

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

Wind River Regeneration Harvest

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

1.0 Introduction

The Wind River Regeneration Harvest Environmental Assessment (EA) discloses the environmental effects of proposed vegetative treatment and associated actions in the Horse Creek and Cartridge Creek areas. The Wind River Regeneration Harvest 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. It is also tiered to the Horse Creek Watershed Assessment (HCWA) and its accompanying roads analysis (HCRA).

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, HCWA, HCRA, Forest Plan (as amended) direction relevant to the proposed project, and related material including the Wind River Regeneration Harvest 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, HCWA, and HCRA are available for review at the Wind River Ranger District office in Dubois, WY.

1.1 Project History

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

Scoping was conducted in January and February of 1999. Comments that were received during this scoping period were addressed in two Decision Memos signed on September 3, 1999. However, due to a 1999 court ruling an Environmental Assessment and Decision Notice needed to be prepared in lieu of the Decision Memos. Subsequently, the proposed action was rescoped for a two-week period beginning January 20, 2000. Those who expressed an interest in this proposal by responding to the initial scoping were notified of the rescoping period and mailed a copy of the original scoping statement. The proposed action remained unchanged through this process. The scoping letters stated that three areas (Burroughs Creek, Cartridge Creek, and Horse Creek) would be treated with clear-cut with reserve tree regeneration method.

A pre-decisional EA was completed and released for public review and comment on May 8, 2002. Section 1.5 of the EA includes details of what 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.

1.2 Location

The proposed harvest areas are approximately 14 miles north of Dubois, WY, in Fremont County (*see* EA Appendix A, figure 1). The legal description of the proposal is in:

- section 11, T.43N., R.107W., 6th P.M.
- section 6, T.43N., R106W., 6th P.M.
- sections 27, 28, 33, and 34, T.44N, R.106W., 6th P.M.

The area adopted for analysis in the EA corresponds to the Cartridge Creek watershed and the middle segment of the Horse Creek watershed between Burroughs Creek and Parque Creek (*see* EA Appendix A, figure 2). The analysis area is approximately 14,827 acres.

1.3 Forest Plan Management Area Designation

The areas proposed for treatment fall 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 1.2 of the EA, I have chosen to move primarily toward meeting the goals, management direction, and recommendations as outlined on pages 1-2 through 1-4 of the EA.

In summary, the purpose and need for this project incorporates alternatives that improve stand health or resistance to insects and disease, improve age-class diversity in the

forested area, and reduce wildfire risk. Other Forest Plan goals and objectives, such as those associated with transportation systems or 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 1 for implementation for the Wind River Regeneration Harvest. 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 under this decision, 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 will take place on approximately 90 acres divided into three units near Rainbow Lake, Catridge Creek, and Horse Creek. Slash created from vegetative treatments will be lopped and scattered to a depth of 24 inches. Landing slash and other concentrations of slash not adjacent to reserve trees will be jackpot burned. Implementation of silvicultural treatments will require pre-use maintenance, spot reconstruction, 0.20 miles of temporary road, and re-opening of one closed road (285.2HA). Temporary roads would be obliterated and FSR 285.2HA would be closed again after project completion so that there will be no net increase in road mileage.

3.2 Mitigation and Monitoring

To prevent adverse effects or to maintain acceptable limits of change during project implementation, the following mitigation and monitoring measures will apply to my decision: 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 Wind River Regeneration Harvest EA.

3.3 Decision Process

3.3.1 Public Involvement

Scoping. During the initial scoping period for this project, the IDT identified members of the public who may have an interest in the decisions made for the project area or whom the proposed projects could have affected. The rescoping letter was mailed to individuals who sent in comments to the original scoping. The mailing lists of the individuals, groups, agencies and organizations contacted during both scoping periods can be found in the project file. Scoping letters, news releases, and comments received from both scoping periods are also contained in the project file. Section 1.3 and Appendix B of the EA show how the analysis incorporated all scoping comments.

Issues identified for the project area (section 1.3.2 of the EA) include regeneration method and associated slash disposal; harvesting effects on wildlife, forest health, roadless areas, soils, water quality, and fisheries resources; recreation conflicts with Horse Creek trailhead users; and economics. These issues were addressed through development of alternatives and/or mitigation, or through the disclosure of environmental effects.

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.

Three comment letters were received, one from the Wyoming Outdoor Council (WOC), one from the Dubois Wildlife Association (DWA), and one from the Wyoming State Offices (WYS). The comments and responses to them are summarized in Appendix B of this Decision Notice.

I concur with the responses listed in Appendix B of this decision. 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

I chose to emphasize the Forest Plan goals and direction related to improving stand health or resistance to insects and disease, improving age-class diversity in the forested area, and reducing wildfire risk as the purpose and need for action.

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 Horse Creek and Cartridge Creek watersheds to comply with the Forest Plan (as amended). The comparison of existing conditions with Forest Plan direction as outlined in section 1.2 of the EA indicated that management actions are needed in the area. Therefore I decided not to implement Alternative 2, the no action alternative.

Alternative 3 contains many of the components of Alternative 1. The main difference in alternatives is that Alternative 3 uses clear-cutting without reserves and includes broadcast burning of slash. I have chosen to implement Alternative 1 because it leaves residual trees for seed sources and additional slash on the ground to better meet down woody requirements outlined in section 2.2 and Appendix C of the EA.

One other issue I want to discuss is the impact of the harvest in the Cartridge Creek unit on inventoried roadless. Under the Chief's Interim Roadless Directive it is within my decision authority to harvest in an inventoried roadless area if:

The harvest is in a portion of an inventoried roadless area where construction of a classified road and subsequent timber harvest have previously taken place, and the roadless area characteristics have been substantially altered by those activities (FSM 1925.04a and 04b)

The Cartridge Creek unit is currently accessed by a classified road (FSR 285.2HA). All parts of the Cartridge Creek unit are within 0.5 miles of the classified road. I have had the IDT provide pictures of the road in Appendix C of this decision. Under Alternative 1 there is no road construction or reconstruction within inventoried roadless. Also as noted in the EA, the Cartridge Creek unit has previously been harvested. Based upon my review of this information I determined that the roadless characteristics of the Cartridge Creek unit have already been substantially altered by past activities. The implementation of Alternative 1 will conduct activities similar to what has occurred in the past and it will not increase the acres of the roadless area that have already been impacted. It is my assessment that there will be no long-term impact to the inventoried roadless area as a result of Alternative 1. Any management decision that we make now

for management of the roadless area will not preclude options for the future, because conditions critical to roadless designation will not have changed.

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 2.0 (11/2002).” MIS species are also discussed in sections 3.9.1 and 4.9.1 of the EA. I have reviewed this documentation and am incorporating it as part of the record for this decision.

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 1.2). 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 2.2 and 2.3 and Chapter 4 of the EA).

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. The concurrence letter states that if any cultural materials are discovered during project activities, work in the area should be halted and should not resume until the materials have been evaluated and adequate measures for their protection have been taken.

5.2 Endangered Species Act

A biological assessment/evaluation (BABE) has been prepared and is included in Appendix C of the EA. Concurrence from the U.S. Fish and Wildlife Service (USFWS) on the determinations of “not likely to adversely affect” for grizzly bear and Canada Lynx, “not likely to jeopardize the continued existence” of the gray wolf, and “no affect” for bald eagle was received in a letter dated April 25, 2002. The concurrence

letter is located in the project file. The USFWS requested that if the scope of the project is changed or the project is modified in a manner that may affect a listed species, the USFWS should be contacted to discuss consultation requirements.

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.
- 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.
- 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 Wind River Regeneration Harvest 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 Wind River Regeneration Harvest 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 associated 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. All effects have been considered and are disclosed in the Wind River Regeneration Harvest 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 and logging traffic/safety signing as appropriate.

Unique Characteristics of the Geographic Area. This action will not affect any unique characteristics of the geographic area. As noted in the discussion above, the inventoried roadless area within the Cartridge Creek Unit has already been altered by past roading and harvest activities and Alternative 1 will not increase the area that has already been impacted.

Effects to the Human Environment. The effects on the quality of the environment are not highly controversial, nor are they unique or unknown. Chapter 4 of the EA documents the effects of the project. The project is similar to other actions that have occurred in the analysis 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 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.

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 (*see* discussion in Appendix B and C of this decision) 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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Deciding Official.

Mark Hirschberger, Acting District Ranger
PO Box 186 (1403 W. Ramshorn)
Dubois, WY 82513

Phone: (307) 455-2466

/s/ Mark Hirschberger

December 9, 2002

MARK HIRSCHBERGER
Acting District Ranger

Date

Appendix A – Errata

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

Page 1-4, Section 1.2.2. The heading ‘Opportunities’ is spelled incorrectly.

Page 2-3, Access and Logging Systems, Cartridge Creek. The first sentence should read ‘Access would use FSR 285.2HA’ instead of ‘Access would use FSR 285.2H.’

Page 3-22, last sentence. This sentence should read ‘This road is a classified road and previous timber harvest has occurred in this area.’

Page 4-3, section 4.3, second paragraph. The second sentence should read ‘...(see section 4.13.3)’ instead of ‘...(see section 4.12.3).’

Page 4-8, second paragraph, last sentence. The last sentence should read ‘see section 4.13...’ instead of ‘see section 4.12.3...’.

Appendix A, Figure 7. Figure 7 in the pre-decisional EA is incorrect and is a duplicate of Figure 6, the Cartridge Creek unit. The appropriate Figure 7 (the Horse Creek unit) is included in this Appendix.

Proposed Regeneration Harvest Area
Horse Creek
Wind River Ranger District
Shoshone National Forest
T43N, R106W, Section 6

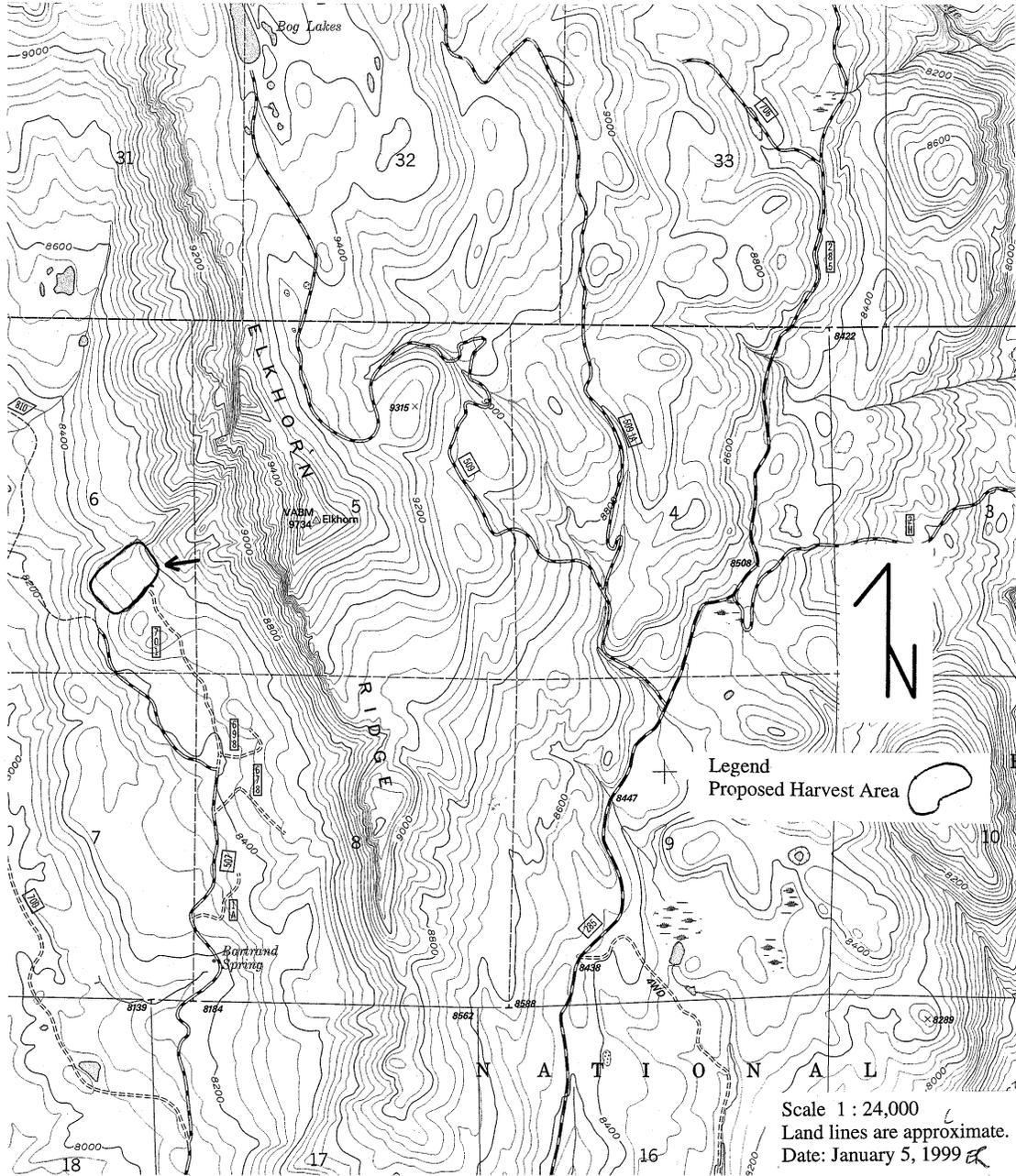


Figure 7. The Horse Creek unit. This figure should replace Figure 7 in Appendix A of the pre-decisional EA.

Appendix B

Summary of Comments from the Wind River Regeneration Harvest Pre-Decisional EA

Source ¹	Category	Comment No.	Comment	Response
WOC	Corridors	PEA 1-18	WOC considers the protection of intact migratory corridors essential to reducing the future fragmentation of wildlife habitat in Greater Yellowstone ecosystem. WOC expects that each of the project alternatives and individual treatment sites will succeed in protecting or restoring biological corridors in the project area, including species-specific assessments of corridor location and use. This analysis should emphasize corridor use of all MIS and TES species and migratory ungulates.	See sections 3.9, 4.9, and Appendix C of the EA.
WOC	Cultural	PEA 1-29	Cultural resource field reconnaissance is necessary to analyze the effects of the various proposed activities to this non-renewable resource. Without a sufficient quantity of field review it is impossible to evaluate the consequences of the various alternatives for the NEPA document.	See sections 3.7 and 4.7 of the EA and section 5.1 of the Decision Notice.
WYS	Cultural	PEA 3-1	Management of cultural resources on USDA Forest Service Shoshone National Forest projects is conducted in accordance with Section 106 of the National Historic Preservation Act and Advisory Council regulations 36 CFR Part 800. These regulations call for survey, evaluation and protection of significant historic and archeological sites prior to any disturbance. Provided the Shoshone National Forest follows the procedures established in the regulations, we have no objections to the project.	See sections 3.7 and 4.7 of the EA and section 5.1 of the Decision.

¹ DWA = Dubois Wildlife Association; WYS = Wyoming State Offices; WOC = Wyoming Outdoor Council

Source ¹	Category	Comment No.	Comment	Response
WOC	Cumulative Effects	PEA 1-14	WOC requests that the environmental analysis detail all other projects (USFS, private, or otherwise) that would lead to cumulative effects on this project. The cumulative effects of the timber harvest activities, oil and gas leases and development, and existing roads (open and closed) from motorized vehicle use and trespass on closed areas on water quality, secure habitat for threatened grizzly bear, lynx, wolves and ungulates, timber regeneration, and cover/forage level for each area is essential information necessary for a correct decision to be made. This analysis should not be limited to public land; the Forest Service is obligated to analyze cumulative impacts of actions on private lands, and its effect on public resources.	See chapters 3 and 4 of the EA, especially section 4.13 of the EA. Mitigation is outlined in section 2.2 of the EA.
WOC	Fisheries	PEA 1-22	The environmental analysis should disclose the current condition of fisheries habitat, particularly spawning and pool habitat, and what the anticipated effects of the project will be. It would be helpful if the documentation would include baseline, current and predicted sediment loads for the streams in the project area. Any stream segments occupied by pure strains of Yellowstone Cutthroat Trout should be disclosed and the impacts on their habitat prevented. Any negative impacts to water quality should be disclosed in the NEPA documentation and assurances made that poor quality water in Horse Creek or Brent Creek not be made worse by these activities.	See sections 3.8, 4.8, and 4.13.5 of the EA.
WOC	Fragmentation	PEA 1-19	WOC considers forest fragmentation within the Horse Creek/Cartridge Creek project area one of the most serious issues confronting ecosystem health and is glad that it has been assessed in this watershed and roads analysis. The effects of proposed oil and gas development and past logging and road construction/reconstruction to species dependent on contiguous secure forest habitat must be evaluated.	Oil and gas leasing is outside the scope of this proposal. See sections 3.9, 4.9, and 4.13 and Appendix C of the EA for other effects discussions.
WOC	Horse Creek Assessment	PEA 1-30	WOC hopes that the Forest Service would include this timber management proposal in the Horse Creek Watershed Improvement Project. WOC members regularly use this area and support efforts to protect this valuable migratory wildlife habitat and the Horse Creek headwaters of the Wind River.	The Wind River Regeneration Harvest Decision and EA is tiered off of the Horse Creek Watershed Assessment and Roads Analysis. Recommendations from these documents have been incorporated into the EA (see sections 1.1.2 and 1.2.1 of the EA). The Horse Creek Watershed Improvement Project and the Wind River Regeneration Harvest EA are separate decisions, since the emphasis in each EA is different.

Source ¹	Category	Comment No.	Comment	Response
WOC	Hydrology	PEA 1-21	WOC supports the intent to improve water quality impacts that have resulted from the excessive road construction and logging of the past. WOC requests a careful analysis of the impacts to fisheries including considerations of sedimentation, channel stability, and increases in stream water temperature on a site-specific basis for each treatment site. With entry into riparian areas, there is potential for sedimentation problems to occur, particularly where steep slopes and unstable soils are to involved. Areas, such as where the Brent Creek Road crosses the Blue Slide have contributed significantly to the sediment loads of Brent and Horse Creeks.	See sections 3.8, 4.8, and 4.13.5 of the EA. The Blue Slide area is outside of the analysis area.
DWA	Local Economy	PEA 2-3	The DWA supports those projects that local sawmill operators, house log contractors, fencing businesses, etc can successfully bid on. By the same token, local woods product users need to understand Forest Service goals, requirements, constraints, etc.	The treatment areas will yield multiple wood products. The Forest Service sells it's timber sales at competitive bid to the highest bidder. However, a certain percentage of sales sold from the Forest are Small Business Set Aside sales, meaning small operators would have the opportunity to bid.
DWA	Monitoring	PEA 2-4	Adequate monitoring of the project by the Forest Service must be a priority during all phases.	See section 2.3 of the EA. The sales will be administered for contract compliance.
WOC	NEPA	PEA 1-3	In addition, we remind the Forest that there is a nationwide injunction, issued by the 7th Circuit Court, against using Categorical Exclusions for timber harvest activities. (Heartwood, Inc. v. United States Forest Service, 73 F.Supp.2d 962 (S.D.Ill.1999) aff ,d 230 F.3d 947 (7th Cir.(Ill.)2000).)	See pages 1-4 and 1-5 and page Appendix B-4 of the EA and section 1.1 of this Decision Notice.
DWA	NEPA	PEA 2-7	The DWA believe an EIS is required in order to fully evaluate and document this project.	See section 6.0 of this Decision Notice.
WOC	Noxious Weeds	PEA 1-25	WOC expects that the ground disturbing activities associated with road ripping, timber harvest, and road and trail reclamation will create increased opportunities for noxious weed infestation. There are several aggressive weeds on the Shoshone Forest that are spreading and becoming more difficult to eradicate (eg. Canada thistle, musk thistle, etc).	See sections 2.2.7, 2.3, 3.9.3, and 4.9.3 of the EA.

Source ¹	Category	Comment No.	Comment	Response
WOC	Noxious Weeds	PEA 1-26	Biological control, integrated pest management, and herbicides have been relatively ineffective in most areas as the spread of these species continues. Sources of noxious weeds in and adjacent to the project area should be disclosed. The NEPA document should address the methods used to control noxious weed infestations and techniques to discourage any new weed establishment. The funding necessary to implement weed monitoring, protection and treatment if it is necessary and whether it is adequate should be in the documentation.	See sections 2.2.7, 2.3, 3.9.3, and 4.9.3 of the EA.
WOC	Openings	PEA 1-5	Over the past twenty years, science has clearly made the case that large created openings have profoundly detrimental effects to ungulates, Threatened and Endangered species, soils, water quality and fisheries.	The openings created by these harvests are small, are widely scattered across the landscape, and have minimal effect. Beneficial effects of created openings are documented in sections 4.2, 4.9, and 4.13 of the EA.
WOC	Openings	PEA 1-8	In addition, we request a thorough review of the potential effects that created openings would have on management indicator species, ungulates and other threatened or endangered species, such as the grizzly bear.	See sections 3.9, 4.9, 4.13.6, and Appendix C of the EA.
WOC	Outfitter Camp	PEA 1-27	WOC supports appropriate levels of recreation on the Shoshone national forest where it does not impact the wildlife, fisheries and soil stability of the land and water resources. However, there is cause for concern with the high impact horse use around the existing outfitter camp. Outfitter base camps by nature cause substantial vegetation damage, compaction and weed introduction due to the heavy use in a relatively small area.	The outfitter camp is outside the scope and the analysis area of the EA.

Source ¹	Category	Comment No.	Comment	Response
WOC	Prescribed Burning	PEA 1-10	WOC supports prescribed burns as a management tool of choice. This issue was addressed in the planning document, but burns do not appear to be part of this proposal. Fire is a major missing component of forest health management during the past century and should be included in silvicultural proposals such as this one to benefit the future ecological health of the forest.	In 7E management areas (Wood Fiber Production) prescribed burning can be used as a management tool, but is not a preferred tool since the emphasis is on providing wood products. Prescribed burning was also not considered in this area due to the difficulty of obtaining prescribed burn windows; it is not very often that weather, fuel, and moisture conditions are favorable to prescribed burning. Lastly, with mechanical treatment (e.g. timber harvest), a good fireline can be constructed and any burning done for slash reduction will satisfy risk assessments required for prescribed burning of activity fuels. With prescribed burning alone, geographic, topographic, and/or vegetative boundaries need to be in place that would contain the prescribed burn. These boundaries may not all be present in the proposed treatment areas.
WYS	Recreation Use	PEA 3-2	Page 3-6 states that Horse Creek receives minimal use. While this may be true for most perennial streams in this part of the state, the portion of Horse Creek above Burroughs Creek does receive considerable fishing pressure. Although we have no specific estimates of fishing pressure on this portion of the stream, many people are attracted to this area due to the existence of a private campground.	It is recognized that the portion of Horse Creek in close proximity to Horse Creek campground does receive somewhat higher use. Horse Creek, however receives minimal use within the entire analysis area, overall, as stated on page 3-6 of the EA.
WOC	Regeneration	PEA 1-9	WOC also supports efforts by the Forest to include an alternative which excludes domestic livestock grazing from areas to be regenerated, as this is the most effective way to maximize potential seedling tree survival.	Section 4.4 of the EA states that the effect from domestic livestock should be minimal. In addition, regeneration surveys will be conducted (<i>see</i> section 2.3 of the EA). These surveys will assist in monitoring level of impact. Allotment management plans allow for cattle to be moved if surveys indicate that damage to regeneration is occurring.

Source ¹	Category	Comment No.	Comment	Response
WOC	Regeneration	PEA 1-11	WOC acknowledges the goals identified in the Shoshone Forest Land and Resource Management Plan with the exception of the 7E classification for this area for "wood fiber production." However, this area has marginal timber production and poor regeneration rates at best.	The interdisciplinary team (IDT) reviewed the management area designations and confirmed that they are appropriate for this area. Table 3-1 in section 3.2 of the EA shows that 2350 acres (54%) of the lodgepole pine cover types are seedling/sapling sized. Table 4-5 in section 4.13.2 of the EA shows that 15% of the analysis area was clear-cut. The project file indicates that the majority of the stands that received regeneration harvests have been certified as fully stocked. This data indicates that the analysis area has regenerated well after harvest and has good to high timber production capabilities.
DWA	Regeneration	PEA 2-6	On page 4-3, 4.4 Effects on Range Resources, monitoring of the project must be done in order to evaluate possible impacts to regeneration of all vegetation, particularly aspen.	See response to comment PEA 1-9. The treated areas are being managed for lodgepole pine, not aspen.
WOC	Resources	PEA 1-4	The Forest Service must also take into consideration the profound effects that timber harvest and roads in this area have had on wildlife, water quality, soils and slope stability in the past decades.	See sections 4.8, 4.9, 4.13, and Appendix C of the EA. In particular, Appendix C-22 states that bear numbers have been increasing on and off of the Wind River district inside and outside of the recovery zone, and that present habitat effectiveness is a result of past management activities, including timber harvest. The BABE goes on to say that the proposed harvest activities are small in scale, surrounded by other adequate forest cover, and will not contribute any great effect to grizzly bears. The activities proposed are not different than what has been done in the past, while bear use has been expanding and increasing.
DWA	Resources	PEA 2-5	The DWA again wishes to express interest in protecting and enhancing wildlife habitat, clean water, and outdoor recreational opportunities.	Comment noted.

Source ¹	Category	Comment No.	Comment	Response
WOC	Riparian	PEA 1-20	WOC requests that all riparian areas be excluded from future roads and timber harvest. Aspen trees are essential habitat to the native species of this area. By promoting riparian regeneration projects the streams will be stabilized and riparian flora can filter additional sediment from entering the streams and shade the streams for cooling effect.	No harvest is proposed in riparian areas. <i>See</i> sections 3.8, 4.8, and 4.13.15 of the EA.
WOC	Road Closures	PEA 1-16	WOC encourages reduction of road density and remaining effective habitat following these sales. We ask that the Forest Service offer viable and specific mitigation measures to correct or prevent inadequate road closures to compensate for any possible adverse impacts to wildlife in the project area. Ineffective road closures during the past decade have resulted in further pioneering of roads and trails in the Horse Creek watershed by our own observations in the past year. Credible science literature now cites a distance of at least one mile from a roads to secure habitat. As stated, "(t)he more road construction, the less remote and more circumstances this habitat can get." WOC agrees and hopes that effective road closures proposed in this plan will prevent further impacts on these sensitive wildlife species. Secure habitat for the grizzly bear, lynx and gray wolves has been reduced as a result of high road density and lack of cover in the project area. A biological assessment and evaluation of the impacts of this project on Threatened, Endangered, or Sensitive species should be included in the documentation for each proposed treatment area.	The BABE is included in Appendix C of the EA. <i>See</i> mitigation measures in section 2.2 of the EA. The Horse Creek Watershed Assessment and Horse Creek Watershed Improvement project both recommend and/or propose road decommissioning; these effects are disclosed in Chapter 4 of this EA.
WOC	Road Closures	PEA 1-28	In addition, past use of this area has shown chain saw timber cutting in the Washakie Wilderness. The escalating ATV use and trespass of the Horse Creek and Cartridge Creek area has seriously impacted the forest and needs to be corrected. With an effectively marked road system, closures and enforcement, we hope that this EA will accomplish that goal.	These comments are outside the scope of this EA, but are being addressed in the Horse Creek Watershed Improvement Project.
WOC	Roadless	PEA 1-13	One of the proposed timber sites is located in the Cartridge Creek Roadless Area, which by definition is counter to the Roadless Area management requirements.	<i>See</i> sections 2.1.2, 2.2.6, 3.12, and 4.12 of the EA. <i>See</i> Appendix C of this Decision Notice for additional information.
DWA	Roadless	PEA 2-1	The Dubois Wildlife Association (DWA) is unclear how the proposed project would comply with Forest Service Roadless rules and law.	<i>See</i> response to comment PEA 1-13.

Source ¹	Category	Comment No.	Comment	Response
WOC	Roadless/Road Closures	PEA 1-12	There are two roadless areas in the vicinity of Deacon Meadows/Carson Lake and west of the Horse Creek/Burroughs Creek divide that are now sustaining serious motorized vehicle trespass by All-Terrain Vehicles (ATVs). These roadless areas should be protected as part of this EA's decision for watershed and road management on the Wind River District.	Deacon Meadows/Carson Lake area is outside of the analysis area for this EA. The ATV issue is outside the scope of the Wind River EA. Deacon Meadows/Carson Lake, however, are included in the Horse Creek Watershed Assessment and Horse Creek Watershed Improvement Project EA.
WOC	TES	PEA 1-24	Potential habitat of threatened and endangered plant species and the field reconnaissance of these areas should be included in the biological evaluation for the NEPA documents. The proposed harvest units and other activities that impact TES plants and their habitat should be addressed for each alternative.	See sections 3.93, 4.9.3, and Appendix C of the EA.
DWA	Timing	PEA 2-2	There seems to be uncertainty as to when the project would take place, summer or winter. This will make much difference as to impacts.	Section 2.2 of the EA includes prohibition of harvest activities from April 1 through June 30 to prevent disturbance to grizzly bears and calving elk. Unless snow levels are light enough or otherwise agreed to by interested parties, no hauling would be permitted from December 1 through April 1 on the Cartridge Creek unit to prevent conflicts with a commercial dogsled operation. Otherwise, there are no restrictions on harvesting operations. Realistically, snow levels generally prevent harvest operations in the winter due to difficulty of keeping roads open for haul. This EA, however, does not restrict operations outside of April 1 - June 30 for all units and from December 1 - April 1 for the Cartridge Creek unit.
WOC	Visuals	PEA 1-23	Areas proposed for regeneration activities are mainly along existing roads. Due to the high visual quality considerations, WOC requests that a visual quality analysis be completed for the area.	See sections 3.6 and 4.6 of the EA.
WOC	Whitebark pine	PEA 1-6	In addition, the healthy stands of whitebark pine (WBP) in the Horse Creek Area have been well documented. These stands appear to be the most disease-resistant WBP in the Greater Yellowstone ecosystem according to the Yellowstone Ecosystem Subcommittee analyses.	Comment noted.

Source ¹	Category	Comment No.	Comment	Response
WOC	Whitebark pine	PEA 1-7	Please document the science supporting success of WBP regeneration in timber harvest areas.	Comment is outside the scope of the EA. A discussion of whitebark pine silvics, however, is included in section 3.2 of the EA and effects to whitebark pine are discussed in section 4.2 and 4.13 of the EA.
WOC	Wildlife	PEA 1-2	WOC expects that the Forest Service will use this opportunity to analyze the significant issues or concerns affecting wildlife in the Horse Creek area. These should be addressed in the context of the Horse Creek Watershed Improvement Project analysis. There are many significant issues and concerns related with this proposal, and the Forest is required by NEPA to conduct the appropriate level of analysis and disclosure of effects.	These effects have been discussed in sections 3.9, 4.9, 4.13, and in Appendix C of the EA. The Horse Creek Roads Analysis includes an effects discussion to wildlife, and the Horse Creek Watershed Improvement Project EA will also include an effects discussion.
WOC	Wildlife	PEA 1-15	We would like to see an analysis of the effects of the proposed activities on all forest indicator species for each treatment site. The NEPA documentation should include monitoring from previous similar logging activities and the affects to MIS.	See sections 3.9, 4.9, and Appendix C of the EA. See also MIS information included in Appendix D of this Decision Notice.
WOC	Wildlife/Hydrology	PEA 1-17	WOC agrees with the Forest Service inventory that identified past unacceptable effects on: 1.Grizzly bear and lynx security due to high road densities and increasing motorized use. 2.Long-term soil productivity and stream health from erosion and sedimentation due to lack of road maintenance, use during wet periods, inadequate or lack of road design and road length extension by Forest users.	Comment noted.
WOC	Wildlife/Roads	PEA 1-1	Of primary concern in the Horse Creek/Cartridge Creek watershed is the valuable habitat for wildlife (grizzly bear, lynx, wolves, wolverine, and ungulates) that has been reduced by the excessive number of roads that have been constructed in the past.	See sections 4.3, 4.8, 4.9, 4.13, and Appendix C of the EA. The Horse Creek Watershed Assessment and Horse Creek Roads Analysis address these concerns. The Horse Creek Watershed Improvement Project EA will also address these concerns.

Appendix C – Roadless Area Discussion

FSR 285.2HA accesses the Cartridge Creek treatment area. This road parallels FSR 285 and is a classified road that has been used to access the Cartridge Creek I salvage in 1999 (*see* Map DN-1 in this Appendix). Previous sale area maps and/or documentation on past harvests are included in the project file. The majority of the road lies outside of the roadless area (*see* Map DN-2 in this Appendix.). FSR 285.2HA is currently closed by large berms and water bars. Section 2.2.6 of the EA states that this road would be gated during the life of the sale to prevent access while harvest activity is occurring. The road would be closed again after harvest activity.

The pictures below show FSR 285.2HA. Pictures were taken in the July 2002.



The above picture shows the junction of FSR 285.2HA with FSR 285. Picture looking east down FSR 285.2HA.



The above picture shows FSR 285.2HA south of the Cartridge Creek unit.



The above picture shows FSR 285.2HA where it turns northward to parallel FSR 285.



A view of FSR 285.2HA, where it enters the Cartridge Creek unit.



The above picture shows the road cut of FSR 285 when viewed from FSR 285.2HA.

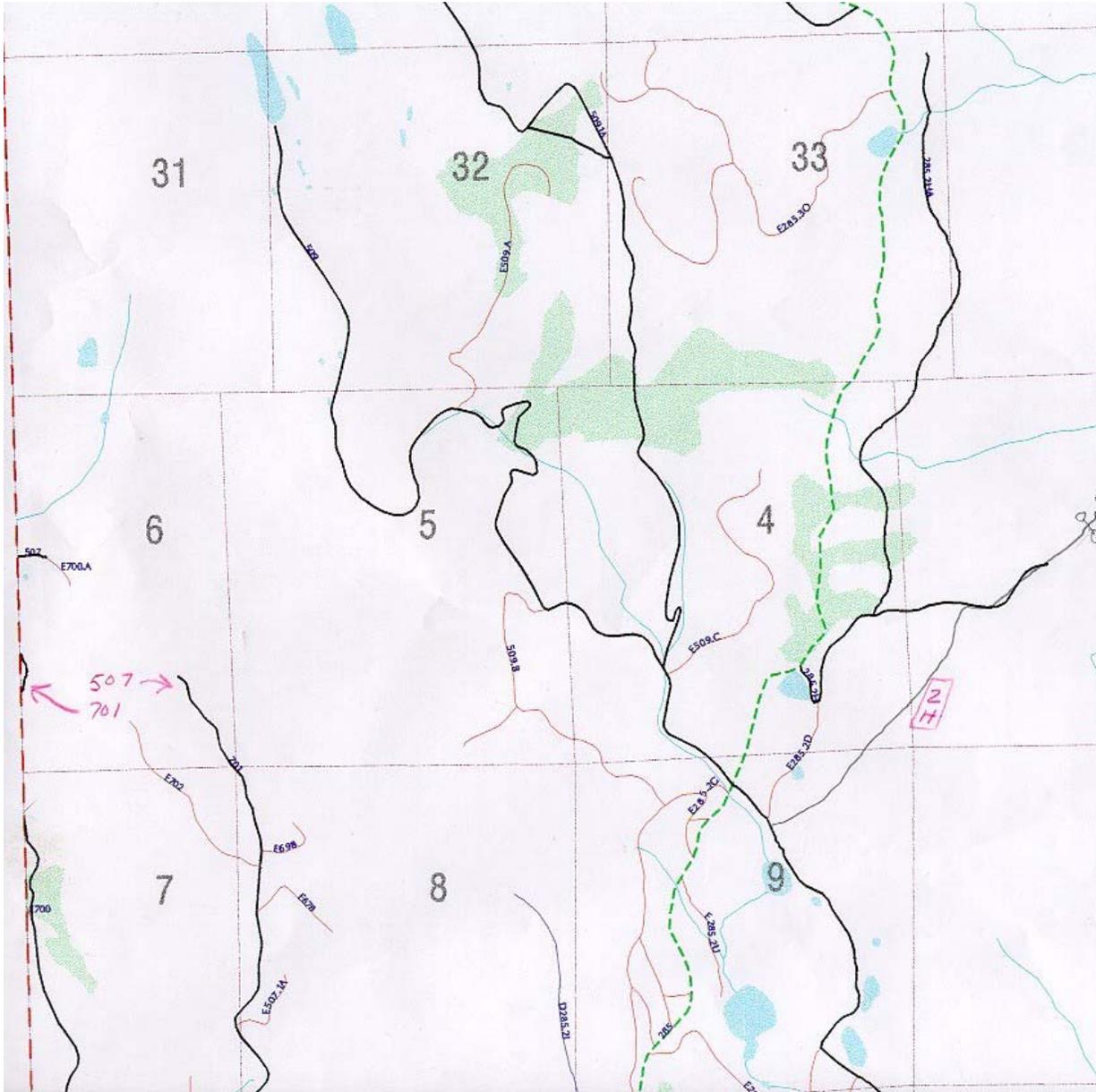


A view of FSR 285.2HA looking from the southern end of the Cartridge Creek Unit.

	ARTERIAL
	COLLECTOR
	LOCAL
	UNCLASSIFIED-DE
	UNCLASSIFIED-EX
	UNCLASSIFIED-OB
	OTHER

Road Atlas - Quad 84

INDIAN POINT

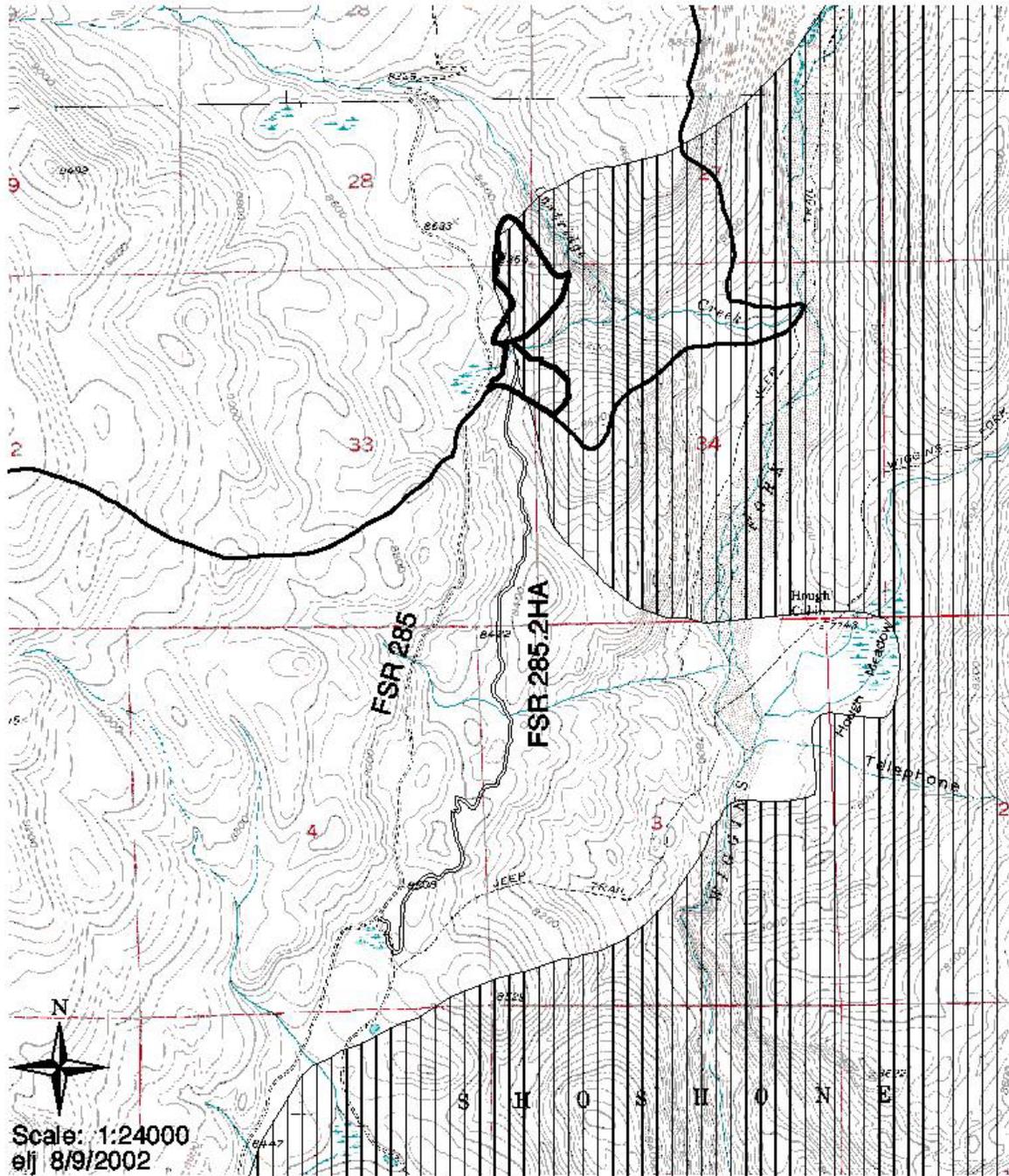


Map DN-1. Map showing road classifications in the vicinity of the Cartridge Creek units.

**Map DN-2
Roadless Area and Roads
Accessing the Cartridge Creek Unit**

Legend

-  FSR 285.2HA
-  Analysis Area Boundary
-  Cartridge Creek Unit
-  Roadless Area



Map DN-2: Map depicting the roadless area and roads in relation to the Cartridge Creek unit.