

**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**FIDDLERS LAKE**

USDA Forest Service  
Shoshone National Forest  
Washakie Ranger District  
Fremont County, WY

## **1.0 Introduction**

The Fiddlers Lake Environmental Assessment (EA) discloses the environmental effects of proposed vegetative treatment and associated actions in the Fiddlers Lake area. The Fiddlers Lake EA is tiered Shoshone National Forest Land and Resource Management Plan (Forest Plan) and its associated Final Environmental Impact Statement (FEIS) and Record of Decision (ROD), as amended by the Allowable Sale Quantity (ASQ) ROD and the Oil and Gas Leasing ROD. The EA is also tiered to the Fiddlers Lake Roads Analysis.

An interdisciplinary team (IDT) of resource specialists conducted the effects analysis and prepared the EA. In accordance with the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA), the IDT considered the affected area, formulated alternatives, and estimated environmental consequences, based on Forest Plan (as amended) objectives, standards, and guidelines, together with issues raised during scoping. I have reviewed the EA, Roads Analysis, Forest Plan (as amended) direction relevant to the proposed project, and related material including the Fiddlers Lake project file (project file). I base my decision on that review.

The Forest Plan, ASQ and Oil and Gas Leasing amendments are available for review at any of the Shoshone National Forest offices in Cody, Dubois, or Lander, WY. The project file and Roads Analysis is available for review at the Washakie Ranger District office in Lander, WY.

## **1.1 Project History**

The Fiddlers Lake project has appeared in the Forest's Quarterly Schedule of Proposed Actions (SOPA) with status updates as the project reached the stages described below.

Public scoping was conducted in January and February of 2000. The scoping letter stated the proposed action would treat approximately 100 acres of decadent and dying lodgepole pine stands with the clear-cut regeneration method. The scoping letter also

stated that the visual quality objective outlined on page III-125 of the Forest Plan may need to be amended on a site-specific basis. A pre-decisional EA was completed and released for public review and comment on May 8, 2002. Section 1.6 of the EA includes details of what the decisions needed to be made, including whether to implement the proposed action or an alternative to the proposed action, whether a Forest Plan amendment would be needed, and whether to prepare an Environmental Impact Statement.

## **1.2 Location**

The proposed vegetative treatment is located approximately 16 miles south of Lander, WY. The legal description of the proposal is

- Sections 22, 23, 26, 27, 34, 35, and 36, T.31N., R.101W., 6<sup>th</sup> P.M., Fremont County, Wyoming.

The analysis area for the Fiddlers Lake EA corresponds to the Atlantic analysis area (analysis area) delineated in the Forest Plan. The analysis area is approximately 19,618 acres in size. The Fiddlers Lake project area (project area) is approximately 1,440 acres in size, and lies approximately ½ mile on either side of the Loop Road (FSR 300) within the analysis area. Approximately 103 acres are proposed for treatment within the project area. All proposed activities would occur on National Forest System land.

## **1.3 Forest Plan Management Area Designation**

The proposed treatments fall primarily within the 2B (Rural and Roaded Natural Recreation) management area. This area is managed for motorized and nonmotorized recreation activities, such as activities such as driving for pleasure, viewing scenery, picnicking, fishing, snowmobiling, and cross-country skiing. Visual resources are managed so that management activities maintain or improve the quality of recreation opportunities.

Proposed treatments may also be adjacent to management areas 9A (Riparian Area Management) and 9E (Water Impoundment Sites). Resource use in 9A management areas should be designed to protect and maintain the riparian area and to enhance plant and animal diversity within riparian areas. Management area 9E's emphasis is on needed water impoundments where beneficial effects are demonstrated and water rights have been obtained.

## **2.0 Purpose and Need**

Based on the review of the site-specific conditions and needs described in section 1.3 of the EA, I have chosen to move toward meeting the Forest Plan (as amended) goals and management direction as outlined on pages 1-2 and 1-4 of the EA.

In summary, the purpose and need for action in the Fiddlers Lake area is to improve the visual quality of the Loop Road corridor near Fiddlers Lake and to improve the overall health and productivity of forest vegetation within the Atlantic analysis area. Vegetation management along the Loop Road would reduce wildfire risk and enhance the use of the Loop Road as a firebreak. Other Forest Plan goals and objectives, such as those associated with improved watershed health or providing recreation opportunities may also be met through implementation of standards and guidelines.

### **3.0 Decision**

After careful consideration of applicable laws, regulations, and policies, Forest Plan (as amended) direction, environmental effects, and other information contained in the EA, as well as public comments received on the pre-decisional EA, I have selected Alternative 1, with modification, for implementation in the Fiddlers Lake area. This alternative best meets the purpose and need for action and best addresses issues while meeting Forest Plan (as amended) standards and guidelines.

The modification I am including with this decision relates to protection of raptor nests. The concurrence letter received from the U.S. Fish and Wildlife Service (USFWS; *see* section 5.2 of this Decision Notice) requested that if raptor nests are found within one half mile of the project site (or within one mile for bald eagles and ferruginous hawks), they would like to be notified so that coordination could occur to protect these species.

My decision requires a non-significant, site-specific amendment to the Forest Plan regarding visual resources of this area. In summary, the amendment relates to the 2B management area direction listed on page III-125 of the Forest Plan: ‘Do not exceed an Adopted Visual Quality Objective (VQO) of partial retention’ and Forest Plan general direction on page III-25: ‘Meet the visual quality objectives of retention and partial retention one full growing season after completion of a project.’ The amendment can be found in Appendix A of this Decision Notice.

My rationale for the decision is described in section 3.3.3.

### **3.1 Planned Activities**

The following projects will be implemented within the Fiddlers Lake area, subject to availability of funds. Figures are approximate. Detailed descriptions are found in section 2.1 of the EA. Maps are found in Appendix A of the EA. Proposed treatment units may vary slightly from the boundaries shown on maps depending on actual ground conditions.

#### **3.1.1 Silvicultural Treatments**

Silvicultural treatments would take place on approximately 103 acres of lodgepole pine stands. Slash created from vegetative treatments would be broadcast or jackpot burned.

Implementation of silvicultural treatments would require pre-use maintenance and approximately 0.25 miles of temporary road. Temporary roads would be obliterated after use so that there will be no net increase in road mileage. In addition, the existing pullout at Fiddlers Lake would be relocated to the east side of the Loop Road.

**Visual Treatments.** Visual treatments would be performed on 26 acres. The primary purpose of these treatments is to increase visual diversity along the Loop Road.

**Regeneration Harvests.** Regeneration treatments (clear-cut and clear-cut with reserves) in lodgepole pine would target stands with heavy dwarf mistletoe and commandra rust infection and where current or expected mortality is high. They would also be performed to open up vistas of surrounding mountain ranges. Both clear-cuts (28 acres) and clear-cuts with reserves (20 acres) are proposed.

**Commercial Thin.** Thinning would take place on 17 acres. These treatments would be performed to increase structural and visual diversity in stands along the Loop Road.

**Aspen Release/Coppice.** This treatment is proposed on 12 acres and would regenerate decadent aspen within the Loop Road corridor for both visual diversity and forest health.

### **3.1.2 Road Side Clearing**

Trees (of all sizes) encroaching on the Loop Road, particularly along curves, that block motorist's sight distance down the road would be removed to improve motorist's safety. This would occur mostly within proposed harvest units and extend approximately 10-15 feet into the unit from the road's edge. Roadside clearing would also be performed in two places on the Loop Road outside of proposed harvest units.

### **3.2 Mitigation and Monitoring**

The following mitigation and monitoring measures will apply to my decision to prevent adverse effects or to maintain acceptable limits of change during implementation of project activities: Forest Plan (as amended) standards and guidelines, Silviculture Best Management Practices, Wyoming Nonpoint Source Management Plan, mandatory BMPs contained in Federal regulations at 33 CFR 323, requirements in the Watershed Conservation Practices Handbook (Forest Service Handbook 2509.25), and site-specific mitigation and monitoring measures listed in Sections 2.2 and 2.3 of the Fiddlers Lake EA.

### 3.3 Decision Process

#### 3.3.1 Public Involvement

During the scoping process for this project, the IDT identified members of the public who may have had an interest in the decisions made for the project area or whom the proposed projects could have affected. A mailing list of the individuals, groups, agencies and organizations contacted during initial scoping can be found in the project file. Scoping letters, news releases, and comments received are also contained in the project file. Section 1.4 and Appendix B of the EA show how the analysis incorporated the initial scoping comments received from members of the public.

Issues identified for the project area (section 1.4.2 of the EA) include visual effects of clear-cutting; harvesting effects on wildlife, soils, roadless areas, water quality, fisheries, and recreation experiences; forest health; and economics. These issues were addressed through development of alternatives and/or mitigation, or through the disclosure of environmental effects.

Additional public comment occurred when the district released the pre-decisional EA on May 8, 2002 for a 30-day comment period in accordance with Federal regulations at 36 CFR 215. The mailing list and letters received for the pre-decisional EA comment period are included in the project file. The Lander Chamber of Commerce was added to this mailing list as a result of scoping comments.

Wyoming State offices submitted comments on the pre-decisional EA. Their comments and the responses to them are summarized in Table 1-1 below.

**Table 1-1.** Summary of comments received from the pre-decisional EA. Responses to those comments are included.

Comment No.	Comment	Response
PEA 1-1 PEA 1-4	“Provided the Forest Service follows established cultural resource regulations, no agencies indicated any concerns with this project.”	Cultural resource surveys were completed for the project. Cultural resource clearance was provided by SHPO ( <i>see</i> section 5.1 of this decision and sections 3.7 and 4.7 of the EA).
PEA 1-2 PEA 1-3	“We previously provided comments concerning this proposal during the Scoping Process in a memo dated February 2, 2000. All our recommendations/concerns were addressed in this Environmental Assessment. Completion of the project should have minimal impacts to terrestrial wildlife. ... This project should not result in aquatic impacts. Long-term benefits to the aquatic habitats in this area could result from either of the action alternatives.”	Refer to scoping letters from State offices in project file, Chapters 2, 3, and 4 and Appendix B of the EA.

I concur with the responses listed in Table 1-1. The analysis addresses all issues to my satisfaction.

### **3.3.2 Alternatives Considered in Detail**

Three alternatives were evaluated in detail in the EA, including the no action alternative. All alternatives were considered for analysis. Complete descriptions of the alternatives are contained in section 2.1 of the EA. Table 2-1 of the EA is an alternative comparison table. I believe the alternatives adequately address the issues raised during the analysis.

### **3.3.3 Reasons for my Decisions**

As the purpose and need for action in the Fiddlers Lake area, I chose to emphasize the Forest Plan goals and direction related to enhancing visual diversity, improving forest health and diversity, and natural fuel reduction.

In making my decision, I considered how well the alternatives addressed the purpose and need for action and the degree to which the alternatives responded to issues raised during the analysis. I also considered how well the alternatives would meet Forest Plan (as amended) goals and objectives, management area direction, and standards and guidelines. I also considered public comments.

The heart of my decision was whether the Forest Service needs to take management actions in the Fiddlers Lake area to comply with the Forest Plan (as amended). The comparison of existing conditions with Forest Plan direction as outlined in section 1.3 of the EA indicated that management actions are needed in the area. Therefore I decided not to implement Alternative 2, the no action alternative.

Comments received during scoping indicated some members of the public feel the agency should not use clear-cuts in close proximity to the Loop Road. Scientific literature and the Forest Plan recognize that clear-cutting is one of the most effective means for controlling dwarf mistletoe. Forest Plan management area direction for the majority of the project area, however, emphasizes rural and roaded natural recreation opportunities and enhancing visual diversity. While the Forest Plan stresses forest health I feel that enhancement of visual quality should take precedence in the Fiddlers Lake area, based on comments received from the public. The proposed action presented in scoping (approximately 100 acres of clear-cuts) was modified in Alternative 1 to reduce the acreage of clear-cutting while proposing other treatments that would provide visual and structural diversity to the forest. While these other types of treatments may not be as effective in controlling disease within the project area, they would be less ‘distracting’ to the forest visitor as described in section 4.6 of the EA. Some clear-cuts or reserve tree cuts would still be used, however, both for opening vistas of the Wind River mountain range as well as for disease control.

Alternative 3 contains many of the components of Alternative 1. Clear-cut acreage was further reduced, and additional visual treatment acreage was added. While this alternative more fully responds to public comments concerning clear-cutting, I feel that Alternative 1 more fully addresses multiple benefits of the Forest Plan, blending a greater combination of visual enhancement of insect with disease control (*see* section 4.3 of the EA).

My decision to complete a non-significant, site-specific amendment to the Forest Plan (Appendix A) was based on the analysis presented in sections 3.6 and 4.6 of the EA. These sections state that approximately 41 acres of clear-cuts and reserve tree cuts performed in Alternative 1 would exceed the VQO of partial retention for a longer time period than one growing season after project implementation (*see* section 3.0 of this Decision Notice). Given that in the long-term, visual diversity and forest health of vegetation in the Loop Road corridor would be improved, the short-term visual disruption in this section of the corridor in the fore- and middle-ground is minimal and is not irreversible. The long-term benefits outweigh the temporary short-term costs.

Finally, given recent issues considering Management Indicator Species (MIS) in project decisions, Forest staffs have prepared documentation on MIS on the Forest. That documentation provides information on populations, habitats and other background for MIS on the Shoshone National Forest and is summarized in the white paper titled “Shoshone National Forest Management Indicator Species (MIS) Version 1.0 (2002). I have reviewed this documentation and am incorporating it as part of the record for this decision. MIS are also discussed in sections 3.9.1 and 4.9.1 of the Fiddlers Lake EA.

#### **4.0 Consistency with the Forest Land and Resource Management Plan, as Amended**

Regulations at 36 CFR 219.10(e) require me to ensure that permits, contracts, cooperative agreements, and other activities carried out on the Shoshone National Forest are consistent with the Forest Plan, as amended. My decision is consistent with this direction in that:

- Planned activities will contribute to Forest Plan, as amended, goals and objectives (EA section 1.3). They will not detract from or jeopardize any goals.
- Planned activities are consistent with management area direction.
- Planned activities are consistent with Forest Plan, as amended, standards and guidelines (section 2.2 and Chapter 4 of the EA). As described above, the VQO or partial retention would not be met in growing season on 41 acres of clear-cut or reserve tree cuts. Over the long-term, Forest Plan goals and direction relating to visual diversity and forest health would be improved. A non-significant, site-specific Forest Plan amendment has been prepared to address this concern (*see* Appendix A of this Decision Notice).

## **5.0 Findings Required by Laws and Regulations**

### **5.1 National Historic Preservation Act**

A cultural resource inventory and the required coordination with the Wyoming State Historic Preservation Office (SHPO) was completed, as well as the cultural resource documentation called for in 36 CFR Part 800. A concurrence letter from the SHPO (dated April 5, 2002) is located in the project file.

### **5.2 Endangered Species Act**

A biological assessment/evaluation has been prepared and is included in Appendix C of the EA. The EA and biological assessment were presented at a Level I Consultation Meeting in Cody on April 17, 2002. Concurrence from the USFWS on the determinations of “no effect” for grizzly bear and bald eagle, “not likely to jeopardize the continued existence” of the gray wolf, and “not likely to adversely affect” the Canada Lynx was documented in a letter dated May 21, 2002. The concurrence letter is located in the project file.

### **5.3 National Forest Management Act**

Planned activities meet resource protection and other requirements of regulations at 36 CFR 219.16 and 219.27, as discussed below (project file):

- Stands planned for regeneration harvest meet the “culmination of mean annual increment” requirements of Federal regulations at 36 CFR 219.16. Exceptions to the CMAI requirement apply to thinning, visual treatments, and aspen coppice.
- Clear-cutting is determined to be the optimum method to treat lodgepole stands because it best meets Forest Plan direction to control mistletoe and it is the scientifically sound method to control mistletoe and to prevent its spread. Aspen coppice is optimum method to regenerate aspen because it best meets Forest Plan direction to regenerate aspen and is a scientifically sound method to regenerate aspen.
- No harvest will occur for timber production purposes on lands classified as unsuitable for timber harvest.
- Areas identified for regeneration harvest (for timber production purposes) are capable of being regenerated within five years of final harvest.
- The selected alternative would not create any openings greater than 40 acres.
- Soil, slope, or watershed conditions will not be irreversibly damaged by proposed activities.

### **5.4 Watershed Regulatory Framework (Executive Orders 11988 and 11990)**

No adverse effects to wetlands or to the integrity of floodplains due to project activities are anticipated (*see* sections 2.2, 3.8, and 4.8 of the EA).

## 6.0 Finding of No Significant Impact

Based on my review of the Fiddlers Lake EA, I have determined that Alternative 1 is not a major federal action that would significantly affect the quality of the human environment. None of the environmental effects of my decision meet the definitions of significance in context or intensity (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. I base this conclusion on the following criteria:

### 6.1 Context

The significance of effects of my decision has been analyzed in several contexts. Except as noted, my decision is consistent with the requirements of the Forest Plan (as amended) and contributes to meeting the goals of the Plan. None of the effects disclosed in the Fiddlers Lake EA is different from those anticipated in the FEIS for the Forest Plan (as amended). Cumulative effects have been considered and analyzed for the analysis area and watersheds. Finally, site-specific effects within the project area have been estimated and disclosed in the EA.

### 6.2 Intensity

**Beneficial and Adverse Impacts.** There are no significant beneficial or adverse effects that would require documentation in an EIS. All effects have been considered and are disclosed in the Fiddlers Lake EA.

**Public Health and Safety.** There is no significant effect to public health and safety. Project design addresses safety, primarily with improving site distances along the Loop Road, providing safety signing along the Loop Road, and including provisions for bear/human safety.

**Unique Characteristics of the Geographic Area.** This action will not affect any unique characteristics of the geographic area. The Little Popo Agie Piedmont Moraine will not be affected by this project, as described in section 4.8.2 of the Fiddlers Lake EA.

**Effects to the Human Environment.** The effects on the quality of the environment are not highly controversial or are unique or unknown. Chapter 4 of the EA documents the effects of the project. The project is similar to other actions that have occurred along the Loop Road, and the effects analysis is based upon the experiences of those actions. There is little controversy about the kinds of effects that will occur. (Disagreement over the decision itself does not constitute controversy for the purpose of determining significance under 40 CFR 1508.27.)

**Precedence.** My decision implements direction found in the Forest Plan (as amended) and does not establish a precedent for future actions. Implementation of my decision will not trigger other actions, nor is it a part of a larger connected action.

**Cumulative Impacts.** There are no significant cumulative effects. Chapter 4 of the EA found no past, present, or foreseeable activities in or adjacent to the project area that would result in potential significant cumulative effects to the quality of the human environment. The cumulative effects of achieving Forest Plan (as amended) direction are described in the Forest Plan (as amended) FEIS.

**Heritage Resources.** The action is not predicted to have adverse effects on heritage resources. A concurrence letter from the State Historic Preservation Office is in the project file (*see* section 5.1 of this Decision Notice).

**Threatened and Endangered Species.** The actions do not adversely affect any threatened or endangered species or its habitat that have been determined to be critical under the ESA of 1973. *See* section 5.2 of this Decision Notice.

**Laws for Protection of the Environment.** This action complies with all federal, state, and local laws and requirements for the protection of the environment. Wilderness, roadless areas, air quality, wild and scenic rivers, farm lands (prime or unique), and Native American religious concerns would not be affected by implementation of the selected alternative. Effects on water quality, floodplains, and wetlands are documented in the EA. Mitigation measures are used to protect water quality and to meet standards imposed by the Forest Plan (as amended) and the State. Best Management Practices (BMPs) are applied consistent with requirements of the Clean Water Act. Changes in air quality are expected to be negligible during vegetation management activities. No violations of environmental laws and requirements were identified through the environmental effects analysis.

## 7.0 Appeals and Implementation

This decision is subject to administrative review pursuant to Federal regulations at 36 CFR 215. A written appeal must be submitted within 45 days of the day after notice of this decision is published in the *Lander Journal*, Lander, WY, to:

USDA, Forest Service, Region 2  
Attn: Appeal Deciding Officer  
PO Box 25127  
Lakewood, CO 80225-25127

Appeals must meet the following requirements:

1. State that the document is an appeal filed pursuant to 36 CFR 215;
2. List the name and address of the appellant, and, if possible, a telephone number;

3. Identify the decision document by title and date, subject of the decision, and name and title of the Responsible Official;
4. Identify the specific change(s) in the decision that the appellant seeks, or portion of the decision to which the appellant objects;
5. State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period specified in Section 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

Pursuant to 36 CFR 215.10(a), if no appeal is filed, implementation of this decision may occur on, but not before, five days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition (36 CFR 215.10(b)).

**Contact Person.** For additional information on this decision or the project area, contact:

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**Deciding Official.**

Rebecca Aus, Forest Supervisor  
808 Meadow Lane  
Cody, WY 82414-4516

Phone: (307) 527-6241

*/s/ Rebecca Aus*

*June 24, 2002*

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REBECCA AUS  
Forest Supervisor

Date

## Appendix A

### Non-significant, Site Specific Amendment to the Forest Plan Fiddlers Lake

This amendment has been prepared because a minor change to two Forest Plan standards and guides needs to be made in order to implement the Fiddlers Lake project (FSM 1922.5). This amendment is non-significant (*see* discussion below) and applies only to the Fiddlers Lake project area. The Fiddlers Lake project area is approximately 1,440 acres in size and lies approximately ½ mile on either side of the Loop Road (FSR 300) within the Atlantic analysis area on the Washakie Ranger District. The Atlantic analysis area is depicted on the Forest Plan Detail Map-Analysis Areas, and in Figures 1, 2A, and 2B of the Fiddlers Lake EA.

The amendment relates to 2B management area standard and guide listed on page III-125 of the Forest Plan: ‘Do not exceed an Adopted Visual Quality Objective (VQO) of partial retention’ and to Forest Plan standard and guide on page III-25: ‘Meet the visual quality objectives of retention and partial retention one full growing season after completion of a project.’

Section 3.6 of the EA states that the desired VQO of retention is currently not being met. Section 3.6 recommends that the Loop Road within the project area be managed with a VQO of retention, and that it should be met within five to ten years. Section 4.6 of the EA states that 41 acres of clear-cuts and reserve tree cuts will not meet partial retention within one growing season after project completion. Over the long-term, however, an improvement of visual quality would be achieved on this acreage. Therefore, this amendment allows the VQO of partial retention to be exceeded and that it can be exceeded beyond one full growing season after the units are completed.

#### Amendment Significance

This amendment is non-significant for the following reasons:

1. It does not significantly alter the long-term relationship between levels of multiple-use goods and services originally projected in the Forest Plan (36 CFR 219.10(e)). Volume from the harvested areas falls within values in the Forest Plan ASQ Amendment.
2. It does not have an important effect on the entire forest plan or affect land and resources throughout a large portion of the planning area during the planning period. The area affected by the amendment is 41 acres; total planning area is 2.4 million acres.
3. There are no changes in management prescriptions (FSH 1909.12, Chapter 5.32). Forest Plan direction allows clear-cutting in 2B management areas in

lodgepole pine cover types (*see* section 1.3 of the EA), and also for stands of any cover type infected with dwarf mistletoe (Forest Plan page III-63).

Appropriate public notification has been made as per 16 USC 1604 (f) (4). The possibility of an amendment was included in the original scoping letter sent for public distribution on January 6, 2000. Section 1.6 of the pre-decisional EA described the decision to be made for the Fiddlers Project, which included the possibility of a Forest Plan amendment. A legal notice of the availability of the pre-decisional EA was published in the Lander Journal on May 8, 2002.

*/s/ Rebecca Aus*

*June 24, 2002*

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REBECCA AUS  
Forest Supervisor

Date