

**DECISION MEMO**  
**Warm Springs Fuel Reduction Project**

**USDA FOREST SERVICE**  
**Shoshone National Forest**  
**South Zone / Wind River Ranger District**  
Fremont County, Wyoming  
T42N, R108W, Sec 29, 30, 34 and 35

**Decision**

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I have review the scoping notice and comments and decided to implement the proposed action alternative, with modifications, of the Warm Springs Fuel Reduction Project. The overall project will include:

- Mechanical treatment within seven separate units totaling approximately 160 acres to include 4 units of clear-cuts and 3 units of thinning. Individual clear-cut units are less than 40 acres in size.
- Prescribed burning within one unit of approximately 200 acres.
- The Shoshone National Forest will begin efforts to secure a temporary Right-of-Way in order to treat acreage adjacent to private property.
- Authorize the use of Forest Service Lands, specifically the gravel pit located in T42, R108W, Sec 29, for private land owners to pile slash woody debris which the Forest Service will burn.

This allows for timber stand and /or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than one mile of low standard road construction.

**Background and Proposed Action**

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**Background.** In February 2001 the Shoshone National Forest established an Interdisciplinary Team (IDT) to evaluate the proposed action. The IDT included the resource areas of Fire & Fuels Management, Recreation, Wildlife, Hydrology, Forest Vegetation, and Engineering.

The proposed action included the following aspects:

**Clear-Cut**

Clear-Cut stands to create a fuel break along the forest boundary in units #1, 2, 6 and 8. Slash debris would be broadcast burned or piled to reduce activity created fuels and bring slash levels into forest plan compliance. One, three, and five years after harvest is complete, regeneration survey will be conducted to determine if stocking standards have been met (Units 1&2: Aspen: Minimum 300 trees/acre, 6 foot tall, over 75% of the plots that are stocked.) (Units 6&8: Lodgepole: Minimum 150 trees/acre, over a minimum of 75% of the plots that are stocked). Surveys will be conducted beginning one full growing season after harvest is complete. If stands are not regenerating to aspen

and lodgepole has not come in naturally, by the third survey year, fill-in or full planting will be performed to ensure regeneration establishment is occurring. Stake rows will be established according to manual direction. Plantation survival surveys will be conducted one, three and five years after planting. First year survey will be conducted one full growing season after planting. Planting density would be approximately 435 trees/acre with 10-foot by 10-foot spacing. Clear-cut areas will be certified as fully stocked when they meet all stocking requirements.

Some pre-commercial thinning will take place in Units 6 and 8 if lodgepole pine is the species established. Pre-commercial thinning will only occur if current lynx conservation strategies, lynx amendments, and forest plan allow this treatment to occur. This treatment would result in an approximate residual 302 trees/acre with an approximate 12-foot by 12-foot residual spacing (spacing may vary up to 6-8 feet to remove trees infected with mistletoe). Thinning diameter range will be 0-5.9 inches diameter-at-breast-height (DBH). The desired species (in order of preference) include Lodgepole Pine, Douglas Fir, Whitebark and Limber Pine. Aspen stems within the pre-commercial thinning area will not be cut. Where conifers exist within aspen inclusions, all conifer stems will be cut regardless of diameter. Stems will be thinned to reduce stocking to desired levels for future growth and development of sawtimber. The best quality trees will be left to provide shading from “leave” trees. Any trees found to be diseased, damaged or snow-bent, particularly those infected with mistletoe will be harvested.

### **Thinning Only**

Thinning of stands will be accomplished to remove ladder fuels and reduce density of forested stands adjacent to the forest/urban interface. The treatment will serve as a “shaded” fuel break. Pre-commercial thinning will occur in Unit 5. This treatment is an acceptable practice by the USFWS in urban/interface areas. Thinning in Units 3 and 4 will occur in stand conditions that are not favorable for snowshoe hare/lynx use. The targeted stand conditions include approximately 85% lodgepole pine saplings and poles at approximately 30-35% AMD, 100 basal area, 15-foot by 15-foot spacing. All units should be regenerated in approximately 70-100 years and managed on a 100-year rotation. All slash will be piled and burned to reduce activity created fuels and bring slash into forest plan compliance.

### **Prescribed Burn**

Prescribed burning will be used to create a firebreak along the forest/urban interface. The treatment will result in approximately 80-100% mortality of existing mature/decadent sagebrush and a reduction of 40 - 60 % of the encroaching conifers within the burn area. This treatment will result in the potential for a less intense future wildfire that will be easier to control adjacent to the private property boundary. Snow boundaries and roads will be use to contain the prescribed burn. Some hand line construction might also be required depending upon snow conditions prior to ignition. A detailed burn plan will be written prior to ignition to allow for burning under conditions minimizing the threat of an escaped fire.

## **Warm Springs Lookout**

Along with the project items listed above, the proposed alternative also included securing a permanent Right-of-Way through the Porcupine Subdivision and the reconstruction and re-activation of the Warm Springs Lookout. The construction, maintenance and operation of the lookout would be cooperatively financed through the rural fire protection district, private property owners, State of Wyoming, Bureau of Land Management and the U.S. Forest Service. The lookout would assist in the development of a full fire protection plan for the local homeowners, private ranchers and public lands. Based on comments regarding the permanent right-of-way, I decided to withdraw this portion of the proposed action at this time. Additional efforts on this portion of the proposal will be determined at a later date.

## **Purpose and Need for the Project**

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This action is tied to the guidance set forth in the 1986 Shoshone National Forest Plan and Record of Decision, as amended. General direction in the Forest Plan (FP-III-7) is “Manage fish and wildlife habitats, including plant diversity, to maintain viable populations of known vertebrate species and meet population objectives of management indicator species.” The project is needed in order to meet Forest Plan direction described below.

**Management Area 2B (Rural and Roded Natural Recreation).** The goals of management are to provide for rural and roded natural recreation opportunities. Motorized and non-motorized recreation activities such as driving for pleasure, viewing scenery, picnicking, fishing, snowmobiling and cross-country skiing are possible. Conventional use of highway vehicles is provided for in design and construction of facilities. Motorized travel may be prohibited or restricted to designated routes to protect physical and biological resources (FP-III-124). Specific goals achieved by the proposed action within this management area include:

- Manages tree stands using either commercial or non-commercial methods. Enhance visual quality, diversity and insect and disease control (FP-III-129).
- Manages forest cover types using the following harvest methods: clear-cut in aspen and lodgepole pine (FP-III-129).

**Management Area 7E (Wood-fiber Production and Utilization).** The goals of management are to provide for wood-fiber production and utilization of large roundwood of a size and quality suitable for sawtimber. The harvest method by forest cover type is clear-cutting in aspen and lodgepole pine; shelterwood in Englemann Spruce-subalpine fir, lodgepole pine, and mixed conifers; and selection in all-age stands of Englemann Spruce-subalpine fir (FP-III-173). Specific goals achieved by the proposed action within this management area include:

- Meets stated visual quality objectives (FP-III-176).

- Protects regeneration from livestock damage that precludes adequate stocking (FP-III-176).
- Manages forest cover types using the following harvest methods: clear-cut in aspen and lodgepole pine (FP-III-177).
- Applying clear-cuts to dwarf mistletoe infected stand of any forest cover type (FP-III-177).

Additionally, the proposed action will provide for needed fuel breaks along the Forest Service boundary and the private homes on the Forest/Urban interface.

### Scoping and Public Involvement

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On March 8, 2001, a scoping letter was sent to interested public and the appropriate state and Federal agencies and was posted in the Dubois Frontier. Adjacent landowners, the Fremont County Commissioners and the Wyoming Congressional Delegation were also provided notice of the proposed project. In addition, a meeting was held on November 14, 2000 to discuss the proposed project with interested members of the community with a follow-up meeting held on April 2, 2001 at the Line Shack near the Warm Springs community. The following were issues addressed by comments to the proposed project:

- **The operational risk of utilizing prescribed fire adjacent to private homes.** Prescribed fire will be used during the spring season to utilize snow boundaries to assure minimal chance of an escaped fire. A detailed burn plan will be written prior to ignition to allow for burning under conditions minimizing the threat of an escaped fire.
- **Increased traffic through the Porcupine subdivision to access the Warm Springs Lookout.** A gate would be installed to allow access for only private property owners and government officials. However, due to other concerns related to the establishment of a permanent Right-of-Way, this part of the proposed action has been withdrawn from the approved action.
- **The cutting of fuel breaks.** A service contract will be utilized for this project, which will allow for salvage rights to individual contractor(s). A small timber sale contract might also be used.
- **The construction of fuel breaks will negatively impact available wildlife cover needs.** The proposed action includes a total of 160 acres of mechanical fuel treatments that were determined, through the Forest Service preparation of a Biological Evaluation, not to have an adverse impact on wildlife.
- **Clear-cuts should not be used when creating the fuel breaks because the vegetation will not return.** Clear-cutting is the best silvicultural tool available to reduce fuel loading in the identified stands and restore aspen to the site. Only after clear-cutting and burning has the district been able to restore aspen. The silvicultural goal is to restore aspen, which is known to be resistant to “high” intensity crown fires, serving as a ‘natural

fuel break'. Additionally, the project includes a monitoring and follow-up planting should the sites not restore to aspen naturally.

- **The new aspen needs to be protected from browsing.** The district has had good success in restoring aspen in stands without the cost of fencing to reduce browsing. Additionally, the project includes monitoring and follow-up planting should regeneration not meet expectations, regardless of the cause.
- **The timber should be offered as a timber sale versus contracting.** The mechanical fuel reduction units will be offered as either a small timber sale or a contract if the sale of timber is not viable due to the small size of the units and access requirements.

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

## **Alternatives**

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Based on the interdisciplinary site visits, field survey, scoping comments, and discussions, we develop the following alternatives:

Alternative 1 – No Action: Apply no treatment applications to the proposed area. It was determined that this alternative would not meet the objectives of reducing fuel loading adjacent to the private property. Additionally, this alternative would not reduce the level of disease and infestation seen in the tree stands and would threaten further infestation.

Alternative 2 – Proposed Action. The action as described above. This action meets the purpose and need for fuel reduction, timber stand health improvement and wildlife habitat improvement through aspen regeneration.

## **Issues and the Decision-Making Process**

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The decision rationale for implementing the proposed action is based on the following concerns/issues and opportunities and how the decision would address the issues.

### **What is the current stand condition that needs managing?**

Unit 1 is dominated by lodgepole pine, with Douglas fir saplings. Most trees are pole size at very high density (~1,300 trees/acre) that is successional replacing remnant aspen stands. Aspen stems number approximately 100 trees/acre, but at the same canopy height as that of the conifers. Unit 2 is similar to Unit 1 with a larger proportion of Douglas fir saplings and small sawtimber. Aspen and conifer distribution is more clumped, particularly with aspen clumps along the forest boundary. Unit 6 has two distinct canopies with an overstory of mistletoe infested poles and sawtimber over an understory of lodgepole pine/limber pine samplings and some pole timber at approximately 500 trees/acre. Moving southeast within the stand, additional Douglas fir

and lodgepole sawtimber is in the overstory. Unit 8 is similar to Unit 1, but with a greater percentage of Douglas fir and lodgepole sawtimber and poles comprising the second canopy. Few to no aspen are located within Unit 8.

**What health and safety concerns need to be address?**

The combination of high density stands, stress from mistletoe infestation and effects from three to four years of drought has contributed to stands that are very susceptible to stand-replacing fire. Fuel loading on the forest floor is moderate to high which will only ensure the possibility of intense wildfire conditions. Private residential development on this boundary of the Shoshone National Forest continues annually. Cooperation with the local volunteer firefighting effort, Wyoming State Forestry and the Bureau of Land Management is needed to reduce potential catastrophic impact to private property. The Forest Service is currently working with these entities to develop similar efforts adjacent to the forest boundary that would enhance the efforts of each group.

**What wildlife issues can be address while reducing fuel loading within the project area?**

Timber stands are of such high density that they are ineffective corridors for animal movement. Therefore, the use of clear-cutting within several areas will allow for movement, reduce predator success and increase browsing opportunities. Additionally, mechanical treatment within these areas will ensure a higher diversity of vegetation types and structure available to multiple species.

**What about the concerns with acquiring a permanent right-of-way through a private subdivision?**

Based on my review, I find that there are still concerns related to the permanent acquisition of a right-of-way needed to construct and operate the Warm Springs Lookout. Therefore, due to the need to move forward with the fuel reduction, fuel break and wildlife enhancement portions of this project, I have decided not to implement any actions related to the Warm Springs Lookout at this time. Additional effort will be made to communicate with the private landowners before implementation.

**Resource Protection / Project Design Measures**

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

The Forest archaeologist conducted a Class III cultural survey was conducted in the units that will have mechanical treatment, and a Class II survey was conducted in the units that will be treated with prescribed burning only. One new cultural site was found which was NOT considered eligible for inclusion on the National Register of Historic Places.

The Forest wildlife biologist determined a “may affect, but is not likely to adversely affect” for the Canada Lynx (*Lynx canadensis*) and therefore proposed the following measures:

- 1) focusing treatments in areas that currently provide limited habitat for primary prey species (i.e., snowshoe hare and red squirrel) and that have the highest potential to rapidly produce snowshoe hare habitat;
- 2) allowing no increase in travel ways (i.e., plowed roads and groomed snowmobile routes) than is necessary for the activities that are occurring if weather allows mechanical treatments to occur in winter; and
- 3) in mechanical treatments units larger than 20 acres, retaining an island of large-diameter trees and down wood by grouping leave trees and snags for these units into uncut patches 3 to 5 acres in size on the down-wind side of the units.

The Forest wildlife biologist determined a “may affect, but is not likely to adversely affect” for grizzly bear (*Ursus arctos horribilis*) and therefore proposed the following project measures:

- 1) Require food storage and garbage disposal stipulations in the activity area during work;
- 2) provide contractors information on the protected status of the grizzly bear, and
- 3) use appropriate personal safety measures and behavior in grizzly bear habitat.

The Forest wildlife biologist determined a “may effect, but is not likely to jeopardize the continued existence” for the gray wolf (*Canis lupus*) with no additional project measures proposed.

### **Reasons for Categorically Excluding the Proposed Action**

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The proposed action is pursuant to Section 31.2(6) of the Forest Service Handbook 1909.15 - Environmental Policy and Procedures Handbook. Based on internal review and external scoping, field surveys, and specialist’s input and experience, the effects of implementing this action will be of limited context and intensity and will result in minimal or no environmental effects to either the physical or biological components.

### **Forest Plan Direction / Findings Required by Other Laws**

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This proposal is consistent with laws, regulations, and policy, as well as direction, 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.

Through informal consultation, the U.S. Fish and Wildlife Service (FWS) concurred with the Forest’s determination based on the proposed project measures. Additionally, the FWS suggested that any raptor nests found that are located within 0.5 mile of the project site (or within 1 mile for ferruginous hawks), should be report to the FWS as to provide special protection during operations.

Individual clear-cut units are less than 40 acres in size. All areas receiving mechanical treatments will not create any openings larger than 40 acres in size.

Clear-cuts within this project are being performed for fuels reduction/fuelbreak purposes and are not being performed for wood fiber production. Therefore they meet the multiple use exception to culmination of mean annual increment (CMAI). Thinning is considered a sound silvicultural practice and also excepted from CMAI requirements.

The Wyoming State Historical Preservation Officer concurred with these findings with the following condition:

If any previously undiscovered historic properties are encountered during project implementation, the forest archaeologist will be notified immediately and the area will be protected from further disturbance until a determination can be made on the newly discovered properties.

Before prescribe burning activities occur, the Forest Service will secure all appropriate permits from the Wyoming Department of Environmental Quality regarding air emissions.

### **Findings of No Extraordinary Circumstances**

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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, threatened and endangered species or their critical habitat, wetlands and flood plains, 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 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) definition and the court decision below<sup>1</sup>.

Extraordinary Circumstances	Conditions that may lead to a finding of extraordinary circumstances (Yes or No). If needed, discussions of conditions that may lead to a finding of extraordinary circumstances are discussed in detail following the table.
a. Federally listed threatened and endangered species or designed critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.	Yes. A Biological Evaluation and Assessment was completed for proposed, listed, and sensitive species. Written concurrence with the FS determinations was received through consultation with the FWS.
b. Flood plains, wetlands, or municipal watersheds.	None present.
c. Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.	None present.
d. Inventoried roadless areas.	None present.
e. Research Natural Areas	None present.
f. American Indians and Alaska Native religious or cultural sites, archeological sites, or historic properties or areas.	One historic property site, but found not to be eligible for the National Register of Historic Places. SHPO concurrence received with conditions.

**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 interdisciplinary review, public scoping and coordination with the appropriate Federal and state agencies, are not highly controversial and are similar to other actions

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<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.”

that have been implemented in the area. 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**

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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 will be implemented as soon as possible. For further information on this decision contact Karl Brauneis, Fire Management Officer, Washakie Ranger District, 333 E. Main Street, Lander, Wyoming 82520 or telephone (307)332-5460.

*/s/ Mark Hirschberger*

*1/10/2003*

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Mark Hirschberger  
Acting District Ranger  
Wind River Ranger District

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Date