

Section 428 of The Consolidated Appropriations Act of 2012 included a provision establishing a pre-decisional objection process (36 CFR 218) for projects and activities implementing land management plans in lieu of the post-decisional appeal process (36 CFR 215) used by the agency since 1993. This project is a non-fuels reduction act (HFRA) project, and is subject to the Project-Level Pre-decisional Administrative Review Process (Objection process) as identified in 36 CFR 218, Subparts A and B.

Individuals and entities who have submitted timely, specific written comments regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment may file an objection. Issues raised in an objection must be based on previously submitted written comments specific to the proposed project or activity unless the objection concerns an issue that arose after the opportunities to comment (36 CFR 218.5(a)).

Timing of the Decision and Implementation

When no objection is filed within the objection filing period, approval of the project in a signed Decision Notice may occur on but not before, the fifth business day following the end of the objection filing period (36 CFR 218.12(c)(2)).

A legal notice for the objection period appeared in the Dubois Frontier, the newspaper of record, on April 17, 2014. The objection filing period began on April 18, 2014 and ran through June 2, 2014. There were no objections filed during the filing period for this project so implementation may begin immediately.

Contact for more information

For additional information concerning this decision, please contact:

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Signature



6/11/14

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