DECISION MEMO

Horseman Flats Hazardous Fuels Reduction

United States Department of Agriculture, Forest Service
Custer National Forest, Beartooth Ranger District
Carbon County, Montana
Township 5 South, Range 15 East, Portions of Sections 7, 8, 9, 10, 15, 16, 21 and FS Road 2848

October, 2013

PROJECT BACKGROUND:

Several large wildfires have threatened private lands and developments in the Stillwater area in recent memory (Derby, Sauderbaum, Cathedral, Initial Creek, Tumble Creek, and Storm Creek). During several of these past wildfires in the Stillwater drainages, a locally recognized, indirect control line has been utilized for suppression operations by area wildfire management and incident management teams. Recent multi-agency, collaborative wildfire pre-planning efforts have targeted forested stands adjacent to this control line for fuels treatment (this control line will be referred to as the Horseman Flats Control Line). Additionally, the 2007 Stillwater County Community Wildfire Protection Plan identified the proposed project area as a high priority wildland urban interface area for hazardous fuels reduction.

PURPOSE AND NEED

The purpose of this project is to provide more wildfire management suppression options to reduce the possibility of future wildfires from spreading beyond National Forest System (NFS) lands. There is a need to reduce wildfire intensity within the proposed project area. There is a need to improve public and firefighter safety. Wildfire intensity would be reduced adjacent to the Horseman Flats Control Line by thinning conifer stands and restoring strategic areas that historically were more grassland/shrub-like in nature. Vegetation treatments would improve public and firefighter safety by facilitating egress from the West Fork Stillwater drainage, an area currently accessed solely by a 8 ½ mile one way in, one way out road through extensive forested lands. Several sites have also been identified for fuels reduction treatment to reduce the threat to private residences and Stillwater Mining Company infrastructure from wildfire. Additionally, some treatment units are proposed to meet multiple objectives by improving wildlife habitat, by restoring aspen stands and expanding big horn sheep winter range.

Current fuel conditions in the Main and West Fork Stillwater drainages are easily capable of supporting another large landscape fire that could threaten infrastructure, especially given the area’s history of down drainage winds events. Conifer densities have increased due to natural succession and lack of disturbance due to wildfire suppression. Increased susceptibility to insect attacks, disease, windthrow, and competition mortality are natural characteristics of this maturing process and evident within the proposed treatment area. Stands will continue to experience increasing surface fuel loads, and when combined with already tight crown spacing, will be more capable of supporting high intensity crown fires. Fire hazard will be reduced through strategic treatments that consist of thinning or patch cutting conifer stands, reducing surface fuel loads by mechanical cleanup and/or prescribed fire, and maintaining grassland/shrubland openings through reducing conifer densities and broadcast burning. Successful project implementation can be measured through:

- Increasing crown spacing to decrease crown fire potential.
- Reducing surface fuel loading to reduce surface fire behavior.
- Reducing conifer colonization and maintaining historic open grass and shrub communities that break conifer continuity in proximity to the Horseman Flats Control Line.
DECISION

I have decided to approve the Horseman Flats Hazardous Fuels Reduction Project, as detailed in this Decision Memo. My decision is to authorize the following measures within the project area that include the following treatments within the project area (see Appendix A, Horseman Flats Project Map).

Fuels reduction treatment is proposed on 635 acres of mixed conifer forest and traditional grasslands/shrublands that have become increasingly forested due to conifer colonization. Due to limiting size and quality of material, the only forest products to be utilized may include commercial tree bough collection, personal use and commercial firewood.

Thinning of forested stands would be accomplished through both manual (chainsaw use, hand piling) and mechanical tracked or rubber tired type equipment treatments. Manual treatment is proposed for 178 acres and mechanical treatment is proposed for 457 acres of the project. Treatment prescriptions that focus on thinning forested stands from below and leaving reserve trees at variable spacing would be utilized to help provide future wildland fire suppression management options to help reduce the threat to critical infrastructure adjacent to the project area. Successful suppression management options with firefighter and public safety at the forefront, would involve proper retardant placement application, vegetation treatments to incorporate strategic holding features such as roads and natural features, fire line location, potential burn out and holding locations. Temporary roads totaling approximately ¼ mile would be utilized to provide high clearance vehicle access to landings where firewood would be decked in forested environments (see project map for approximate locations). All roads and landings would be decommissioned, obliterated and re-vegetated within 2 years of project implementation.

Slash generated from fuels reduction activities will be mitigated through a combination of techniques including: 1) piling and burning, 2) mastication or chipping, 3) yarding and removal from site (firewood collection), and 4) prescribed fire. Control lines include but are not limited to; wet line, handline, and dozerlines for implementation of prescribed burning. On several proposed units, more than one slash mitigation method would be used sequentially.

Existing aspen stands residing in the proposed treatment units would be enhanced by removing competing conifers within and adjacent to the aspen clones. Big horn sheep and other big game winter range would be improved by reducing conifer cover and enhancing aspen stands. By increasing sight distances within stands, security from predators is improved for big horn sheep. Additionally, herbaceous forage on south facing slopes would be enhanced by decreasing canopy closure.

Listed in Table 1 is a detailed description of the proposed treatment prescriptions for the Horseman Flats Fuels Reduction Project. Each prescription code can be referenced in the table of contents of the project area map (Appendix A).

<table>
<thead>
<tr>
<th>Prescription Code</th>
<th>Treatment Prescription</th>
<th>Units</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conifer Colonization Reduction, Broadcast Burn</td>
<td>Reduce conifer cover to 0-40 stems per acre through mastication or mechanical thinning. Healthy limber pine would be promoted. Slash would be disposed of through both pile burning and broadcast burning.</td>
<td>B, C, D, E</td>
<td>194</td>
</tr>
<tr>
<td>Sanitation Cut, Conifer Thinning, Broadcast Burn</td>
<td>Machine cut lodgepole pine overstory that is dead or dying from mountain pine beetle. Douglas fir and limber pine greater than 10 inches diameter breast height (DBH) would be thinned to 15 foot crown spacing. Conifers below 10 inches would be felled or targeted to be killed during broadcast burning. Slash would be disposed of through both</td>
<td>A, Q</td>
<td>65</td>
</tr>
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pile burning and broadcast burning.

| Conifer Thinning, Pile Burn or Chip | Thin conifers to a 15 foot crown spacing by hand. Stands would be thinned from below to promote the largest, dominate trees. Slash would be hand piled and burned or chipped. | H, I, O, P | 148 |
| Conifer Thinning, Masticate or Chip | Thin conifers to a 15-20 foot crown spacing using a track mounted masticator or by hand. Stands would be thinned from below to promote for the largest, dominate trees. Ponderosa pine would be promoted. Slash that is generated through mastication would be left to naturally decompose. Slash generated by hand thinning would be chipped. | G, J, K, L, M, N | 207 |
| Conifer Thinning, Patch Cutting, Pile Burn | Thin Douglas fir dominated area of the unit to 15 foot crown spacing. Thin lodgepole pine dominated areas of unit to 10 foot crown spacing. In lodgepole pine areas displaying vulnerability to windthrow (approx. 8 acres), treat by breaking up overstory continuity through patch cutting. Patch cuts would vary from ½ to 1 ½ acres in size. Slash would be piled and burned. | F | 21 |

Total Treatment Acres 635

My decision includes the following mitigations and project design features. Information related to potential effects and suggested mitigation measures are found within individual Specialist Reports (see project file). Recommendations and mitigation measures included in my decision are specified in this Decision Memo.

The following mitigation measures are included for Fisheries, Soils and Water Resource issues:

Mechanical operations in units A, C, E, and F will be conducted when soils can support the weight of machinery while meeting R1 Soil Quality Standards. These conditions include, but are not limited to, dry summer months when soil moisture is minimal or during winter months when sufficient frost is found in the soil profile to support machinery. Unit A is susceptible to erosion because of slope steepness. Units C, E, and F are susceptible to compaction and changes in soil structure due to finer textured soils with organic accumulation near the surface. In addition, C, E, and F are underlain by unsorted glacial outwash which is not conducive to soil profile drainage. Because of this, Forest Service soils personnel will work with harvest administrators and fuels specialists before and during implementation to ensure that soil conditions are conducive to mechanical operations.

Downed woody material should be left at a rate of approximately 10-15 tons/acre to help the recovery of long-term soil productivity. Of that amount, approximately 5 - 8 tons should be left as Large Woody Material (ground fuels or snags, 12 inches and greater in diameter). These numbers are estimates. Actual amounts left will be determined based on consultation with district fire staff, wildlife staff, and forest silviculturist and soil scientist (Lane 2007).

Areas of concentrated soil disturbance such as landings would be scarified where compaction exists and seeded with native seed after harvest activities are complete - but prior to the following winter season. Erosion control and drainage measures will be applied as appropriate immediately following completion of unit harvest activities (Lane 2007).
The following mitigation measures are included for Range and Weed issues:

Project leaders will notify the Beartooth District Weed or Range Specialist of locations of any observations of noxious weeds. Prior to approval of ground disturbing activities or selection of off-road travel routes, the Forest Service Weed or Range Specialist should inspect such areas for presence of noxious weeds. Ocular surveys as well as pre and post treatment photo plots will be created in all treatment units to capture general changes for establishment of new or spread of existing invasive species. Treatment will need to occur upon determination and location of invasive species.

Depending upon permitte livestock movement post treatment, it may become necessary to install a cattleguard on FS road# 2848 at the north boundary of unit H. This may also include the need to install approximately six tenths of a mile of drift fence from potential cattleguard location in a SW direction to deter livestock movement.

The following mitigation measures are included for Wildlife/Biological issues:

Acceptable Food Storage: To prevent grizzly bear and black bear incidents, all attractants (food, garbage, etc.) will be stored in compliance with the Custer National Forest food storage order.

Bear Incident Reporting: Any incident involving a grizzly bear or black bear will be reported to the Forest Service representative within 24 hours. The Forest Service may require immediate temporary modification of operations if such an action is necessary in order to prevent confrontation or conflict between humans and bears.

Aspen: Where possible, fell trees around the stand perimeter in a way that creates a barrier to livestock entry. Retain aspen snags unless they cause potential safety hazards to personnel.

Equipment Cleaning and Inspections: Equipment will be washed and inspected for noxious weeds and Aquatic Nuisance Species prior to entering the project area and National Forest System lands.

Noxious Weed Notification: To prevent weed introduction/spread on the National Forests, ensure that vehicles and machinery are free of noxious weeds and noxious weed seed prior to entering National Forest System lands. Notify a Forest Service Representative of type and location of any noxious weeds encountered on National Forest System lands.

Seasonal Restrictions:

Units A, B, C, D, E, and Q: For protection of wintering mule deer, mechanical activity may not occur from Dec. 1 through May 15 in Units A, B, C, D, E and Q. Activities directly associated with broadcast burning are exempt from this protective measure.

Units A and Q: As the contract is administered, prioritize Units A and Q to be treated as late in the season as possible, preferably after July 1, for protection of ruffed grouse during breeding season.

Wildlife Movement: To minimize disruption of wildlife movement, especially for mule deer, construct the drift fence in a design that facilitates wildlife passage (MT Fish, Wildlife and Parks 2012).
The following mitigation measures are included for Heritage Resource issues:

Eleven sites have been identified within or adjacent to the project area that will be addressed in the project design. An archaeologist will assist the fuels specialist in identifying site locations and developing plans for those sites which offer an opportunity for treatment. All eleven sites would be left undisturbed.

Prescribed fire and pile burning is authorized by this decision. All burning will be accomplished under an approved burn plan with acceptable weather conditions and fuel moistures. All burns shall be submitted to the Smoke Monitoring Unit of the Montana/Idaho Airshed Group in accord with the Smoke Management Unit's Operations Guide, and all burns must be approved through the airshed group process prior to ignition (see project file, Montana DEQ Air Quality Smoke Permit).

I have made my decision based on findings from review of the analysis presented in this Decision Memo review of the desired future condition described in the Custer National Forest and National Grasslands Land and Resource Management Plan (1986; hereafter Forest Plan), consistency with Forest Plan goals, objectives, Forestwide standards, and applicable management area standards, experience with similar past projects (Beartooth Front Storm Damage 2009), best available information and science, review of effects of past, present, ongoing, and reasonably foreseeable actions and project-specific technical specialist input to the planning and analysis process.

**Rationale for Decision**

Conducting hazard fuels reduction treatment to minimize the threat to private lands, human life, property, and improvements.

I have found that it is within the scope of my authority identified by the Forest Plan to utilize a combination of treatments to meet fire management objectives. Through collaborative planning between the Forest Service and local fire departments, the Horseman Flats Control Line has been prioritized for hazard fuels management. Through both the Stillwater County Community Wildfire Protection Plan and the Stillwater County Pre-Disaster Mitigation Plan, local governments have identified areas as wildland urban interface high priority for fuels reduction treatment. The Horseman Flats Hazardous Fuels Reduction Project will be conducted in the wildland urban interface (see Appendix B, Horseman Flats WUI Map). Thinning conifer stands and broadcast burning is driven by the need to improve fire management suppression options to reduce the possibility of wildfires spreading beyond National Forest System lands, improve public and firefighter egress from the West Fork Stillwater drainage, and reduce the threat to adjacent private residences and Stillwater Mining Company infrastructure. Through public involvement, I have listened to different public opinions and concerns regarding the proposed treatments, however, the proposed treatment will meet the project purpose and need. I feel the project mitigation measures are adequate to insure proper implementation while providing the necessary safeguards to avoid negative resource impacts.

Actively managing Forest Service lands to improve wildlife habitat.

It is within the scope of the Forest Plan to actively manage vegetation to improve wildlife habitat. Benefits to bighorn sheep winter range and aspen distribution can be anticipated as a result of Horseman Flats Hazardous Fuels Reduction Project implementation. An opportunity to improve bighorn sheep winter range has been identified through cooperation with Montana Fish, Wildlife, & Parks. This would be accomplished through thinning dense conifer stands adjacent to occupied bighorn winter range. Active management of these conifer stands would increase the availability of suitable winter range.

Treatment in at least two project units would enhance existing aspen stands. Additional smaller aspen clones present in other treatment units will also benefit from removing competing conifers (units A and Q). Aspen is relatively rare in the Beartooth Mountains compared to conifer trees and aspen communities are progressively
converting to a dominance of conifer. Aspen is extremely important to wildlife because it is often the only deciduous trees species within a large area of conifers and thus provides habitat for mammals and birds that otherwise may be absent. This is the case within the Horseman Flats Hazardous Fuels Reduction Project area. Species that utilize or depend upon aspen include moose, elk, white-tailed deer, black bears, ruffed grouse, and migratory songbirds. Active management that provides wildlife habitat improvement is an additional need compelling me to take action through this decision.

SCOPING AND PUBLIC INVOLVEMENT

On March 5th, 2013, a Request for Public Comment, Concurrent Scoping and Notice, Comment and Appeal letter was mailed to interested parties. The public comment closed on April 7th, 2013. A legal Notice was published in the Billings Gazette on March 8th, 2013. The Forest Service conducted two public meetings on February 2nd and 20th, 2013. Additional meetings were conducted with several private individuals as well as the Stillwater Mining Company (see Appendix C, Documentation of Public Involvement).

There were ten individuals and/or organizations that provided comments regarding the project. Four of the commenters expressed support for the project. An analysis of public comments was conducted and is contained in the project file (see Appendix D, Response to Comments).

FINDINGS AND REASONS FOR CATEGORICALLY EXCLUDING THIS ACTION

The Council on Environmental Quality (CEQ) regulations at 40 CFR 1507.3 provide that agencies may adopt categories of actions that do not normally have significant impacts on the human environment and that do not require preparation of an environmental assessment (EA) or environmental impact statement (EIS). Pursuant to 36 CFR 220.6 and direction provided in Forest Service Handbook (FSH) 1909.15, an action may be categorically excluded from further analysis and documentation in an EIS or EA only if it is a routine action, there are no extraordinary circumstances related to the action and if the action is within a category listed by regulation or in FSH 1909.15.

I find based on environmental analysis of this project and law, regulation and policy, my decision to approve the Horseman Flats Hazardous Fuel Reduction Project:

- Is a routine action that fits within a category listed in 36 CFR 220.6 (e)(6) and FSH 1909.15, Chapter 30, Section 31.2, Category 6: *Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction (Service level D, FSH 7709.56)* I have determined that the identified treatments of these units are within this category.

- Will not result in uncertain or significant direct, indirect, or cumulative effects.

- Will not have a cause-effect relationship or degree of potential effect that results in the existence of extraordinary circumstances that warrant further analysis and documentation in an EA or an EIS.

This project was analyzed pursuant to the National Environmental Policy Act of 1969 (NEPA). In making my decision, I considered interdisciplinary analysis of past, present, and reasonably foreseeable actions in and adjacent to the proposed project area that maybe relevant to reasonably foreseeable adverse impacts. My decision is based on interdisciplinary environmental analysis that considered effects of these treatments. Actions also considered and analyzed included reasonably foreseeable recreational use, timber harvest, grazing, water quality impacts, noxious weed infestations, wildfire occurrence and suppression actions.

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Forest Service procedures related to categorical exclusions require a review of “extraordinary circumstances” relating to specific resource conditions (36 CFR 220.6 (b) and FSH 1909.15, Chapter 30). The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is (1) the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and (2) if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist. Based on specific analysis of direct, indirect, and cumulative effects, past experience with similar projects, and rationale provided in this Decision Memo, I find that the degree of potential effects of my decision will not result in adverse effects to resources which constitute an extraordinary circumstance.

The conclusions of extraordinary circumstances review are as follows:

**Federally Listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species** – Habitat for, occurrence of and impacts to Threatened, Endangered, and Sensitive Species are disclosed in the Biological Assessment and Biological Evaluation (see project file). Based on the Biological Assessment and Biological Evaluation, I find that the potential degree of effects of my decision will not result in extraordinary circumstances associated with these species or their habitats. See below in the Findings Required by Other Laws section under the Endangered Species Act, for a brief summary of the specific threatened, endangered and sensitive species determinations.

Based on the Biological Evaluation project implementation would have No impact on Forest Service Sensitive Species except for it May impact individuals, but is not likely to cause a trend to Federal listing or loss of viability for Gray Wolf and Long-eared myotis, and would have a slight Beneficial impact on bighorn sheep. There would be no direct or indirect effects to Threatened, Endangered, and Sensitive aquatic species, aquatic habitats, or plant species as a result of the proposed actions.

**Flood Plains, Wetlands, or Municipal Watersheds** - No extraordinary circumstances are projected as a result of project implementation that would warrant more in-depth analysis of water quantity and quality. No adverse impacts are anticipated following the mitigations outlined in the hydrology/soils report which is in the project file. The overall risk to impact water quantity or quality and other downstream systems from direct, indirect or cumulative effects of the proposed treatments is found to be low to none. Adherence to design criteria during project implementation will ensure that no effects to floodplain capacity, riparian vegetation, and/or channel capacity and stability will occur. I find that the degree of effects of my decision will not result in extraordinary circumstances associated with Flood Plains, Wetlands, or Municipal watersheds.

**Congressionally Designated Areas, such as Wilderness, Wilderness Study Areas, or National Recreation Areas** - No Wilderness, Wilderness Study Areas, or National Recreation Areas are found in the project area. The Absaroka-Beartooth Wilderness is several miles south of this project. No effects to this wilderness area will result from implementation of this project. I find that my decision will not result in extraordinary circumstances associated with these areas.

**Inventoried Roadless Areas or Potential Wilderness Areas** - Activities authorized by my decision will not occur in a Inventoried Roadless Area or a Recommended Wilderness Area as identified in the Custer Forest Plan, 1986. I find that the degree of effects of my decision will not result in extraordinary circumstances to these areas.

**Research Natural Areas** - No Research Natural Area, established, proposed or candidate will be affected by or lies in the project area. I find that the degree of effects of my decision will not result in extraordinary circumstances associated with Research Natural Areas.

**American Indian and Alaska Native religious or Cultural Sites** - Cultural resource surveys in the project area treatment units have been completed. No impacts to American Indian and Alaska Native religious or Cultural
resources are anticipated. No extraordinary circumstances associated with these resource values are anticipated from my decision as documented in the Heritage Resource Review (see project file).

**Archaeological Sites, or Historic Properties or Areas** – As mentioned above and documented in the Project File, cultural resource surveys have been completed. Archaeological Sites have been identified in the specialist report and mitigations have been identified. No extraordinary circumstances associated with archaeological sites or historic properties or areas are anticipated from my decision as documented in the Heritage Resource Review (see project file).

**FINDINGS REQUIRED BY OTHER LAWS**

**National Forest Management Act of 1976 and the Custer Forest Plan**

I find that my decision is consistent with Forest-wide management goals, objectives and standards in the Custer National Forest Land and Resource Management Plan to treat vegetation to reduce natural fuel loading (page 5, item B1.e). My decision is consistent with the Beartooth Ranger District fuels management focus of fuels treatment near the Forest boundary as well as along major travel roads that would serve as evacuation routes during times of significant fire activity. This focus is derived from Forest-wide fire management direction to control fires threatening private land, human life, property, or improvements as soon as possible (page 38, items b1, b3, b4, b5). Agency personnel are directed to use a combination of treatments that most efficiently meet the fuels management direction for each Forest management area (page 39, item 4a). This project is in Forest Plan management areas D and E. Management direction relevant to the proposed project is listed in Table 2 below.

<table>
<thead>
<tr>
<th>MA</th>
<th>Goal</th>
<th>Applicable Management Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>To maintain or improve the long-term diversity and quality of habitat for the selected species identified by the Ranger District as well as accommodating other resource management objectives such as timber harvest, livestock grazing, and oil and gas development.</td>
<td>Timber: Silvicultural treatments will identify timber treatments that will perpetuate or improve key wildlife habitat and livestock forage...Silvicultural prescriptions may include either even aged or uneven aged systems. Fire Management: 1) The control objective is to hold 90 percent of fire starts to less than 50 acres. 2) The appropriate suppression response may vary from contain, to control, to confine...Planned ignitions may be used for range improvement and wildlife habitat, timber stand maintenance, fuels reduction, sanitation, maintaining vegetation, and associated wildlife habitat dependent on periodic fire.</td>
</tr>
<tr>
<td>E</td>
<td>To facilitate and encourage the exploration, development, and production of energy and mineral resources from the National Forest System lands.</td>
<td>Timber: Unprogrammed amounts of wood products may be harvested with the objectives of perpetuating or enhancing long-term values of range, wildlife, and visual values...Silvicultural systems that emphasize individual or group selection methods will predominate. Fire Management: 1) The control objective for this management area will be to hold 90 percent of fire starts to less than 30 acres. 2) The appropriate suppression response will vary between control and contain...Planned ignitions may be used for range and wildlife enhancement, fuels and debris reduction.</td>
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</table>

Specific Forest Plan Management standards apply to the Proposed Action and my decision. I find that the Proposed Action is consistent with standards for Timber management contained in the Forest Plan (page 24, items 6a 4 and 6a 5), "The utilization of small diameter material and sawlog by-products will be encouraged."
Commercial harvest for firewood and other small products will be used to accomplish timber stand improvement where appropriate. "Insect and disease infected timber will be managed in coordination with other resources. Strategies to treat and prevent insect and disease problems include providing for age-class diversity; early slash cleanup, and stocking control."

Effects to Forest Plan Management Indicator Species (MIS) are disclosed in the Biological Evaluation. In Summary project implementation would have a Neutral Effect on all Management Indicator Species. I find that such effects will not result in extraordinary circumstances.

Based on specialist input specific to Forest Plan consistency (see project file), I find that my decision is consistent with applicable Forest Plan management goals, objectives, standards, and direction.

*Endangered Species Act of 1973*

In accordance with the Endangered Species Act (ESA), Forest Service Manual 2670, and Forest Service Region 1 Policy, this proposed action was analyzed for potential effects to Threatened, Endangered, and Proposed wildlife and plant species. A Biological Assessment and Biological Evaluation for this project are completed and contained in the project file. Determination of effects in the Biological Assessment are May Affect but is not Likely to Adversely Affect the grizzly bear; May Affect but is not Likely to Adversely Affect Canada lynx; and May Affect but is not Likely to Adversely Affect lynx critical habitat. Determination of effects in the Biological Evaluation for wolverine is “not likely to jeopardize the continued existence of the species.”

Implementation of the proposed action would have no anticipated adverse effects on Threatened, Endangered, and Sensitive wildlife species (see Biological Assessment).

*National Historic Preservation Act of 1966*

The National Historic Preservation Act of 1966 as amended requires that areas held in Federal ownership must be surveyed for the presence of Cultural Resources prior to ground disturbance. Cultural resource surveys have been completed and approved for areas where activities are authorized and treatments to these resources have been identified (see project file).

*Other Laws or Requirements*

I find that this Decision is consistent with all other applicable Federal, State, and local laws or requirements.

**ADMINISTRATIVE REVIEW, APPEAL OPPORTUNITIES, and PROJECT IMPLEMENTATION**

This decision is subject to appeal pursuant to 36 CFR 215. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Billings Gazette newspaper, Billings, MT. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on dates or timeframe information provided by any other source.

Paper appeals must be submitted to:
USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807
Hand-delivered appeals must be submitted during office business hours (7:30 a.m. to 4:00 p.m.) to:
USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802

If an appeal is filed electronically, it must be submitted to: appeals-northern-regional-office@fs.fed.us. In electronic appeals, the subject line should contain “Horseman Flats Hazardous Fuels Reduction Project.” An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

Faxed appeals must be submitted to: (406) 329-3411.

It is the appellant’s responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14. Appeal content requirements can be found on the Internet at http://www.gpo.gov/fdsys/search/search.action?sr=1&originalSearch=&st=36+CFR+215&ps=10&na=&se=&sb=re&timeFrame=&dateBrowse=&govAuthBrowse=&collection=&historical=false

If an appeal is received on this project, there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions are open to the public and would take place within 15 days after the closing date for filing an appeal. If you are interested in attending any informal resolution discussions, please contact the Responsible Official.

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

CONTACT PERSON

Any questions related to this project or Decision should be directed to Drew Grimes or Jeff Stockwell, Beartooth Ranger District, Custer National Forest, 6807 US Highway 212, Red Lodge, MT. 59068, phone (406) 446-2103. A Project File containing additional information supporting the environmental analysis and findings in this Decision Memo has been prepared and is available for public review at the Beartooth Ranger District. Interested individuals may review the Project File by scheduling a visit in advance with the above listed contacts.

Todd Willard Acting
District Ranger

Date

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Beartooth Ranger District, Custer National Forest
Stillwater County, Montana
REFERENCES


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