

**DECISION MEMO**  
**Whitebark Pine Reforestation**

**USDA FOREST SERVICE**  
**Shoshone National Forest**  
**North Zone/Clarks Fork Ranger District**  
**Park County, Wyoming**

**T54N, R106W, Portions of Sections 4 and 8**  
**T55N, R 105W, Portions of Section 6**  
**T55N, R106W, Portions of Section 1, 2 and 12**  
**T57N, R107W, Portions of Sections 29 and 33**

**PROJECT IDENTIFICATION:**

Whitebark Pine Reforestation

**DECISION**

I have reviewed the scoping notice and comments and decided to implement Alternative 1 of the Whitebark Pine Reforestation Project; which is to plant whitebark tree seedlings on approximately 56 acres. The proposed action falls under Section 31.2 (5) of the Forest Service Handbook 1909.15-Environmental Policy and Procedures Handbook. This allows for regeneration of an area to native species.

**BACKGROUND AND PROPOSED ACTION**

**Proposed Action-Whitebark Pine Reforestation Project.** The purpose of the project is to improve the distribution of whitebark pine and to improve diversity and wildlife habitat in the long-term.

This project is located in Park County in the Squaw Creek, Painter Gulch and Sunlight Creek areas within the boundaries of the Clarks Fork Ranger District, Shoshone National Forest. The project site(s) are approximately 30 miles northwest of Cody, Wyoming. Approximately 56 acres would be planted. Project implementation is planned for the last week of June (June 24-28) and would take 5 days or less. The legal description is: T54N, R106W, Portions of Sections 4 and 8; T55N, R 105W, Portions of Section. 6; T55N, R106W, Portions of Section 1, 2 and 12; and T57N, R107W, Portions of Sections 29 and 33.

**PURPOSE OF AND NEED FOR ACTION**

The **Purpose and Need** for the action is:

This action is tied to guidance set forth in the 1986 Shoshone National Forest Plan and Record of Decision. General direction in the Forest Plan (FP-III-8) is "Improve tree age class and species

diversity to benefit forest health, recreation experiences, visual quality and wildlife habitat.” The **project is needed** in order to meet Forest Plan direction:

- Improve habitats where vegetation conditions are significantly below biological potential (FP-III-8)
- Additional plan direction is:
  - Improve habitat capability through direct treatments of vegetation, soils and waters (FP-III-52).
  - Use trees of the best genetic quality available that are adapted to the planting site (FP-III-68).
  - Provide habitat for viable populations of all native vertebrate species of fish and wildlife (FP-III-210).

The **purpose** of the proposal is to improve the distribution of whitebark pine to improve diversity and wildlife habitat.

## **SCOPING AND PUBLIC INVOLVEMENT**

In April 2002 letters were sent to approximately 30 individuals and 28 Native American Tribal contacts to scope their ideas and identify issues/concerns/opportunities.

Results from this scoping and public involvement effort are summarized as follows. Issues revolving around regulations, grazing, multiple use, fees, growth and development, tourism, off-highway vehicle management, economics, and others could enter the discussion. However, resolution of all issues is beyond the scope of this analysis.

This decision is being distributed to interested and potential affected parties, including those who responded during the scoping process.

## **ISSUES AND DECISION-MAKING PROCESS**

The decision rationale for implementing the proposed action is based on concerns/issues and opportunities identified during scoping and how the decision would address the issue. No controversy or major concerns or issues were identified.

No significant ground disturbance is associated with hand planting tree seedlings. The decision and actions implemented need to be the most expeditious cost efficient method available to address concerns. A decision-making process was followed, where 1) the problem was defined with the help and input of the public, local government, and staff expertise; 2) possible alternative solutions were identified and evaluated; 3) the solution thought to be the best to solve the problem was selected; 4) project design measures developed to implement the solution and provide an adequate level of resource protection; and 5) established a procedure to evaluate progress, compliance, and need for adaptive changes.

## **ALTERNATIVES**

Based on field survey and scoping, several alternatives were developed:

- No Action

- Alternative 1 - The Proposed Action (56 acres) would be implemented with the described actions and project design.
- Alternative 2 – A larger area of 100-200 acres was considered in the scoping. Field surveys indicated that many acres were not suitable and were subsequently dropped.

No other alternatives or methods were identified from issues and concerns raised through scoping and public involvement.

## **RESOURCE PROTECTION /PROJECT DESIGN MEASURES**

Project design for resource protection and methods for implementation to minimize any environmental effects or site enhancement would include:

- A cultural resource survey has been completed and no sites were located and no change to the historic nature of the area would result.
- Biologists were consulted for their expertise on bear/human interactions and how to best implement this action. Guidelines for reducing bear/human conflicts would be incorporated into the project, to include compliance with the requirements of the Grizzly Bear Management and Protection Plan:
  - ✓ Garbage and refuse handling and disposal procedures would be implemented.
  - ✓ Human safety awareness training, human/bear conflict prevention procedures, and encounter procedures would be conducted.
  - ✓ Enforce human activity restrictions by area, season, etc.

## **REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION**

The proposed action falls under Section 31.2(5) of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook. Based on internal and external scoping, field reviews, specialist’s input and past experience, the effects of implementing this action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environment. The primary justification for this determination is that it involves the use of the land that does not involve significant changes in the physical environment.

## **FOREST PLAN DIRECTION/FINDINGS REQUIRED BY OTHER LAWS**

This proposal is consistent with laws, regulations, and policy, as well as direction and standards and guidelines in the Shoshone National Forest Land and Resource Management Plan (LRMP), as required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12). This decision is in accordance with other applicable federal regulations and laws. A cultural survey was completed and no sites were found. Per the 5/24/02 SHPO letter, concurrence can be assumed for the purpose of Section 106 compliance and the project can proceed since no sites were found.

## **FINDING OF NO EXTRAORDINARY CIRCUMSTANCES**

Under the Forest Service Handbook definition, extraordinary circumstances exist, only when *conditions* associated with the proposed action are identified by the line officer making the decision “as potentially having effects which may significantly affect the environment.”

Scoping was conducted to identify any conditions associated with a normally excluded action as potentially having effects, which may significantly affect the environment.

Extraordinary circumstances include, but are not limited to, steep slopes or highly erosive soils, threatened and endangered species or their critical habitat, wetlands and flood plains, wetlands, or municipal watersheds, inventoried roadless areas, Congressionally designated areas (such as wilderness, wilderness study areas, or National Recreation Areas), Research Natural Areas, or Native American religious or cultural sites, archaeological sites, or historic properties or areas. These are summarized in the following table below to describe the situation for extraordinary circumstances and the effects the project would or would not have.

Determinations for extraordinary circumstances were reviewed in the context of the Forest Service Handbook (1909.15 Chapter 30.3-30.5) and definition and the court decision below<sup>1</sup>. Extraordinary circumstances exist, or are “present”, only when *conditions* associated with the proposed action are identified “as potentially having effects which may significantly affect the environment.”

Extraordinary Circumstances	<b>Conditions that may lead to a finding of extraordinary circumstances (Yes or No). If needed, <i>conditions</i> that may lead to a finding of extraordinary circumstances are discussed in greater detail following the table.</b>
a. Steep slopes or highly erosive soils	No. Steep slopes or highly erosive soils are not present; therefore, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist.
b. Threatened and endangered species or their critical habitat (Attach concurrence from fisheries/wildlife biologist and botanist as needed)	Yes, discussed below. A Biological Evaluation process for Proposed, Listed, and Sensitive Species was completed.
c. Flood plains, wetlands, or municipal watersheds	No. Steep slopes or highly erosive soils are not present; therefore, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist.
d. Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.	No. None present; therefore, no effects from the project on Congressionally designated areas.
e. Inventoried roadless areas.	YES. The project is within an inventoried roadless area. No motorized access would be used and no road construction is involved. Roadless characteristics would be maintained.
f. Research Natural Areas	No. None present; therefore, no effects from the project on research natural.
g. Native American religious or cultural sites, archeological sites, or historic properties or areas.	No. None present as determined by the Forest Archaeologist.

<sup>1</sup> The United States District Court for the District of Utah recently reviewed the provisions of the FSH related to categorical exclusions in *Utah Environmental Congress v. U.S. Forest Service*, Case No. 2:01-CV-00390B. In a Memorandum Opinion and Order issued June 19, 2001, the court found the above interpretation of the FSH to be reasonable. Specifically, the court found that the phrase “presence of” referred to *conditions* that may lead to a finding of extraordinary circumstances, not to the phrase “extraordinary circumstances.”

**Conditions** that may lead to a finding of extraordinary circumstances are discussed in greater detail in the following:

**Threatened and Endangered Species:** I have concluded that the project would have no effect on any endangered or threatened species known or suspected to occur in the project influence zone; therefore no conditions that may lead to a finding of extraordinary circumstances exists. This is based on the biological evaluation process, conclusions, and determinations made by the North Zone Wildlife Biologist that concluded:

*“It is my determination that the proposed action will have “no effect” on any proposed or listed species known or suspected to occur in the project area. I have also concluded that this proposed action would have “no effect” on any Region 2 sensitive species known or suspected to occur in the project area, or on any Forest Plan management indicator species (MIS) that are known or suspected to occur in the area.”*

The wildlife documentation for the analysis/evaluation of this proposal relative to the following species is located in the Wapiti District project file:

- ✓ Proposed, Threatened, and Endangered Species
- ✓ Region 2 Designated Sensitive Species
- ✓ SNF Forest Plan Management Indicator Species (MIS)

**Summary** - I have reviewed the proposal and determined that no significant effects would occur from its implementation. The effects of the actions, as determined through internal scoping, are not highly controversial and are similar to other actions that have been implemented in the area. The effects on the human environment are not highly uncertain or involve unique risks. The action is not related to any actions that would result in significant cumulative impacts. The project does not represent a decision in principle about future considerations and does not violate federal, state, or local laws or requirements imposed for protection of the environment.

## **IMPLEMENTATION AND CONTACTS**

This decision can be implemented immediately and is not subject to appeal pursuant to 36 CFR 215.8 (a) (4). In order to ensure safety for employees and the public and protect infrastructure/facilities, this project would be implemented as soon as possible during the summer of 2002. For further information on this decision, contact Denny Gross, Forester, or Marty Sharp, NEPA Coordinator, 203A Yellowstone Ave., Cody, Wyoming 82414 or telephone 307-527-6921.

*Brent L. Larson*

*6/21/02*

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**Brent L. Larson**  
**District Ranger**

**Date**