Decision Memo
Upper Sheep Creek Vegetation Project

U.S. Forest Service
White Sulphur Springs Ranger District
Lewis and Clark National Forest
Meagher County, Montana

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BACKGROUND AND PURPOSE & NEED

The Secretary of the U.S. Department of Agriculture delegated authority to implement the provisions of Section 8204 of the Agriculture Act of 2014 (Public Law 113-79) (also referred to as the Farm Bill to the Chief of the Forest Service on March 6, 2014. This delegation provided the Forest Service with authority to carry out projects under amended Title VI of the Healthy Forests Restoration Act of 2003 (HFRA) (16 U.S.C. 6591 et seq.) that add Sections 602 and 603 to address qualifying insect and disease infestations on National Forest System lands.
The Lewis and Clark National Forest began consideration of a project under this authority in April, 2015 that would reduce the risk or extent of, or increase resilience to, insect and disease infestations in the Upper Sheep Creek Watershed.

The purpose of the Upper Sheep Creek Vegetation Project is to maintain or restore the structure, function, composition and connectivity of the forest system that has been adversely affected by insect and disease. Forest restoration treatments will promote resiliency to insect and disease while providing for the retention of old growth and larger trees appropriate for the forest type. Through observed existing conditions, proximity to adjacent residential areas, input from the collaborative process participants, supporting information from resource specialists (i.e. insect and disease aerial detection surveys) and the Little Belts Landscape Assessment (2014) an Interdisciplinary Team, Regional Forest Entomologist and Plant Pathologist identified a need for treatment.
Figure 3  A Portion of project area adjacent to Forest Green Residential Area

DECISION

Project Activities

I have decided to implement vegetative treatments and associated road management activities described in the following tables and shown on the decision map to include outlined design and mitigation features.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Approx. Acres</th>
<th>Harvest System</th>
<th>Proposed Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>13</td>
<td>Tractor</td>
<td>Improvement Cut with Pile Burn</td>
</tr>
<tr>
<td>2</td>
<td>15</td>
<td>Tractor</td>
<td>Commercial Thin with Under Burn</td>
</tr>
<tr>
<td>*3</td>
<td>69</td>
<td>Tractor</td>
<td>Clearcut with Reserves and Prescribed Burn</td>
</tr>
<tr>
<td>3b</td>
<td>4</td>
<td>Hand</td>
<td>Pre-commercial Thin</td>
</tr>
<tr>
<td>5a</td>
<td>38</td>
<td>Hand</td>
<td>Improvement Cut with Pile Burn</td>
</tr>
<tr>
<td>5b</td>
<td>34</td>
<td>Tractor</td>
<td>Improvement Cut; Under Burn</td>
</tr>
<tr>
<td>6</td>
<td>300</td>
<td>Tractor</td>
<td>Improvement Cut with Under Burn</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>Hand</td>
<td>Pre-commercial Thin with Pile Burn</td>
</tr>
<tr>
<td>8</td>
<td>28</td>
<td>Tractor</td>
<td>Improvement Cut with Prescribed Burn</td>
</tr>
<tr>
<td>9</td>
<td>72</td>
<td>Tractor</td>
<td>Improvement Cut with Under Burn</td>
</tr>
<tr>
<td>10</td>
<td>30</td>
<td>Tractor</td>
<td>Clearcut with Reserves and Prescribed Burn</td>
</tr>
<tr>
<td>11</td>
<td>26</td>
<td>Tractor</td>
<td>Commercial Thin with Pile Burn</td>
</tr>
<tr>
<td>12</td>
<td>36</td>
<td>Hand</td>
<td>Improvement Cut with Pile Burn</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>Tractor</td>
<td>Clearcut with Reserves and Prescribed Burn</td>
</tr>
<tr>
<td>Unit</td>
<td>Approx. Acres</td>
<td>Harvest System</td>
<td>Proposed Treatment</td>
</tr>
<tr>
<td>------</td>
<td>---------------</td>
<td>----------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>15</td>
<td>41</td>
<td>Hand</td>
<td>Improvement Cut; Jackpot Burn</td>
</tr>
<tr>
<td>17</td>
<td>12</td>
<td>Hand</td>
<td>Improvement Cut with Jackpot Burn</td>
</tr>
<tr>
<td>18</td>
<td>67</td>
<td>Tractor</td>
<td>Improvement Cut; Jackpot Burn</td>
</tr>
<tr>
<td>19</td>
<td>102</td>
<td>Tractor &amp; Cable</td>
<td>Improvement Cut with Prescribed Burn</td>
</tr>
<tr>
<td>20</td>
<td>124</td>
<td>Hand</td>
<td>Improvement Cut; Jackpot Burn</td>
</tr>
<tr>
<td>21</td>
<td>266</td>
<td>Tractor</td>
<td>Commercial Thin with Pile Burn</td>
</tr>
<tr>
<td>D</td>
<td>32</td>
<td>Hand</td>
<td>Pre-commercial Thin with Prescribed Burn</td>
</tr>
<tr>
<td>G</td>
<td>75</td>
<td>Hand</td>
<td>Pre-commercial Thin with Prescribed Burn</td>
</tr>
<tr>
<td>H</td>
<td>12</td>
<td>Hand</td>
<td>Pre-commercial Thin with Prescribed Burn</td>
</tr>
<tr>
<td>J</td>
<td>8</td>
<td>Hand</td>
<td>Pre-commercial Thin with Prescribed Burn</td>
</tr>
<tr>
<td>O</td>
<td>40</td>
<td>Hand</td>
<td>Pre-commercial Thin with Prescribed Burn</td>
</tr>
<tr>
<td></td>
<td><strong>Total Acres</strong></td>
<td></td>
<td><strong>1456</strong></td>
</tr>
</tbody>
</table>

**Clear-cut with Reserves:** An even-aged regeneration harvest that removes a majority of overstory trees in a stand in one operation producing a fully exposed microclimate for the development of a new age class. A minor live component of the stand may be retained for purposes other than regeneration. The retained trees, referred to as leave trees, should generally comprise less than 10 percent of full stocking of the stand.

**Improvement Cut:** An intermediate treatment made in a stand, pole-sized or larger, primarily to improve composition and quality by removing less desirable trees of any species.

**Intermediate Treatment:** A collective term for any treatment or tending designed to enhance growth, quality, vigor, and composition of the stand after establishment or regeneration and prior to final harvest.

**Thinning:** An intermediate treatment made to reduce stand density of trees primarily to improve growth, enhance forest health, or to recover potential mortality.

**Stand Improvement:** An intermediate treatment of trees not past the sapling stage made to improve the composition, structure, condition, health, and growth of even- or uneven-aged stands.

* will create openings greater than 40 acres in size.
Figure 4 Decision Map
My decision does not change existing travel management and is consistent with the Little Belt Mountains Travel Management Plan (2007) and current Motor Vehicle Use Map (MVUM). My decision will include road maintenance, road reconstruction and construct temporary roads (approximately 4.0 miles). These temporary roads will be decommissioned (rehabilitated) no later than 3 years after the date on which the project is completed. No permanent road construction will occur or is authorized with this decision. Miles of Road Management Activities in my decision are outlined below.

<table>
<thead>
<tr>
<th>Road Management Activities*</th>
<th>Miles (rounded to nearest tenth)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance (current system roads)</td>
<td>9.5</td>
</tr>
<tr>
<td>Reconstruction (current open motorized system roads)</td>
<td>13.4</td>
</tr>
<tr>
<td>Construction of Temporary Road</td>
<td>4.0</td>
</tr>
<tr>
<td>Reconstruction (Decommission after project completion)</td>
<td>4.6</td>
</tr>
<tr>
<td>Reconstruction (stabilize and store after project completion)</td>
<td>2.9</td>
</tr>
<tr>
<td>Reconstruction (Decommission back to a motorized trail after project completion)</td>
<td>4.6</td>
</tr>
</tbody>
</table>

*all roads used for the project will be maintained

**Mitigation Measures/Design Features**

The following mitigation or design features are included in my decision as required measures and they provide for consistency with the Forest Plan and other guidance, and/or they minimize potential impacts to the applicable resources.
Silviculture

- Retain the largest and healthiest trees, as appropriate for the forest type and management objective, to promote stands that are resilient to insects and disease.

- Evaluate stands supporting insect activity prior to implementing prescribed burning. In some instances, burning should be deferred until the insect population is at endemic levels to minimize additional infestation and tree mortality.

Sensitive Plants

- Management actions in whitebark pine habitat should maintain or increase the quantity and distribution of the species (create competitive advantage, increase recruitment, reduce mountain pine beetle susceptibility, plant, etc.).

To the extent possible, avoid or minimize detrimental impacts to sensitive plant populations and their associated habitat. Refer to the Lewis and Clark Sensitive Plant Viability Report (2011) for habitat requirements and potential threats to the species. Plant- and site-specific mitigation measures would be implemented in areas with known sensitive plant populations proposed for management activities.

**Mitigation Measure – Sensitive Plants**

- To reduce detrimental impacts to Missoula phlox, ground-disturbing activities in Unit 18 should remain within the timbered portion of the stand. If activities are proposed within the meadow, a site-specific survey should be completed to ensure the selected location minimizes impacts to the species. Post-treatment seeding of disturbed sites in previously occupied Missoula phlox habitat should be reduced to facilitate sites for phlox recruitment. Prompt treatment of noxious weeds should occur to reduce competition.

**Fire/Fuels and Airshed**

- Machine piling followed by pile burning; in units with machine piling the activity-created and natural dead and down fuels will be piled and burned to reduce fuel-loading levels for those site-specific locations.

- Whole tree yarding will occur in units, where feasible, to reduce activity and natural fuel accumulations. This will reduce surface fuel loading levels, the number and size of piles, improve forest health, and reduce the time required for disposing of piles.

- Fire line would be constructed when necessary to contain prescribed burns and/or protect resource concerns. This reduces the risk of escape and enables fire managers to successfully and safely implement prescribed burns. Fire line can include, but is not limited to, black lining, line constructed by hand or mechanical means (including chainsaws), pruning and hose lays. Topographic and vegetative features of the landscape including existing roads, trails, creek drainages, wet meadows, rocky outcrops and other natural barriers could also be used as control lines where possible.

- Prescribed burning will be used to reduce and/or remove activity fuels generated after mechanical treatment activities or to remove/reduce natural fuels that have accumulated due to natural forest succession, insect and disease, blowdown. Prescribed burning can also be utilized to prepare the site for planting, improve wildlife habitat and to stimulate regeneration of many tree, shrub, and forb and grass species. Prescribed burning would be conducted based on weather and site-specific conditions and would take place under the guidelines set forth in a prescribed fire burn plan developed specifically for this project area. Prescribed burn plans are required to address parameters for weather, air quality, and contingency
resources and are implemented in compliance with the Montana Department of Environmental Quality (MT DEQ) air program in coordination with the Montana/Idaho Airshed Group.

- Jackpot burning will generally be conducted in late summer and fall or when fuel and climatic conditions favor prescription parameters. Late summer and fall seasons commonly provide an environment where fuel moisture is low enough to carry fire and consume desired fuels, climatic conditions are such that burn windows are shorter and relative humidity recovery is higher during the overnight hours. These conditions favor prescribed fire ecological objectives, as well as firefighter safety and control objectives.

- Hand piled material will be to a minimum of 8 feet wide and six feet high. Piles should be dirt free and tight. Protruding objects, such as trees, logs, and limbs should not extend beyond the pile. Piles should normally not occupy more than twenty-five percent of a particular unit and should not be within 50’ of any hazardous perimeters.

- If piles are located close to an open road system, remove residential or commercial firewood products prior to piling to the extent possible. This will limit the amount of piles that become torn apart from firewood gatherers.

- Piles are not to be located on active road surfaces, in road right-of-ways, or in ditches. Piles should maintain a minimum spacing of at least twice the pile diameter from centerline of any active road surface.

- Placement of piles shall be in location that will minimize soil and ash movement.

- Piles shall be monitored for post-fire vegetation response and re-seeding/revegetation may be needed to enhance re-sprouting of native grasses and forbs.

- Limit burning of slash piles to when climatic conditions minimize detrimental burning of soils and exposed bare soil. This includes 12 inches or more of snow cover, frozen ground or high soil moistures, and temperatures below freezing. Re-vegetate disturbed sites with native grasses, forbs, and deep-rooted shrubs to control surface erosion and reduce the risk of noxious weed establishment.

- Fire-line rehabilitation associated with prescribed fire activities would consist of pulling back the berms adjacent to the constructed line, constructing water bars as needed to prevent excessive sediment distribution. Control lines intersecting or within sight of approved travel routes may need to be disguised by scattering cut vegetation to help prevent illegal (travel) use.
Soils and Watershed

- Mass Failure Potential in Land types 14C and 14D: No construction of roads or skid trails and the use of heavy ground-based machinery in these Land types. Also, retain sufficient living trees to uptake water and reduce subsurface lateral flow associated with mass wasting events. These units include 5a, 12, 17, and O.

- Ground Based (Tractor) Harvest: Ground-based yarding will operate on slopes up to 35 percent. All new skid trails would be designated and laid out to take advantage of topography and minimize disruption of natural drainage patterns. The average spacing between skid trails in tractor harvest units is estimated to be 100 feet except where they converge.

- Summer and Winter Harvest Operations: Operations limited to periods when soils have dried (dry soil profile in addition to a dry surface) (Clayton et al 1987; Sheppard 1993) sufficiently as determined by the Forest Service. This would avoid compaction, rutting, and displacement or frozen ground to a minimum depth of 4 inches (Page-Dormouse et al 2006, Reeves et al. 2011) is adequate to protect soils. Suspend operations under soil wet or thawing conditions. It is highly recommended to log all ground-based units during winter conditions.

- Large Woody Material: Leave all existing soil wood (wood in an advanced state of decay) unless it is deemed a hazard to equipment operations. Large woody material would be left at rates specified in the Forest Plan of leaving approximately 10 tons of fuel per acre, where available. This should be material over four inches in diameter, which is randomly scattered over the area. Material should touch the ground for faster decomposition (Lewis and Clark Forest Plan and Graham et al. 1994). Leave all flush cut stumps and roots in place following tree removal to provide soil cohesion and support (Page-Dumroese et al. 1998, Highland et al 2008).

- Skid Trails and Landing Rehabilitation: Existing skid trails and landings would be re-used to the extent possible. Weed treatments would occur as needed with seeding using Lewis & Clark seed mixes appropriate for the site. Slash, mixed sizes greater and less than 3 inches diameter, would be placed over approximately 65–70% of the landing to a depth of more than approximately 3 inches but not exceeding 18 inches (where available). Most slash would be in direct contract with the soil surface.

- Temporary Roads Rehabilitation: New temporary roads would be located where they can be successfully rehabilitated. To the greatest extent possible, avoid the nose of ridges, shallow soils and open grasslands. Top soil and slash would be stored along the temporary road to the greatest extent possible and pulled back over the road surface during decommissioning. The temporary road surface would have site preparation to a depth of at least 6 inches. Site preparation may include re-contouring, de-compaction, and/or scarification. Slash, mixed
sizes greater and less than 3 inches diameter, would be placed over approximately 65–70% of the temporary road to a depth greater than 3 inches but not exceeding 18 inches (where available). Most slash would be in direct contact with the soil surface. Roads would be decommissioned following project completion. In this report, the term “decommissioning” refers to full obliteration of the road—recontouring where the road cuts into a slope, ripping in flat terrain—and seeding/surface stabilization following obliteration (see the Project Transportation Specialist worksheet for more information).

- New temporary road construction would be in accordance with standard BMPs (USDA 1988; USDA 1994; USDA 1998; USDA 2012) in a way that aids and improves the effectiveness of decommissioning following project completion.

- Until temporary roads can be decommissioned, they would be maintained to minimum haul standards and not develop sediment delivery vectors.

- Prescribed burns, slash piles, and pile burns: Limit prescribed burning of all areas to prescription conditions that would ensure light to moderate severity fires. Suggest prescription conditions that would promote light to moderate severity fires includes:
  1. Timing to minimize the duration the area is black.
  2. Litter, duff, and soil moisture conditions that limit the loss of litter and duff.
  3. Ignition techniques that promote a mosaic burn at the scale of tens of acres to limit continuous, clean burns on erodible slopes and promote establishment of vegetation effective in minimizing erosion. Limit burning of pile burns to climatic conditions that minimize detrimental burning of soils. These conditions would include frozen ground or high soil moisture (Frandsen and Ryan 1986).

- Avoid hauling and other heavy-equipment traffic during conditions where the road surface is at or near saturation.

- Snowplowing:
  - Avoid sidecasting of snow into streams. Leave drainage points in the snow berm to avoid concentration of snowmelt on the road surface.
  - Avoid driving on snow-covered roads during warm/soft conditions to avoid setting ruts.

- Minimize cleaning of vegetated ditches that are still functional.
• Areas cleared of vegetation by maintenance or other activities should be seeded with an approved weed-free seed mix.

• Sediment filtering devices (e.g. wattles, weed-free straw bales, filter fence) should be used as needed to limit erosion and delivery of sediment into streams or ephemeral drainages.

• Road reconstruction and maintenance would be done in accordance with standard BMPs (USDA 1988; USDA 1994; USDA 1998; USDA 2012) to avoid developing sediment delivery points.

• Project-area road segments with sediment delivery points (as identified with sediment delivery points (as identified in pre-implementation surveys) should be repaired using appropriate measures (e.g. blading, grade dips, gravel surfacing, slash-filter windrows, and strawbales).

• Road surface improvements would be maintained at minimum haul standards with an unrutted gravel surface and effective drainage for the duration of the project.

• Road surface drainage would divert most road-surface runoff to undisturbed forest floor, where conditions allow for sediment deposition and infiltration.

• Avoid hauling and other heavy-equipment traffic during conditions where the road surface is at or near saturation.

• Temporary roads would not cross any perennial stream channels.

• If a crossing is required over a stream channel, including intermittent drainages, a Streamside Protection Act (SPA) 124 permit and any other applicable permits would be obtained prior to implementation.

**Scenery**

• No skyline cable yarding used for thinning prescriptions in seen areas from Highway 89.

• The Forest Landscape Architect will work with the layout and marking of units visible from Highway 89: Units 1, 19, 21, 10, 11, 12, 6, 8, and, 5a. This includes temporary road (unit 6) and the selection of reserve trees (groves of trees) in prescriptions of clear cuts with reserves.

• Feather edges of all units within MA’s with VQO’s of retention and partial retention. For example, where the unit is adjacent to denser forest, the percent of thinning within the transition zone will be progressively reduced toward the outside edge of the unit. In addition, vary the width of the transition zone.
• Cut stumps visible from all roads and trails will be cut to height of 8 inches or less.

• Site landings so they are not visible from Highway 89.

• Slash, root wads, and other debris will be removed, buried, burned, chipped or lopped to a height of 1.5 feet or less when visible from roads and trails.

• For units visible from roads, trails, and residential tracts: explore alternative methods of marking to be worked out with the Forest Landscape Architect.

• In MA’s with VQO’s of retention and partial retention, restore temporary roads to natural condition within two years of construction.

• In MA’s with VQO’s of retention and partial retention, work with the Forest Landscape Architect to screen and layout temporary road.

• Where feasible, feather edges of all units.

Invasive Plants

• Remove all mud, dirt, and plant parts from all off road equipment before moving into project area. Cleaning must occur off National Forest lands. This does not apply to service vehicles that will stay on the roadway, traveling frequently in and out of the project area.

• Clean all equipment prior to leaving the project site, if operating in areas infested with new invaders as determined by the Forest Weed Specialist.

• Revegetate all disturbed soil, except the travel way on surfaced roads, in a manner that optimizes plant establishment for that specific site, unless ongoing disturbance at the site will prevent weed establishment. Use native material where appropriate and available. Use a seed mix that includes fast, early season species to provide quick, dense revegetation. To avoid weed contaminated seed, each lot must be tested by a certified seed laboratory against the all State noxious weed lists and documentation of the seed inspection test provided.

• Prior to timber sale activities, conduct herbicide treatment of noxious weeds on Forest roads that will be used by timber sale purchasers within the project area.

• After timber sale activities, monitor treatment units, landings, and skid trails for noxious weed establishment for three years. Conduct herbicide treatment of noxious weeds that are found during monitoring.
Range Management

- Design treatments to avoid damage to existing structural range improvements, such as range allotment fences and water developments.

- Design treatments to minimize disruption of allotment management through early coordination of planned treatment activities with the District Rangeland Management Specialist.

Transportation

- A road package will be included with the timber sale contract for road construction (temporary), reconstruction, reconditioning and maintenance. Site-specific Best Management Practices (BMP) criteria must be applied during project implementation and have been/will be determined by the Transportation Engineer (road designer).

- Use gates, guardrail barricades or earthen barriers to close certain roads not open to public motorized use. (A Transportation Analysis Plan will make recommendations on the use and type of closure by road.)

- Decommission all unclassified roads used for haul and all temporary constructed roads within 3 years of completion of project (to include post-harvest activities).

- Decommission all trails used for haul in order to restore the trail back to coincide with its use. This will include partially scarifying and partially obliterating the temporary haul road to narrow the template.

- The Road 6464, Higgins Park Road, crosses two different archeological sites. The work allowed on that road, includes surface blading on the existing template. If embankment is being placed on the road, then a geotextile shall be placed under the embankment.

- If Road 6324001 is used for the project, the culvert at milepost 0.01 must be replaced to current standards. Refer to Hydrology worksheet in the project case file.

Recreation

- Designated Trails that are used for the project (hauling, skidding etc.) having disturbance from existing condition will have all trail features returned to a stable condition per the trail use type category.

- Minimize high stumps (>6”) and untreated slash immediately adjacent to all groomed snowmobile and terra trail systems to reduce safety concerns. Piles and decks should be
located a minimum 20 feet from edge of snow trail if the trail remains open to snowmobiling during the cutting and hauling operation period during weekends and holidays.

- Limit tree cutting, removal, and log hauling to weekdays during snowmobile and hunting seasons thereby reducing associated impacts to these high use recreationists; cutting and hauling would not be permitted during holidays and weekends unless the road has been closed to public use for implementation of this project. Work Closely with Jefferson Division Recreation staff to minimize impacts to public recreationists.

- Provide information to the public clearly identifying firewood opportunities and or leave some cut and dry trees along Forest roads for public firewood access.

- No winter logging or hauling will occur December 1 through May 15 on designated groomed snowmobile trails without deciding officer approval.

- Maintain winter recreational access during the project for the higher elevation snowmobile trails and areas that serve as high use trails to other portion of the winter trail system.

- Protect and save all signs such as winter and terra (non-winter) trail markers, route markers, and other associated road, trailhead, traffic and informational signs that are disturbed by project activities.

- Do not use terra (non-winter) trails for skidding, decking or landing locations.

- Treatment buffer around dispersed campsites in unit 18 will be coordinated with presale forester at time of final marking and layout.

**Heritage**

- In a confidential report, the Forest Heritage Resources staff will inform the responsible official and project planners of known vulnerable sites in the general project area. For all projects that involve ground disturbances, known sites will be identified early in the planning stage. The responsible official and project planners will be informed if sites are identified during project preparation stages.

- Where significant or potentially significant sites are known, during the early planning stage the heritage specialist should try to identify potential undertakings that could benefit site preservation and fit within overall project goals.

- Undertakings will be planned or modified so they don’t adversely affect significant or unevaluated cultural resources, where possible.
Wildlife

- If a listed species or their habitat is found in the project area, activities will be examined to determine if project modification is necessary. The following modification is based on Northern Rockies Lynx Management Direction: Cutting brush along low-speed, low-traffic-volume roads should be done to the minimum level necessary to provide for public safety.

- All prescribed burns and underburning will be implemented prior to May 20 (or later depending on elevation and aspect) or after July 15 in order to protect nesting birds in forested habitat, unless surveys indicate birds are not present. Spring burns in grassland habitat should occur prior to April 1.

- For goshawk nests, a no treatment buffer of a minimum of 40 acres will be maintained around nest trees.

- At least 180 acres of goshawk nesting habitat per home range will be retained in the Project area with an emphasis on stands that have been used by goshawks for nesting.

- A post-fledging area of about 420 acres surrounding the Three Cabins Gulch territory active goshawk nest should be retained. Biologist field verification would more precisely define the shape and size of the Post Fledgling Area (PFA). This area may be structurally modified if, after treatment, it continues to provide PFA habitat.

- To reduce disturbance to nesting goshawk, do not allow project activities from April 15 to August 15 within ¼ mile of known active nests. An active goshawk family can be monitored to see if project activities could occur before August 15 without affecting fledging.

- All temporary roads would be decommissioned within 3 years after project activities are completed. Decommissioning of roads would ensure no future loss of elk security.

- All temporary roads would be closed to the public at all times.

- Logging and road building activity will be confined to a single drainage at a time with all work completed in the shortest time frame possible. Prior to logging, the project wildlife biologist will work with the pre-sale forester to compartmentalize drainages in order to meet this mitigation measure.

- Logging operations will be prohibited during the first two weeks of general rifle season in order to maintain big game habitat capability and hunting opportunity.

- To avoid loss of hunting opportunity occurring from project activities causing elk displacement from Unit 21, project activities would be designed so that Unit 21 would be
implemented outside of hunting season (September through November) so that elk could remain available to hunters on public land.

- Clean up slash inside of clear-cuts to a depth at or below 1.5 feet.

- Keep all soft snags which are not a safety or fire hazard.

- Retain snags adjacent to natural openings, near water, in valley bottoms, or in aspen groves if possible.

- When designing snag retention in harvest units, it is preferable to retain clusters of snags rather than spacing them uniformly in an area. It is also preferable to retain snags that are away from open roads to limit firewood cutting.

- Leave deformed, cull, and spike-topped trees during timber harvest to provide for future snags.

- Where feasible, protect snags from prescribed fire by clearing brush from base of snag.

- Keep down trees for wildlife feeding sites. It is preferable to have two logs with bark per acre and some deteriorated logs.

- Keep all large snags (greater than 15” DBH) wherever possible to reduce effects to Townsend’s big-eared bats.

**Fish and Aquatic Wildlife**

- Comply with Montana Code Annotated (MCA) 77-5-301: Streamside Management Zone (SMZ) Act. The Montana SMZ law governs what harvest-related activities may occur in riparian and wetland areas adjacent to streams. Retention of trees within SMZ’s is covered by this act.

- Comply with Best Management Practices under the following regulatory guidance; Administrative Rules of Montana (ARM) 16.20.603, Administrative Rules of Montana (ARM) 17.30.623, FSM 7722, FSH 7709.56b, and the Regional Forester’s Memorandum of Understanding on Non-point Source Pollution.
DECISION RATIONALE

Considerations Based on Collaborative Input, Interdisciplinary Team

The Upper Sheep Creek Vegetation Project is an area identified in the Little Belt Mountains Landscape Assessment (2014) as having an opportunity for some level of management to meet desired conditions. With the opportunity to utilize a new category of actions, I proceeded to notify the local public and other interested stakeholders to begin a collaborative process for project development. This process also provided an opportunity to dialog with participants on past management effects, desired conditions, forest restoration needs, local economic issues and current forest health and fire threat. This project begins to address concerns from insect and disease mortality such as fuel loading as well as reducing susceptibility to additional infestation and providing for overall forest resiliency.

As the Deciding Official I instructed my staff and the interdisciplinary (project analysis) team and relayed to the collaborative participants that I would ensure the project was designed to comply with the current standards for Canada lynx, northern goshawk and old growth and met all additional applicable Lewis and Clark National Forest Plan standards.

My decision is responsive to the concerns and issues raised during the required scoping period, from engagement of collaborative participants during working meetings and field trips to the project area and findings of the interdisciplinary team. Issues raised through the public involvement process were reviewed and I determined there was no level of extraordinary
circumstances or uncertainty of past management effects that would warrant further documentation in an EA or EIS.

In my decision I focused on forest stand improvements to restore resiliency to insect and disease, address dead and down fuel loads and reduce the associated potential for higher intensity wildfire, specifically near residences and adjacent infrastructure. The project also promotes whitebark pine regeneration, protects older large trees, and thins several previously harvested units to improve growth and resiliency of these younger forest stands. My decision includes required design criteria and mitigation that maintains the scenic integrity along the Highway 89 corridor, maintains soil productivity, protects goshawk, minimizes erosion and sedimentation potential to Sheep Creek; a water quality limited stream segment and protects heritage resources in the area.

**Extraordinary Circumstances**

I find there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:
Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species

<table>
<thead>
<tr>
<th>Federally Listed Threatened or Endangered Species</th>
</tr>
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<tbody>
<tr>
<td><strong>Wildlife</strong></td>
</tr>
<tr>
<td>The Programmatic Biological Assessment identified two threatened or endangered species, Canada Lynx and Grizzly Bear. Project activities are Not Likely to Adversely Affect Canada Lynx, and determined to have No Effect on Grizzly Bear. The project is in compliance with the Northern Rockies Lynx Management Direction.</td>
</tr>
<tr>
<td><strong>Aquatics</strong></td>
</tr>
<tr>
<td>There are no threatened or endangered aquatic wildlife populations within or in watersheds that this project area drains into.</td>
</tr>
<tr>
<td><strong>Plants</strong></td>
</tr>
<tr>
<td>No threatened or endangered plant species occur in the project area.</td>
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<table>
<thead>
<tr>
<th>Designated Critical Habitat</th>
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</thead>
<tbody>
<tr>
<td><strong>Wildlife</strong></td>
</tr>
<tr>
<td>There is no Designated Critical Habitat in the project area or that would be affected by project activities. Not necessary to consider further for this project.</td>
</tr>
<tr>
<td><strong>Aquatics</strong></td>
</tr>
<tr>
<td>No designated critical habitat in the project area or in areas that the project area drains into for any aquatic wildlife species.</td>
</tr>
<tr>
<td><strong>Plants</strong></td>
</tr>
<tr>
<td>No identified critical habitat present within the project area.</td>
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<table>
<thead>
<tr>
<th>Species Proposed for Listing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wildlife</strong></td>
</tr>
<tr>
<td>There are no species proposed for listing that would be affected by project activities. Not necessary to consider for this project.</td>
</tr>
<tr>
<td><strong>Aquatics</strong></td>
</tr>
<tr>
<td>There are no aquatic species that are proposed for listing that are found in this project area or in areas that would be affected by drainage from this project area.</td>
</tr>
<tr>
<td><strong>Plants</strong></td>
</tr>
<tr>
<td>No identified species proposed for listing with in the project area.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Sensitive Species</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wildlife</strong></td>
</tr>
<tr>
<td>Based on cause-effect relationships conclusion below the project will not have extraordinary circumstances on black-backed woodpecker and Townsend’s big-eared bat.</td>
</tr>
</tbody>
</table>
This Project May Impact Individuals or Habitat, but would Not Likely Contribute to a Trend toward Federal Listing or Loss of Viability to the Population or Species for the black-backed woodpecker. There is an increase in the extent and connectivity of forested habitat since European settlement (Samson 2005, amended March 6, 2006). Habitat is abundant, has recently increased, and further increases are expected as fires and insect outbreaks continue to increase in size and in a pattern distinctly different from that evident historically. The amount of salvage timber harvest or overall timber harvest (0.09%) across the forested landscape of Region 1 is insignificant (Ibid.). If this species is dependent upon either post-fire or insect infested habitat, this habitat is well distributed across the Region and by Forest. As aerial detection surveys indicate, insect infested forest continues to happen and is likely not a limiting factor on the Forest or the District. The amount of foraging and nesting habitat that is created each year through insect infestation and wildfire on the Kings Hill zone of the Lewis and Clark NF is far greater than has been removed through harvest, and far greater than those acres that will be removed through harvest over the next 8 years leaving adequate amounts to support a viable population of the black-backed woodpecker. Evidence suggests the black-backed woodpecker is increasing in numbers in the United States (as cited in Dixon and Saab 2000) and there is no scientific evidence to suggest that the black-backed woodpecker is decreasing in numbers (see also Breeding Bird Survey trend data in project record).

This project May Impact Individuals Or Habitat, But Will Not Likely Contribute To A Trend Towards Federal Listing Or Cause a Loss of Viability To the Population or Species for the Townsend’s big-eared bat. Due to project activities, there may short term disturbance during evening or early morning foraging hours. This is not expected to displace bats permanently. Existing foraging habitat will not be impacted. There will be an increase in available open habitat and forest edge habitat for bat foraging.

Aquatics

There are no western pearlshell mussel (Margaritifera falcata) populations in the project area or in areas that could be affected by drainage from the project area.

Western toads do bread, forage, and migrate within the project area. The project area is near the edge of the geographic area where observations are recorded for this species. Habitat known to be suitable for adult migration, such as mixed montane coniferous forest, is present (Montana Fish, Wildlife, and Parks 2011). Much of the habitat is likely degraded for this species by conifer encroachment due to fire suppression and by an accumulation of down-fall. There isn’t an action connected to this project that would be expected to cause indirect mortality, or impair breeding success or life-cycle completion. Western toad densities are known to increase in response to disturbances that allows for increased light penetration to the ground level (Guscio and others 2007).

One westslope cutthroat trout (Oncorhynchus clarki lewisi) population occurs in Jumping Creek. This is a tributary to Sheep Creek that receives no drainage from the proposed project area activities. This population is protected by a fish barrier from hybridization and there is no
potential for this project to affect current populations of westslope cutthroat trout or areas where a population could be established in the foreseeable future.

<table>
<thead>
<tr>
<th>Plants</th>
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<tbody>
<tr>
<td>Implementation of the project will have a beneficial impact for whitebark pine in the project area. Implementation of the project may impact Missoula phlox individuals and habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species. Implementation of the project will have no impact upon the remaining 23 sensitive plant species.</td>
</tr>
</tbody>
</table>

**Flood plains, wetlands, or municipal watersheds**

No municipal watersheds are present within the project area. Flood plains and wetlands occurring within treatment areas will be subject to the application of Montana Forestry Best Management Practices to protect Flood plains and wetlands. There are no irreversible commitments because any potential impacts to water resources or aquatic wildlife resources stemming from project activities would be temporary in nature.

**Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas**

None are present- Refer to the Decision Map and the Lewis and Clark National Forest website at http://www.fs.usda.gov/main/lcnf/home

**Inventoried roadless areas or potential wilderness areas**

None are present within the project area- Refer to the Proposed Action Map and Decision Map.

**Research natural areas**

The project area is not within a designated research natural area for the Lewis and Clark National Forest. None are present, Refer to the Proposed Action Map and Decision Map.

**American Indians and Alaska Native religious or cultural sites**

No site types identified as ‘sensitive’ to Tribes are known to exist in the general project area. Proposed impact areas were inventoried on the ground. The Forest’s Ethnographic Overview was consulted for the project. No sites of this type were found.

The annual Blackfeet Tribal Government Cooperation Documentation dated 06/08/15 is contained in the project case file.
Archaeological sites, or historic properties or areas

Associated inventory and site avoidance consultation with the SHPO resulted in a concurrence evaluation that the project poses no adverse effects to historic properties. Inventories, avoidance measures, and consultation comply with Section 106 of the National Historic Preservation Act (NHPA) and the current Programmatic Agreement (PA) between Region One of the Forest Service and the SHPO. In this manner, adverse effects to historic properties will be avoided.

COLLABORATION, SCOPING AND PUBLIC INVOLVEMENT

Collaboration

Planning and development of the proposal was done through a transparent, non-exclusive collaborative process that included multiple interested persons representing diverse interests. The Forest Service initially conducted a public open house in White Sulphur Springs, Montana to begin discussion and inform potential working group participants. Notice of the open house was conducted through widely distributed direct mailings to known interested individuals, community groups, local fire districts, County Commissions, Tribal Governments, other agencies, sportsman, conservation and environmental groups, local landowners, special-use permit holders and various businesses. Additionally a notice (advertisement) was published in the Meagher County News along with posting on the Lewis and Clark National Forest website, Twitter and Facebook pages. Attendance and participation at this open house included local land/homeowners, private business owners, recreation interest groups, timber industry professionals, local government interests and State wildlife agency biologists. The open house utilized a forest service employee, with facilitation training and experience, as a dedicated point of contact for all external (non-forest service) collaborative participants (our initial “kick-off” meeting also utilized a second facilitator from the Idaho Panhandle National Forest). Having meeting facilitation ensured the start of this collaborative process was efficient and productive for all participants.

The majority of the individuals attending the open house attended follow up meetings and continued to stay engaged in the collaborative process as a participant “working” group. This process remained open to all who wished to attend or be involved at some level. My staff ensured this was an open and continuous collaborative process. Participants were free to attend and be engaged as they determined.
Participants were informed from the beginning that as the Line Officer, I was not looking for consensus, but their role was to provide input, and considerations from all perspectives through open dialog. Our objective was to provide a set of meetings to foster an understanding of purpose and need and to educate individuals on the NEPA process and resource constraints. With this sharing of ideas, options for project development were identified that complied with the authority under Section 603 of HFRA (16U.S.C.6591b). Project decisions however remain at the sole purview of the responsible official. Participants were informed of potential resource constraints or sideboards that may be warranted to meet other required laws, policy and the Lewis and Clark National Forest Plan as well as opportunities to assist during implementation and monitoring. This group of participants attended field trips, utilized information on the existing conditions and reviewed the ability to achieve Forest Plan goals. Identified opportunity areas within the Designated Area were provided by the Forest Service Interdisciplinary Team to the participants. Through this collaborative process participants assisted resource specialists in the identification of issues, refinement of management options and areas, as well as input on the development of treatment types to meet objectives. Continued interaction with participants was open and ongoing via email correspondence, face to face meetings, field visits to the project area and by phone with Forest Service Staff. Additional information on this collaborative process is contained in the project case file.

**Scoping & Public Involvement**

The Upper Sheep Creek Vegetation Project was originally listed as a proposal on the Lewis and Clark National Forest Schedule of Proposed Actions in April 2015. A required scoping period (FSH 1909.15, Chap 30, and Section 31.3) was initiated on August 13, 2015. The Lewis and Clark National Forest website was utilized to provide supporting project information and updates including, draft maps, meeting notes, data tables and other project development information. Information on the project scoping period was provided to all contacts originally notified at the
start of the collaborative process as outlined above. This scoping included a notification that some treatments in the project proposal may create openings greater than 40 acres in size. The project case file contains all correspondence related to scoping including comments received.

**APPLICABLE CATEGORICAL EXCLUSION**

**Background**

Section 8204 of the Agriculture Act of 2014 (Public Law 113-79) (also referred to as Farm Bill) amended Title VI of the Healthy Forests Restoration Act of 2003 (HFRA) (16 U.S.C. 6591 et seq.) to add Sections 602 and 603 to address qualifying insect and disease infestations on National Forest System lands. The Secretary of the U.S. Department of Agriculture delegated authority to implement the provisions of the Farm Bill to the Chief of the Forest Service on March 6, 2014.

Section 602 provides, in part, the opportunity for Governors to request designation to areas in their State that are experiencing, or at risk of, an insect or disease epidemic. The Forest Service received letters from 35 states requesting designations. These requests were reviewed to ensure they met at least one of the following eligibility criteria outlined in the Farm Bill: experiencing forest health decline based on annual forest health surveys; at risk of experiencing substantially increased tree mortality based on the most recent Forest Health Protection Insect and Disease Risk Map; or contains hazard trees that pose an imminent risk to public infrastructure, health, or safety.

Upon reviewing the States’ requests, the Chief designated approximately 45.6 million acres of National Forest System lands across 94 national forests in 35 States. Over 6.6 million acres were designated in the Northern Region (1,708,628 million acres in Idaho; 4,955,159 million acres in Montana). These areas will be further evaluated to identify potential projects that reduce the risk or extent of, or increase resilience to, insect and disease infestations. Information on the request and designation process, by state, and found at:


Section 603 establishes a categorical exclusion for qualifying insect and disease projects in the Designated Areas on National Forest System lands. An insect and disease project that may be categorically excluded under this authority is a project that is designed to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in the areas (HFRA, Sections 602(d) and 603(a)).
Insect & Disease Infestation Categorical Exclusion

This categorical exclusion may be used to carry out a collaborative restoration project in an insect and disease treatment area designated by the Chief under section 602. The applicable category of actions is identified in agency procedures Forest Service Handbook 1909.15, Chapter 30, Section 32.3 (Categories Established by Statute), #3. Insect and Disease Infestation.

The actions proposed for this project are categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The Insect and Disease Infestation category is applicable for this project because:

1. The project is in an area designated in accordance with section 602(b) and (c) of the Healthy Forest Restoration Act. The Secretary of Agriculture delegated authority to the Chief of the Forest Service to address designation of insect and disease areas. The Chief of the Forest Service issued a letter to the Governor of Montana, dated March 19, 2014 informing him of his ability to request designation of areas within the State of Montana for inclusion. Designations were determined in a letter back to Montana Governor Steve Bullock dated May 20, 2014. Refer to project case file for these documents, maps and additional information for Montana.

2. The project is primarily (92%) within the Wildland Urban Interface (WUI) and those portions outside the WUI are in Condition Classes 2 or 3, Fire Regime Groups I, II, or III. Refer to fuels, Silviculture worksheets and maps, contained in the project case file.

3. The project is not located: in congressionally designated Wilderness and Wilderness Study Areas; in areas where the removal of vegetation is restricted or prohibited by statute or by Presidential proclamation; or in areas where the activities described above would be inconsistent with the applicable Land and Resource Management Plan. Refer to the project case file for maps.

4. The project’s total treated does not exceed 3,000 acres. Refer to the proposed action information in the project case file and this Decision Memo with associated decision map.

5. The project does not include the establishment of permanent roads, Refer to the project transportation worksheet in the project case file.

   a. Temporary roads will be constructed but will be decommissioned no later than three years after the project is completed.

   b. Maintenance or repairs will be conducted on existing permanent routes that are already established in the project area.
6. Public notice and scoping was conducted. (See discussions on the public involvement process under the Collaboration and Public Involvement section.)

7. The Upper Sheep Creek Vegetation Project was developed through a collaborative process (Section 603) that includes multiple interested persons representing diverse interests and is transparent and non-exclusive.

   a. The best available scientific information is considered to maintain or restore ecological integrity, including maintaining or restoring the structure, function, composition and connectivity. Refer to the project case file for information used.

   b. The project maximizes the retention of old growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insect and disease. (Refer to the resource specialists worksheets contained in the project case file)

**Findings Related to Other Laws and Regulations**

*National Forest Management Act*

On April 9, 2012 the Department of Agriculture issued a final planning rule for National Forest System land management planning (2012 Rule) 77 FR 6812162-212761). None of the Requirements of the 2012 Rule apply to projects and activities, as the Lewis and Clark National 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).

The project is compliant with the National Forest Management Act (NFMA) 16U.S.C.1604 and CFR219.27 for harvest including regeneration harvest and fuels treatment. The project includes one regeneration harvest unit that will create an opening greater than 40 acres. Regeneration harvesting has been considered relative to maximum size limits for areas to be cut per FSM 2400 and 2470.3, However, “such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm...” (16 U.S.C. 1604 (g) (3) (F)). The openings that will be created with this project occur in stands that have sustained catastrophic insect attacks and therefore the opening size limits do not apply or require Regional Forester approval. However a 60 day public notification was initiated at the time of scoping to maintain project transparency.

The project is compliant with the NFMA requirement ((16U.S.C.1604 (i)) requiring project and activities to be consistent with the current Forest Plans, guidance on suitability for timber...
production (16 USC1604 Sec.6 (k)), timber harvest (16 USC1604 Sec.6 (g) (3) E), k), clear-cutting and even aged management 16 USC1604 Sec.6 (g) (3) (F) (i) and sensitive species.

**Lewis and Clark National Forest Plan**

The project complies with forest wide and management area standards. The Forest Plan Consistency Table for the project is contained in the project case file.

**Endangered Species Act**

The Little Belt Mountains and the Upper Sheep Creek Vegetation project area are considered secondary, unoccupied habitat where Canada lynx “may be present.” The Programmatic Biological Assessment For Activities That Are Not Likely to Adversely Affect Canada Lynx, Grizzly Bear and Designated Canada Lynx Critical Habitat (October 2014) was reviewed for its application to this project. The Upper Sheep Creek project screened out as “may affect, but is not likely to adversely affect Canada lynx.” See Programmatic Screen for analysis details. The Upper Sheep Creek Vegetation Project is in compliance with the Northern Rockies Lynx Management Direction.

**Migratory Bird Treaty Act**

In accordance with Executive Order 13186, Federal agencies are required to minimize negative effects to migratory birds. Additionally, the Migratory Bird Treaty Act of 1918 protects species from hunting and overexploitation. Birds of Conservation Concern are considered during the planning process and are listed by Bird Conservation Regions. The Northern Rockies Bird Conservation Region includes the Little Belt Mountains and the Upper Sheep Creek project. The Upper Sheep Creek project is compliant with this law because design criteria incorporated into proposed action will minimize negative effects to migratory birds.

**Montana State Water Quality Standards and Clean Water Act**

The project has been reviewed and is determined to be in compliance with the management framework applicable to this resource by federal Clean Water Act (CWA) and Montana’s water quality standards as contained in the Administrative Rules of Montana (ARM).

**National Historic Preservation Act**

Historic properties may be the result of aboriginal use (prior to Euro-American influence) or historic period use. They may represent a single event or a complex system. They may be an object, feature, site, or district. And, they must meet the criteria outlined in 36CFR60.4 to qualify for the National Register. The consideration of effects previewed in NEPA is formalized through the National Historic Preservation Act (NHPA) Section 106 review process. Section
106 review is a ‘cultural-resource-specific’ process that is often completed concurrent with NEPA and must be concluded prior to the NEPA decision. NHPA Section 106 review is the subject of a Regional Programmatic Agreement (PA), and is included in federal policy, direction and guidance. The State Historic Preservation Office has reviewed our inventory report and associated site reports. In a letter dated September 23, 2015, they have agreed that our analysis and mitigation plans comply with the National Historic Preservation Act.

**Environmental Justice Executive Order**

EO 12898 (59 Fed. Register 7629, 1994) directs federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low-income populations. In review of the resource analysis and project case file, implementation of my decision will comply with EO 12898.

**Administrative Review Opportunities**

Decisions that are categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are not subject to an administrative review process (pre-decisional objection process) (Agriculture Act of 2014, Subtitle A, Sec. 8006).

**Implementation Date**

The project may begin immediately but on the ground implementation is expected in spring 2016.
CONTACT
For additional information concerning this decision, please contact:
White Sulphur Springs District Ranger, Carol Hatfield at 406-547-3361.

WILLIAM AVEY
Date
Forest Supervisor

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