

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

Moccasin Basin

USDA Forest Service
Shoshone National Forest
Wind River Ranger District
Fremont County, WY

1.0 Introduction

The Moccasin Basin Environmental Assessment (EA) discloses the environmental effects of proposed vegetative treatment and associated actions in the Moccasin Basin area. The Moccasin Basin EA is tiered to the 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.

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, Forest Plan (as amended) direction relevant to the proposed project, and related material including the Moccasin Basin 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 is available for review at the Wind River Ranger District office in Dubois, WY.

1.1 Project History

Public involvement began in July 2001 when the Moccasin Basin project was listed in the Forest's Quarterly Schedule of Proposed Actions (SOPA). The project has appeared in each issue of the SOPA since July 2001, with status updates as the project reached the stages described below.

Public scoping was conducted in November and December of 2001. The scoping letter stated the proposed action as salvaging approximately 10 acres of fire-killed timber and

sanitizing additional live trees surrounding fire-killed timber, particularly those with evidence of spruce beetle attack or those susceptible to spruce beetle attack. It also stated that slash generated from harvest would be piled and burned. Lastly, it stated that University of Montana (UM) researchers may use the salvage area for research by planting and studying regeneration success of whitebark pine. If the area wasn't used for research, the salvage area would be monitored for natural regeneration. Fill-in planting to Englemann spruce and lodgepole pine would be performed if the area were not regenerating naturally.

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 and whether to prepare an Environmental Impact Statement or not.

1.2 Location

The proposal is located approximately 22 miles northwest of Dubois, WY, along the Moccasin Basin Road (FSR 537, *see* Appendix A of the EA, figure 1). The legal description of the proposed treatment is:

- Sections 2 and 3, T.43N., R.110W., 6th P.M., Fremont County, WY.

Subwatersheds of the Wind River watershed were selected for analysis in this EA. The analysis area is bounded by Sublette Peak and Barbers Point on the north and Pilot Knob on the southwest (*see* Appendix A of the EA, figure 2). It is approximately 1,801 acres in size. All of the analysis area acreage is on National Forest System lands.

1.3 Forest Plan Management Area Designation

All the area proposed for treatment falls within Management Area 7E. Management in this area emphasizes wood-fiber production and utilization of large roundwood of a size and quality suitable for sawtimber.

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 towards meeting the Forest Plan (as amended) goals and management direction as outlined on pages 1-2 and 1-3 of the EA.

In summary, the purpose for this proposal is to improve the overall health and productivity of this portion of the Forest by reducing the incidence of spruce beetles (*Dendroctonus rufipennis*) and to minimize their spread to adjacent areas of the Forest. It is also being done to acquire further scientific knowledge of whitebark pine ecosystems, and to provide wood products for timber industry. Other Forest Plan goals

and objectives, such as those associated with improved watershed health 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 2 for implementation in the Moccasin Basin area. This alternative best meets the purpose and need for action and best addresses issues while meeting Forest Plan (as amended) standards and guidelines.

My rationale for the decision is described in section 3.3.3.

3.1 Planned Activities

The following will be implemented within the Moccasin Basin area, subject to availability of funds. Figures are approximate. Detailed descriptions are found in sections 1.5 and 2.2 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 40 acres. Approximately 10 acres of fire-killed timber are proposed for salvage. Up to 30 additional acres surrounding the salvage area may be sanitized. Sanitation would occur in live timber surrounding fire-killed timber. In the sanitation area, trees showing evidence of spruce beetle attack or those susceptible to spruce beetle attack would be removed. Trees susceptible to spruce beetle attack would be those stressed from partial burning, or weakened, suppressed, or over mature trees.

Lopping and scattering of slash would be used in both salvage and sanitation areas. Spruce cull logs would be hauled to landings and burned.

UM researchers may plant whitebark pine in the salvaged area (after harvest is complete) to study regeneration success of seedlings following fire. If the UM does not select the salvaged area as a planting/study site, natural regeneration establishment would be monitored. If necessary, fill-in planting to Englemann spruce and lodgepole pine would be performed to ensure regeneration of the salvaged area.

Existing roads would be used for haul. No road construction, reconstruction, or temporary roads would be used.

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 2.3 and 2.4 of the Moccasin Basin EA.

3.3 Decision Process

3.3.1 Public Involvement

Scoping. 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) included:

- **Regeneration.** Consider options to plant 100% Englemann spruce or to plant 100 percent whitebark pine.
- **Slash Disposal.** Consider using broadcast burning or lop and scatter for slash disposal.
- **Wildlife.** Concerns were raised about effects of the project on big game, proposed, threatened, and endangered species and compliance with the Endangered Species Act.
- **Spruce Beetle.** Questions were raised about status and trends of spruce beetles on the Forest and the effects of the project on spruce beetle populations.
- **Contracts and Timing.** Concerns were raised that the timing of the project may conflict with other uses in the area, including outfitter/guide operations and winter recreation. Other concerns were raised to protect forest resources and to incorporate the use of appropriate grizzly bear regulations during the life of the operations. Concerns were raised that no conflicts with elk calving periods and hunting seasons should occur. Lastly, concerns were raised that timing of proposed harvest should occur to allow completion of the research project.
- **Soils/Water Quality.** Concerns were raised to protect soils, prevent sedimentation, and to protect water quality in the Wind River, which provides a fishery of statewide significance.

- **Cultural Resources.** Concerns were raised regarding cultural resource surveys and protection of cultural resource sites.
- **Other Research Strategies.** Comments were raised that the Forest Service should consider continuing research, with or without UM involvement, and that the Forest develop a strategy for whitebark pine research and restoration and implement that strategy in conjunction with all proposed sales in whitebark pine areas.

These issues were addressed through development of alternatives and/or mitigation, through the disclosure of environmental effects, or through description of the existing condition. Other research strategies were considered to be outside the scope of the EA for the reasons described in section 1.4.2 of the EA. Cultural resources are discussed in section 5.1 of this Decision Notice and in section 1.4.2 of the EA. Compliance with the Endangered Species Act is discussed in section 5.2 of this Decision Notice and in section 1.4.2 of the EA.

Pre-decisional EA. 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.

Two comment letters were received, one from the Fremont County Commissioners and one from the Wyoming State Offices. Their comments and responses to them are summarized below.

Fremont County Commissioners. “The Board of Fremont County Commissioners formally support **2.2.2 Alternative 2** – Proposed Action with the following additions/deletions:

1. **2.3.2 Wildlife Habitat Protection.** The Board of Commissioners recommend and insist on deletion of this requirement as it is in direct conflict with the following: **Fremont County Resolution 2002-04** “Grizzly Bears Deemed Unacceptable Species” and **Fremont County Resolution 2002-06** “Food Storage Order.” [Comment Number PEA 1-1]
2. **Alternative 2 Planting and Research of White bark pine by University of Montana.** The Board of Fremont County Commissioners **opposes** the planting of whitebark pine exclusively in this area. It is our belief and full understanding that the U.S. Forest Service, Interagency Grizzly Bear Committee, Yellowstone Eco-System Subcommittee are attempting to expand grizzly bear habitat into Fremont County. The planting of whitebark pine is essential in grizzly bear habitat and the artificial planting of these trees would further the above mentioned committees’ goals to introduce grizzlies into Fremont County. Therefore, Fremont County only support planting of Fir, Spruce, Aspen and Lodgepole Pine. **Please delete whitebark pine from the planting plan.**” [Comment Number PEA 1-2]

Response. The County Resolutions were prepared in response to the proposed expansion of the Food Storage Order to the whole Shoshone National Forest. This project occurs in a portion of Shoshone National Forest within Fremont County that is under the current Food Storage Order.

Section 3.2.2 of the EA and the Forest Health and Diversity report in the project file indicate that whitebark-limber pine cover types comprise 19 percent of the analysis area. In addition, much of the spruce-fir and lodgepole stands in the analysis area are mixed stands, containing upwards of 40 percent whitebark pine, particularly in the understory. Whitebark pine is a naturally occurring component of the forest ecosystem in this area; planting whitebark would not expand its presence in the project area.

Section 1.3.2 of the EA indicates that 100 percent of the whitebark cover types in the analysis area are classified as mature, and that young whitebark will generally be outcompeted in the understory by more shade-tolerant species such as spruce and fir. Planting whitebark would establish a young stand that compete relatively well in order not to lose this component of the ecosystem. Spruce, fir, and lodgepole will most likely become established in the salvaged area even if whitebark were planted; a mix of species would be maintained in the ten acres of proposed salvage (*see* section 3.2.2 of the EA).

Section 3.2.2 of the EA describes that multiple species (including whitebark) would become established naturally whether planting (to any species) occurs or not. Given the overall size of the salvage area (10 acres), planting to one species or another will not make much difference in the overall percentage of cover types within the analysis area or on the District or Forest as a whole. In any case, regeneration success (of either natural or planted stock) would be monitored and additional reforestation efforts (to multiple species) would be performed if reforestation requirements were not being met.

Whitebark pine has been lost over much of its native range due to white pine blister rust, a disease not native to the United States. The Shoshone National Forest is participating in multi-agency research to restore whitebark pine where it has been lost in its native range. While blister rust is present on the Shoshone in both whitebark and limber pines, infection levels and mortality from blister rust across the Shoshone National Forest are not as high as those in other areas to the north and west in Montana and Idaho, with some exceptions. Maintaining the option for research opportunities to further scientific knowledge for future recovery efforts of whitebark pine regionally and nationally are important goals, not only for the benefit of grizzly bears, but to retain this forest ecosystem component within several western states.

Grizzlies currently inhabit this portion of Fremont County, according to Reagan, Moody, and Gillin (1994)¹ and Schwartz, Haroldson, and Gunther (in press).² This papers suggest that bears exist at least 40 miles south of the proposed treatments, putting the Moccasin project well within the range of grizzly bears. If planting of whitebark pine were performed in the salvaged area, it would not introduce grizzlies into the area; they already occupy this portion of Fremont County.

Wyoming State Offices. The State Historic Preservation Office and Game and Fish Department for the State of Wyoming provided the following comments:

- “Provided the Shoshone National Forest follows the procedures established in the regulations [Section 106 of the National Historic Preservation Act and Advisory Council regulations 36 CFR Part 800], we have no objection to the project.” [Comment Number PEA 2-1]
- “We have no terrestrial or aquatic concerns with this project.” [Comment Number PEA 2-2]

Response. Cultural Resources are discussed in section 5.1 of this Decision Notice and in section 1.4.2 of the EA. For comment number PEA 2-2, refer to scoping letters from the State offices in project file and Appendix B and Chapters 2 and 3 of the Moccasin Basin EA.

I concur with the responses listed above. The analysis addresses all issues to my satisfaction.

3.3.2 Alternatives Considered in Detail

Two alternatives were evaluated in detail in the EA, including the no action alternative. Alternative 2 includes options of planting whitebark pine for research and for planting spruce and lodgepole pine if research is not conducted and natural regeneration does not establish. A third alternative proposed by members of the public and interdisciplinary team was also considered but dropped from detailed analysis for the reasons described in sections 1.4.2 and 2.1 of the EA. Complete descriptions of the alternatives are contained in sections 1.5 and 2.2 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.

¹ Reference included in Appendix C of the EA.

² Schwartz, C., Haroldson, M., and Gunther, K. Distribution of Girzzly Bears in the Greater Yellowstone Ecosystem, 1990-2000. In Press.

3.3.3 Reasons for my Decisions

As the purpose and need for action in the Moccasin Basin area, I chose to emphasize the Forest Plan goals and direction related to improve the overall health and productivity of this portion of the Forest by reducing the incidence of spruce beetles (*Dendroctonus rufipennis*) and to minimize their spread to adjacent areas of the Forest. I also chose to emphasize acquiring further scientific knowledge of whitebark pine ecosystems, and to provide wood products for timber industry.

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 Moccasin Basin 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 1, the no action alternative.

Alternative 2 contains the option of UM planting whitebark pine for research purposes. If they do not choose to conduct research, natural regeneration would be monitored and fill-in planting to Englemann spruce and lodgepole would be performed to ensure regeneration of the salvaged area. For reasons discussed in section 3.3.1 of this Decision Notice and in section 1.3.2 of the EA, I have chosen to maintain the option of providing research opportunities for the UM to plant whitebark if they choose the salvage area as a study site.

My decision does not preclude the option of spruce and lodgepole establishment in the salvaged area. As stated in section 1.4.2 of the EA, it is not a decision of the Forest Service where the UM elects to conduct their research. They may or may not use the salvaged area to outplant their whitebark pine trees. Sections 2.4.1 and 3.2.2 of the EA describe that multiple species would most likely become established naturally in the salvaged area, and that reforestation surveys would be conducted to monitor regeneration success. If UM elects not to use the salvage as a study site, natural regeneration would be monitored and planting to spruce and lodgepole would be conducted to ensure reforestation of the site. As stated in sections 2.4.1 and 3.2.2 of the EA, if UM does plant whitebark pine trees in the salvage area, the potential exists that mortality from blister rust could occur on outplanted (and naturally regenerating) whitebark seedlings. Regeneration surveys would occur to determine mortality levels and regeneration success. If mortality is occurring and natural regeneration (of any species) is not establishing, the site would be reforested to spruce and lodgepole.

Lastly, 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 documentatation and am incorporating it as part of the record for this decision. MIS species are also discussed in section 3.2.1 of the 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 (sections 2.3 and 2.4 and Chapter 3 of the EA).

5.0 Findings Required by Laws and Regulations

5.1 National Historic Preservation Act

A cultural resource survey of the proposed salvage area was completed in the fall of 2001 and for the proposed sanitation area in June 2002. No cultural resources were found during either survey.

The Wyoming State Historical Preservation Office (SHPO) has reviewed the salvage report (SH-01-049 Moccasin Basin Salvage) and clearance was received March 4, 2002.

The sanitation report (SH-02-015 Moccasin Basin Salvage II) is being sent to SHPO for their review. Since no cultural resources were found in the additional survey area, the decision can proceed under the agreement letter dated May 24, 2002. This agreement allows the USFS to assume SHPO concurrence if no cultural resources are found. All documentation is located in the project file.

5.2 Endangered Species Act

A biological assessment/evaluation (BA/BE) has been prepared and is included in Appendix C of the EA. Determinations of “no effect” for grizzly bear and Canada lynx and “not likely to jeopardize the continued existence” of the gray wolf are made in the BA/BE. Since determinations of “no effect” were made for the grizzly bear and Canada

lynx, “formal” or “informal” consultation with and concurrence from the U.S. Fish and Wildlife Service is not needed. The Moccasin Basin proposal, however, was presented at a Level I Consultation Meeting in Cody, WY, on April 17, 2002 and during that informal meeting, the USFWS agreed with the determinations of effects.

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):

- Areas proposed for sanitation and salvage meet the “culmination of mean annual increment” exceptions in the Federal regulations at 36 CFR 219.16.
- No harvest will occur for timber production purposes on lands classified as unsuitable for timber harvest.
- The salvage portion of this proposal is capable of being regenerated within five years of 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 2.3 and 3.2.5 of the EA).

6.0 Finding of No Significant Impact

Based on my review of the Moccasin Basin EA, I have determined that Alternative 2 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 Moccasin Basin 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 Moccasin Basin EA.

Public Health and Safety. There is no significant effect to public health and safety. Project design addresses safety, primarily with including provisions for bear/human safety.

Unique Characteristics of the Geographic Area. This action will not affect any unique characteristics of the geographic area.

Effects to the Human Environment. The effects on the quality of the environment are not highly controversial or are unique or unknown. Chapter 3 of the EA documents the effects of the project. The project is similar to other actions that have occurred in the Moccasin Basin area, 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 3 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. (*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.

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 and in the project file. 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 *Dubois Frontier*, Dubois, 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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/s/ Burns Davison

June 27, 2002

Burns Davison
District Ranger
Wind River and Washakie Ranger Districts

Appendix A – Errata

The following lists errata and corrections for errors discovered in the Moccasin Basin pre-decisional EA after it was released for the 30-day comment period.

Page 2-2, section 2.2.2, 2nd paragraph. The proposed action is listed in section 1.5, not section 1.4 of the EA.

Page 3-11, section 3.2.5, cumulative effects. The second sentence should read Pre-use maintenance, not re-use maintenance.