United States Department of Agriculture
Forest Service
Washington Office
14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Reply to: 1570

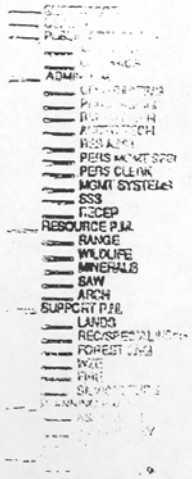
Date: 01 JUL 1994

Subject: Amendment #2 of the Custer National Forest and National Grasslands Land and Resource Management Plan

To: Forest Supervisor, Custer National Forest
Thru: Regional Forester, R-1

We have reviewed Amendment #2 to the Custer National Forest and National Grasslands Land and Resource Management Plan (Forest Plan) and find that it satisfies the requirements of the Chief's consolidated Forest Plan appeal decision dated December 23, 1992, on the appeals filed by the Dakotah Chapter of the Sierra Club, et al.; the Greater Yellowstone Coalition, et al.; and the Montana and North Dakota Wildlife Federations. The amendment adds river segments to the list of rivers eligible for designation under the Wild and Scenic Rivers Act of 1968 and provides forest-wide standards and guidelines for the management of all river segments which have been deemed eligible for designation. These standards and guidelines apply to those river segments listed in the amendment as well as those river segments listed in the forest plan and any other segments which may have been listed as eligible in other amendments. If any further river segments are added to the list, these standards and guidelines will also apply to those segments.

Bertha C. Gillam
for WILLIAM L. MCCLEESE
Reviewing Officer for the Chief



FP Amend #2

United States Department of Agriculture
Forest Service
Custer National Forest
2602 1st Avenue North
P.O. Box 2556
Billings, MT 59103

Reply to: 1920

Date: December 15,1989

Dear Forest Plan Participant:

The Forest has mailed you information in the past related to protection of eligible river segments under the Wild and Scenic Rivers Act. The enclosed Decision Notice and Forest Plan Amendment addresses the selected streams and the Wild/Scenic/Recreational River Forest-Wide Management Standards.

Please attach the amendment to your copy of the Custer National Forest Plan and thank you for your continued interest in the management of the Custer National Forest.

for CURTIS W. BATES
Forest Supervisor

Enclosure

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

WILD AND SCENIC RIVERS STUDY

CUSTER NATIONAL FOREST

I. INTRODUCTION

The Wild and Scenic Rivers Act (WSR Act) of 1968 requires that all federal agencies consider potential wild, scenic, and recreation rivers in all planning efforts. Not all of the potential wild, scenic, and recreation rivers were considered in the development of the Land and Resources Management Plan (Forest Plan) for the Custer National Forest that was approved June 10, 1987. After the Forest Plan was implemented the Forest re-evaluated the streams on the Forest. The additional streams that were identified as eligible are discussed in this decision notice and environmental assessment. An Environmental Assessment (EA) was developed that incorporates the steps required by Forest Service Handbook 1909.12. The three steps are as follow: 1) Identify eligible rivers on the Forest, 2) Assign each eligible river a potential classification of wild, scenic, recreational, or a combination thereof, based on its existing condition; and 3) Develop Wild/Scenic/Recreational River Forest-Wide Management Standards protecting eligible river segments until river suitability study is completed and/or a future decision is made on their designation into the National Rivers System.

The EA tiers to the Forest Plan and analyzes the effects of the decision needed. The EA is tiered to the Forest Plan and related EIS (Environmental Impact Statement). The EA does not provide site specific information as this will be disclosed in specific project NEPA (National Environmental Policy Act) documents.

In consideration of this proposal the Forest Service prepared an EA considering alternative ways of meeting the spirit and intent of the Wild and Scenic Rivers Act. The EA incorporated by reference the Forest Plan, Forest Plan EIS, and prior analysis completed for the Custer National Forest. The EA and material incorporated by reference is available in the Custer National Forest Supervisors Office in Billings, Montana.

Public involvement was started in the spring of 1988 and little response was received at that time. On June 6, 1989 a press release was mailed to 45 local newspapers that serve the area around the Custer National Forest. In addition a copy of the press release with a letter from the Forest Supervisor was mailed to 33 groups and individuals that had expressed an interest in the Wild and Scenic Rivers Study in the past. Written responses were received from eight individuals and or organizations. Three issues related to this study were identified, and one issue that is beyond the scope of this study. The issue of impacts of formal classification on private lands within the river corridor when formally classified is beyond the scope of this effort and is not addressed. The three issues relevant to this effort are as follow:

1. Are interim Forest Plan management guidelines needed for these river/streams?

2. Do streams that contain hydroelectric facilities meet the eligibility criteria?

3. Do streams that have paved roads and campgrounds adjacent to them qualify for interim protection?

II. ALTERNATIVES

Three alternatives were evaluated in the EA. The alternatives are as follow:

Alternative A (*No Eligibility Qualifications*): This alternative would recommend all rivers on the Custer National Forest eligible for further study under the WSR Act.

This alternative was developed as a starting point for evaluating all rivers in and crossing the proclaimed Custer National Forest boundary. This alternative was eliminated from detailed study because it would not apply the two qualifications needed for a river to be eligible. The WSR Act states a river is eligible if it is free-flowing and the related adjacent land area possess one or more "outstandingly remarkable" resource values.

Alternative B (*No Action*): This alternative would defer the verification of eligible rivers, potential classification, and interim management direction to the next revision of the Forest Plan. Alternative B would not comply with the WSR Act, Section 5(d). By deferring the identification of eligible rivers, this alternative would not comply with Section 1(b) and 2(b) of the WSR Act. Potentially eligible rivers would not be managed under the WSR Act which could result in irretrievable degradation of a rivers "outstandingly remarkable" resource values and existing potential classification. This alternative would not affect any management activities or direction under the 1987 Custer National Forest Land and Resource Management Plan.

Alternative C (*Apply Both Eligibility Qualifications*): Alternative C would amend the 1987 Forest Plan verifying rivers meeting the two eligibility qualifications under Section 1(b) and 2(b) of the WSR Act. Under Alternative C, eligible rivers would be assigned a potential classification of wild, scenic, recreational, or a combination thereof, as defined by Section 2(b) of the WSR Act. Wild/Scenic/Recreational River Forest-Wide Management Standards would be developed to provide specific management and protection of eligible rivers and their assigned potential classification.

III. DECISION

It is my decision to implement Alternative C. Alternative C will result in amending the Forest Plan to protect the portions of the streams that are eligible for further consideration and provide interim management direction for these streams. Alternative C also defines the potential classification for the various stream segments.

There are a number of existing valid rights on the Forest in the form of oil and gas leases that may be in conflict with the proposed guidelines. These pre-existing rights will be honored but the Forest will do what is possible to protect the integrity of the stream corridors. In most cases the streams are within recreation corridors identified by the Forest Plan and conflicts with proposed activities should be minimal.

IV. RATIONALE FOR THE DECISION

I have selected Alternative C, because, it will protect the "outstandingly remarkable" resource values that the various stream segments contain and also meet the intent of the Wild and Scenic Rivers Act. The Wild/Scenic/Recreational Forest-Wide Guidelines are designed to protect the values of these streams.

Amendment 2 will amend the Forest Plan and by selecting Alternative C the interim Wild/Scenic/Recreational Forest-Wide Management Standards listed in the amendment will be applied to the appropriate stream segments.

The following table displays the interim classifications by river segment.

Table 1: Potential Wild and Scenic River Classification by Stream and Segment

RIVER/SEGMENT	Potential Classification	Miles	Outstandingly Remarkable Values
Crooked Creek-Lost Water Canyon	Wild	8	C,F,G,N,S
East Rosebud Creek			
Outside of the Wilderness	Recreation	7	G,R,S
Within the Wilderness	Wild	13	G,R,S
Lake Fork of Rock Creek			
Outside of the Wilderness	Recreation	2	G,S
Within the Wilderness	Wild	8	G,S
Rock Creek			
Within the Wilderness	Wild	3	G,R
West Rosebud Creek			
Within the Wilderness	Wild	8	G,R,S

Outstandingly Remarkable Values: S = scenic, R = recreational, G = geologic, F = fisheries, W = wildlife, C = cultural

Potential classification only applies to those National Forest System lands administered by the Custer National Forest and does not affect private lands within the corridors. Classification for all eligible rivers covers an area extending the length of the segment and ¼ mile wide extending out from each bank.

This amendment does not significantly affect the multiple use goals and objectives identified in the Forest Plan nor does it affect projected outputs. The determination that this a nonsignificant amendment is made in accordance with the requirements of 16 U.S.C. 1604(f), 36 CFR 219.10(e) and (f), 36 CFR 219.12(k), and sections 1922.33(a) and (b) of the Forest Service Handbook.

V. FINDING OF NO SIGNIFICANT IMPACT

Based on the Environmental Assessment and associated documents, I have determined that the decision to amend the Forest Plan and implement the interim Wild/Scenic/Recreational Forest-Wide Management Standards is not a major Federal action significantly affecting the human environment and does not require the preparation of an Environmental Impact Statement (EIS). This is based on the consideration of the following factors:

1. There are no significant adverse direct, indirect, or cumulative impacts on the resources associated with the decision being made. (EA. pg 18)

2. There would be no affect on public health or safety.

3. The Wild/Scenic/Recreational Forest-Wide Management Standards will protect these areas. Therefore, there would be no impact to these resources. (EA pg 18)

4. The effects of this decision were reviewed by various Forest Service specialists and there was no disagreement as to the effects disclosed.

5. The possible effects on the human environment as they relate to the implementation of these standards are sufficiently known, as well as the risks involved, and have been disclosed.

6. These decisions are not of a precedent setting nature and would have no affect on, or set no precedent for future actions.

7. There are no known significant cumulative effects relating to the implementation of these standards.

8. There would be no affect on any sites eligible for the National Register of Historical Places.

9. There are no known Threatened or Endangered species that would be affected by this decision.

10. This decision is consistent with other Federal, State or local laws for the protection of the environment.

VI. CONSISTANCY WITH THE FOREST PLAN (NFMA)

The Forest Plan is not responsive to the requirements of the Wild and Scenic Rivers Act. The Forest Plan needs to be amended to incorporate the Wild/Scenic/Recreational Forest-Wide Management Standards to be in agreement with the requirements of the act. This amendment of the Forest Plan will meet the intent of the Wild and Scenic Rivers Act.

VII. MONITORING AND EVALUATION

The Forest Plan monitoring requirements for Soil, Air, and Water found on pages 107-108 of the Forest Plan will be applied to the management areas as identified in Table 1.

VIII. IMPLEMENTATION AND APPEAL RIGHTS.

This decision is subject to appeal pursuant to 36 CFR 217. Notice of appeal must be consistent with 36 CFR 217.9, "Content of Notice of Appeal". Notice of appeal must be in writing and submitted within 45 days of this decision to:

Regional Forester
PO Box 7669
Missoula, MT 59807

A copy of the notice of appeal must be sent to:

Forest Supervisior
PO Box 2556
Billings, MT 59103

Curtis W. Bates

CURTIS W. BATES
Forest Supervisor

12-15-89
Date

FOREST PLAN AMENDMENT NUMBER 2
Custer National Forest
Billings, Montana

The purpose of this amendment is to add Wild/Scenic/Recreational Forest-Wide Management Standards to the Land and Resource Management Plan for the Custer National Forest. Forest Service policy permits Forest Plan amendment resulting from further analysis. I have determined the proposed changes are not significant since they are minor changes and do not alter the multipe-use goals and objectives for long-term land and resource management. Adoption of this amendment will not significantly change the forestwide environmental impacts disclosed in the Custer National Forest Plan Environmental Impact Statement. This affects of this amendment were addressed in an Environmental Assessment.

Additional information can be obtained from:

Leroy White, Forest Planner
Custer National Forest
PO Box 2556
Billings, MT 59103
(406) 657-6361

Interim classification by stream is shown in the following table:

Potential Wild and Scenic River Classification by Stream and Segment

RIVER/SEGMENT	Potential Classification	Miles	Outstandingly Remarkable Values
Crooked Creek-Lost Water Canyon	Wild	8	C,F,G,N,S
East Rosebud Creek			
Outside of the Wilderness	Recreation	7	G,R,S
Within the Wilderness	Wild	13	G,R,S
Lake Fork of Rock Creek			
Outside of the Wilderness	Recreation	2	G,S
Within the Wilderness	Wild	8	G,S
Rock Creek			
Within the Wilderness	Wild	3	G,R
West Rosebud Creek			
Within the Wilderness	Wild	8	G,R,S

Outstandingly Remarkable Values: S = scenic, R = recreational, G = geologic, F = fisheries, W = wildlife, C = cultural

Wild/Scenic/Recreational Forest-Wide Guidelines are as follow:

The following Wild/Scenic/Recreation River Forest-Wide Management Standards were developed for the eligible rivers on the Custer National Forest. **These standards do not affect other public or private lands and will not abrogate any existing rights, privileges, or contracts affecting Custer National Forest lands held by any private party.**

Hydroelectric Power:

Wild/Scenic/Recreational: No development of hydroelectric power facilities will be permitted. Where the licensing authority is the Federal Energy Regulatory Commission, the Forest will recommend that no license be issued for hydroelectric power facilities.

Water Supply:

Wild/Scenic: All supply dams and major diversions are prohibited. If necessary, water monitoring stations are permitted but must be unobtrusive.

Recreational: Existing low dams, diversion works, rip-rap and other minor structures are allowed provided that the waterway remains generally natural in appearance. New structures are prohibited. If necessary, water monitoring stations are permitted but must be unobtrusive.

Flood Control:

Wild: No flood control dams, levees, or other works are allowed in the channel or river corridor. The natural appearance and essentially primitive character of the river must be maintained.

Scenic: Flood control dams and levees will be prohibited.

Recreational: Existing flood control works may be maintained. New structures are prohibited.

Range:

Wild: Agricultural use is restricted to a limited amount of domestic livestock grazing and hay production to the extent currently practices. Row crops are prohibited.

Scenic: A wider range of agricultural uses is permitted to the extent currently practiced. Row crops are not considered as an intrusion of the "largely primitive" nature or scenic corridors as long as there is not a substantial adverse effect on the natural-like appearance of the river area.

Recreational: Lands may be managed for a full range of agricultural uses, to the extent currently practiced.

Timber Production:

Wild: Cutting of trees will not be permitted except when needed in association with a primitive recreation experience (such as clearing for trails and protection of users) or to protect the environment (such as control of fire). Timber outside the boundary but within the visual corridor will be managed and harvested in a manner to provide special emphasis to visual quality. To protect "outstandingly remarkable" fishery values, cumulative sediment analyses will be required for all projects/activities requiring road construction or significant land disturbance.

Scenic: A wide range of silvicultural practices may be allowed provided that such practices are carried on in such a way that there is not substantial adverse effect on the river and its immediate environment. The river area will be maintained in its near natural environment. Timber outside the boundary but within the visual seen area will be managed and harvested in an manner which provides special emphasis on visual quality. To protect "outstandingly remarkable" fishery values, cumulative sediment analyses will be required for all projects/activities requiring road construction or significant land disturbances.

Mining:

Wild: New mineral leases will contain a no surface occupancy stipulation for the area ¼ mile each side of the stream bank. Valid claims and leases will not e abrogated. Subject to regulations (36 CFR 228) that the Secretaries of Agriculture and Interior may prescribe to protect the rivers included in the National System, other existing mining activities will be allowed to continue. Existing mineral activities must be conducted in a manned that minimizes surface disturbance, sedimentation, and visual impairment. Reasonable access will be permitted. To protect "outstandingly remarkable" fishery values, cumulative sediment analyses will be required for all projects/activities requiring road construction or significant land disturbance.

Scenic: Subject to regulations (36 CFR 228) that the Secretaries of Agriculture and the Interior may prescribe to protect the values of rivers included in the National System, new mining claims and mineral leases will be allowed and existing operations allowed to continue. However, mineral activity must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment. To protect "outstandingly remarkable" fishery values, cumulative sediment analyses will be required for all projects/activities requiring road construction or significant land disturbance.

Recreational: Subject to regulations (36 CFR 228) that the Secretaries of Agriculture and the Interior may prescribe to protect the values of rivers included in the National System, new mining claims and mineral leases are allowed and existing operations are allowed to continue. Mineral activities must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment. To protect "outstandingly remarkable" fishery values, cumulative sediment analyses will be required for all projects/activities requiring road construction or significant land disturbance.

Road construction:

Wild: Subject to valid existing rights, no roads or other provisions for overland motorized travel will be permitted within a narrow incised river or, if the river valley is broad, within ¼ mile of the river bank. Also, unobtrusive trail bridges may be allowed.

Scenic: Roads may occasionally bridge the river area and short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or screened railroads could be allowed. Consideration will be given to the type of use for which roads are constructed and the type of use that will occur in the river area. To protect "outstandingly remarkable" fishery values, cumulative sediment analyses will be required for all projects/activities requiring road construction or significant land disturbance.

Recreational: Paralleling roads or railroads may be constructed on one or both river banks. There can be several bridge crossing and numerous river access points. To protect "outstandingly remarkable" fishery values, cumulative sediment analyses will be required for all projects/activities requiring road construction or significant land disturbance.

Motorized Travel:

Wild: Motorized travel on land or water may be permitted, but is generally not compatible with this classification.

Scenic: Motor zed travel on land or water may be permitted, prohibited or restricted to protect the river values.

Recreational: Motorized travel on land or water may be permitted, prohibited or restricted. Controls will usually be similar to surrounding lands and waters.

Utilities:

Wild/Scenic/Recreational: New transmission lines, gas lines, water lines, etc. are discouraged. Where no reasonable alternatives exists, additional or new facilities should be restricted to existing rights-of-ways. Where new rights-of-way are indicated, the scenic, recreational, and fish and wildlife values must be evaluated in the selection of the site.

Recreation Development:

Wild: Major public-use areas, such as large campgrounds, interpretive centers, or administrative headquarters, are located outside the wild river area. Simple comfort and convenience facilities, such as fireplaces or shelters, may be provided as necessary within the river area. These should harmonize with the surroundings.

Scenic: Large scale public use facilities, such as moderate size campgrounds, public information centers, and administrative headquarters are allowed if such structures are screened from the river. Modest and unobtrusive marinas also can be allowed.

Recreational: Campgrounds and picnic areas may be established in close proximity to the river. However, recreational classification does not require extensive recreation development.

Structures:

Wild: A few minor existing structures may be allowed assuming such structures are not incompatible with the essentially primitive and natural values of the view shed. New structures will not be allowed except in rare instances to achieve management objectives (i.e. structures and activities associated with fisheries enhancement programs may be allowed).

Scenic: Any concentrations of habitations are limited to relatively short reaches of the river corridor. New structures that will have a direct and adverse effect on river values will not be allowed.

Recreational: Small communities as well as dispersed or cluster residential development are allowed. New structures are allowed for both rehabilitation and for intensive recreation use.

End of amendment number 2: