CHAPTER 1. PURPOSE OF AND NEED FOR ACTION

1.1 Document Structure

The Forest Service has prepared this Draft Environmental Impact Statement (EIS) for the proposed Cottonwood II Vegetation Management Project in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. This Draft EIS discloses the direct, indirect, and cumulative environmental impacts that would result from the Proposed Action and alternatives. The document is organized into seven chapters as follows, with appendices:

- *Chapter 1, Purpose of and Need for Action.* This chapter includes information on the history of the project proposal, the purpose of and need for the project, and the Forest Service's proposal for achieving that purpose and need. This chapter also details how the Forest Service informed the public of the proposal, how the public responded, and lists applicable laws and regulations.
- *Chapter 2, Alternatives, Including the Proposed Action.* This chapter provides a more detailed description of the agency's Proposed Action as well as alternative methods for achieving the stated purpose. These alternatives were developed based on significant issues raised by the public, other agencies, and the Forest Service's Interdisciplinary Team (IDT). This discussion also includes mitigation measures. Finally, this chapter provides a summary table of the environmental consequences associated with each alternative.
- *Chapter 3, Affected Environment and Environmental Consequences.* This chapter describes the human and natural environments in the analysis area and the environmental effects of implementing the Proposed Action and other alternatives. This analysis is organized by resource area.
- *Chapter 4, Coordination and Consultation.* This chapter provides a summary of the public involvement measures used to consult with and inform the public. A list of preparers, as well as agencies consulted during the development of the EIS, are included. Tribal consultations are also discussed.
- *Chapter 5, References.* This chapter lists references used in preparing the EIS.
- *Chapter 6, Acronyms and Abbreviations.* This chapter lists and defines terms used in the EIS.
- *Chapter 7, Index.* The index provides page numbers by document topic.
- *Appendices.* The appendices provide more detailed information to support the analyses presented in the body of the EIS. Responses to public comments will be included here in the Final EIS.

A *Summary* is located at the front of this EIS.

Additional documentation, including more detailed analyses of project-area resources, may be found in the project planning record located at the Big Piney Ranger District office, Bridger-Teton National Forest (B-TNF) in Big Piney, Wyoming.

1.2 Background

This Draft EIS was prepared to evaluate and disclose the environmental impacts of alternative vegetation management strategies to manage vegetation resources in the North and South Cottonwood Creeks drainages on the Big Piney Ranger District, B-TNF.

The Big Piney Ranger District is proposing to implement vegetation management in the North and South Cottonwood Creeks drainages over the next 5 to 10 years. The need for vegetation management in this area has previously been identified and studied in the *Bridger-Teton Land and Resource Management Plan* implemented in 1990 (Forest Service 1990), in the *Cottonwood Plan Implementation Study* (CPIS) (Forest Service 1993), conducted from 1991 to 1993, and in the *Cottonwood/Maki Environmental Assessment* conducted from 1999 to 2003 (Forest Service 2003a). Each effort included extensive public and Forest Service interdisciplinary input, as well as use of the best data available on Forest resources. Management opportunities, practices, standards and guidelines, and mitigation have been developed to help achieve desired resource conditions. These are the basis for this proposal and for further site specific analysis of effects.

The Cottonwood Creek watershed is approximately 25 miles northwest of Big Piney, Wyoming, in the Green River drainage, on the east slope of the Wyoming Range (Figure 1-1). The analysis area is approximately 48,541 acres within this watershed and includes the tributary creeks of North and South Cottonwood Creeks, including Nylander, Ole, Hardin, Irene, Lander, Eagle, and Bare Creeks (Figure 1-2). Lander Peak and Bare Mountain are within this area, as is Soda Lake. The treatment area within the analysis equals 30,894 acres. The legal description includes portions of: T32N, R115W; T32N, R116W; T33N, R114W; T33N, R115W; T34N, R115W.

Existing and past uses of this area are detailed in the CPIS and other studies. Forest Roads 125 and 050, as well as numerous collector roads, access the area, which has approximately 69 miles of open roads. Many roads have been closed by gating or rehabilitation. The area is used extensively for dispersed camping, hunting, snowmobiling, and other recreational pursuits. There have been approximately 2,064 acres of timber harvest and 600 acres of wildfire disturbance in the last 50 years. These areas are currently in various stages of forest re-growth, with young trees beginning to restore a forested appearance and wildlife hiding cover. Most areas have achieved sufficient regeneration and tree growth to be considered wildlife cover under *B-TNF Land and Resource Management Plan* (Forest Plan) standards. In addition, many acres were partial cut in the first half of the 20th century for railroad ties and currently consist of multi-storied forested stands with subalpine fir understory. Permitted and regulated grazing of sheep and cattle occurs on grazing allotments located throughout the area. Important habitat for elk, deer, moose, Colorado River cutthroat trout, and many other species of wildlife is present and utilized. Approximately 70 percent of the area is forested and 30 percent is sagebrush/grasslands. The main tree species present is

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lodgepole pine, with significant amounts of Engelmann spruce, aspen, and subalpine fir and minor amounts of Douglas-fir and whitebark pine also present. Seventy-nine percent of acres suitable for timber harvest in the analysis are more than 100 years old.

1.3 Purpose of and Need for Action

The **purpose** of the proposed project is to improve Forest resource conditions in the North and South Cottonwood Creeks drainages and bring them closer to desired conditions. Desired conditions were identified in the CPIS and refined during the environmental analysis through public input and extensive interdisciplinary review. Attaining desired conditions for each of the Forest resources would help restore healthy ecosystem functioning and support sustainable resource use.

Current conditions in **need** of improvement include the following:

- Aspen forests are predominantly old age classes, are being encroached by conifers, and are in declining growth and health. Desired conditions would maintain 50 to 55 percent of aspen stands in younger age classes.
- A majority of conifer forests are in older age classes with declining growth and health, heavy forest fuel loads, and high tree densities for site conditions. Desired conditions would maintain 15 to 20 percent of stands in seedling/sapling stages, maintain forest structure in snags, down logs and tree clumps, maintain lower tree densities in many areas, and promote natural regeneration.
- Many of the reforested areas have high tree densities that will not support optimal tree growth or sustained big game hiding cover. Desired conditions would maintain lower tree densities to sustain hiding cover longer and improve tree growth and health.
- Some roads and road culverts are substandard and contribute to sedimentation in streams, damage riparian areas, and impair fish passage and habitat. Desired conditions would bring roads and culverts up to standard or rehabilitate them to reduce sedimentation and improve adjacent resource conditions.
- Existing trailhead in Nylander Creek is not adequate for expected levels of use and is contributing to resource damage.

The vegetation site objectives and management opportunities identified in the CPIS to improve resource conditions in the area formed the basis for this proposed project. The original objectives and project design from the CPIS were updated and refined for the Cottonwood II Project, using issues from the initial CPIS public scoping, IDT input, and updated resource information.

1.4 Proposed Action

The Proposed Action was developed in response to issues raised during initial public scoping, changes in resource demand since the CPIS, and recently identified resource issues. The Proposed Action is also designed to improve Forest resource conditions as identified in the CPIS.

Approximately 1,116 acres of aspen stands would be treated to regenerate healthy aspen and remove conifers that are growing into the stands and replacing the aspen component. The primary treatment would be prescribed fire, facilitated by some mechanical treatment to increase ground fuels that are needed to provide a fuel bed for better burning. Commercial conifers would be removed on approximately 58 acres (5 percent) of these acres.

A partial-cut treatment is proposed on approximately 581 forested acres to thin overstocked conifer forests while maintaining a forested appearance. The objective is to leave the healthiest trees of diverse species while reducing losses caused by insects and disease and allow for the salvage of wood products. Treatment techniques would include thinning, shelterwood harvest, salvage harvest, and group selection harvest. Approximately 3 to 10 thousand board-feet (MBF) would be removed per acre, dependent on the site and numbers of healthy trees required to be left to provide a forested appearance and habitat. No new permanent roads would be constructed to complete the treatments.

Harvesting trees by removing most merchantable trees through a commercial timber sale is proposed on approximately 402 acres to provide for regeneration of declining lodgepole pine and mixed conifer forests and to enhance age class diversity across the landscape. Regeneration of healthy new stands in openings ranging from 5 to 20 acres would be ensured by planting with lodgepole pine or Engelmann spruce or providing for natural regeneration, depending on site conditions. No new permanent roads would be constructed.

Approximately 1.0 mile of the existing Nylander Road, which is to be used as a timber haul road for this project and to provide access to the Nylander Creek Trailhead, would be relocated out of the riparian area to the dry ridge area to the east. The relocation would reduce sediment into Nylander Creek. The existing road would be reclaimed. A low-standard road beyond an existing dispersed camping area, which crosses boggy, wet soils, would be closed.

Twelve culverts and two bridges along the timber haul routes would be replaced or modified and designed to either act as fish barriers or to allow passage of fish, as identified in the 1998-1999 road and stream crossing inventory. Reconstructing the South Cottonwood Road from Hidden Basin to just short of the South Cottonwood Creek crossing (approximately 1.0 mile) would provide safe access for log trucks, livestock haulers, and recreation traffic.

1.5 Decision Framework

This *Cottonwood II Vegetation Management EIS* is the specific decision-making tool for proposed vegetation management activities in the North and South Cottonwood Creeks drainages. The EIS provides the linkage between the B-TNF Forest Plan (Forest Service), vegetation management activities, and requirements established by NEPA to consider and inform when making decisions on federal actions.

The analysis will identify specific vegetation treatments at specific project locations, best management practices (BMPs), and project design features to be used to manage

vegetation or improve road and trailhead conditions. The responsible B-TNF official will use this information to make decisions for managing vegetation in the North and South Cottonwood Creeks drainages.

1.6 Management Direction and Relationship to Other Plans and Documents

1.6.1 The Land and Resource Management Plan for the B-TNF

The B-TNF Forest Plan was approved in 1990. The goals and objectives of the Forest Plan guide all management on the B-TNF and this analysis tiers to the Forest Plan. This analysis area is in Management Area (MA) 25, Cottonwood Creek, in the Forest Plan. The proposed projects identified here are consistent with standards and guidelines and management direction in the Forest Plan. The Forest was mapped into Desired Future Condition (DFC) areas to guide management of Forest resources. The following DFC areas are in the analysis area and the Maki Creek drainage and include all acres:

B-TNF MA 25 (Cottonwood Creek). Management direction is to achieve the following desired future conditions:

- **DFC 1B:** 19,604 acres (40 percent of the analysis area); substantial commodity resource development with moderate accommodation of other resources.
- **DFC 10:** 18,207 acres (38 percent of the analysis area); some resource development while having no adverse and some beneficial effects on wildlife.
- **DFC 12:** 5,769 acres (12 percent of the analysis area). high-quality wildlife habitat, escape cover, dispersed recreation.
- **DFC 2A:** 4,920 acres (10 percent of the analysis area); unroaded area, for primitive recreation experience.

1.6.2 The Cottonwood Plan Implementation Study (CPIS)

The CPIS was completed in 1993 using an interdisciplinary process and public input. It identifies objectives and potential management opportunities and practices that will implement the Forest Plan and achieve desired resource conditions in this area. The action alternatives in the original proposal would help meet objectives 1, 3-5, 7, 8, 13, 15, 18, 19, 21-25, 34, and 36, as listed in the CPIS. Potential management opportunities are the basis for most resource projects in this proposal.

1.6.3 The North Cottonwood and South Cottonwood Allotment Management Plans

These plans set direction for improving rangelands in the area and managing grazing use in the analysis area. An Environmental Assessment to set direction for grazing in the area was completed in 1998. Grazing, as allowed for in these plans, will continue.

1.6.4 MA 25 Oil and Gas Leasing and Cottonwood Field Permitting

These processes provide direction for management of the oil and gas resources in the area. Leasing and management of the oil and gas resources will continue and be guided by these processes.

1.6.5 The Bridger West Travel Plan

The plan sets direction for road management and use in the area. An environmental analysis was completed for this Plan in 1991. Additional watershed restoration projects will be considered under this current analysis.

1.7 Decision to be Made

Following a public review of this Draft EIS, the B-TNF Supervisor will issue a Final EIS and Record of Decision (ROD). The ROD will document what actions, if any, should be taken to manage vegetation in the North and South Cottonwood Creeks drainages on the B-TNF, where vegetation management treatments should be applied, when vegetation treatments will occur, and what associated road and trailhead improvements will be included. These decisions will be based on the purpose of and need for the proposed project, a review of the Proposed Action and alternatives, and consideration of the environmental consequences, both beneficial and adverse, associated with each.

1.8 Public Involvement

Public scoping for the Cottonwood projects began during the CPIS phase in 1991. Throughout 1991 and 1992, a series of public mailings, meetings and field trips were completed to discuss implementation of the Forest Plan in the Cottonwood area. Public input received during this period was used to develop desired future resource conditions and site objectives to reach the desired conditions. These were then carried forward to the development of specific project proposals that are analyzed in this Draft EIS as part of the NEPA process. Projects originally proposed and scoped included vegetation management, improvement of recreational facilities, and road rehabilitation and improvement work in the North and South Cottonwood Creeks drainages. The original Cottonwood project was divided into two separate projects: the Maki project and the Cottonwood II Vegetation Management project.

The first proposed project from the planning described above was to conduct a detailed analysis focusing on management activities only in the Maki Creek area, a portion of the North Cottonwood Creek drainage. Those activities were designed to improve the vegetation, wildlife habitat, and watershed resources in that area, using timber harvest, tree cutting, prescribed fire, and associated road and culvert work. An initial scoping letter, describing proposed actions in the Maki Creek area of the Cottonwood watershed, was sent to the Big Piney District mailing list on May 14, 1999. The list of 127 individuals, groups, organizations, and agencies notified can be found in the project file. A news release was issued at the same time. A field trip to the area was conducted on

August 10, 1999. Comments were requested on the proposal by September 1, 1999. Eight comment letters were received.

Scoping for the second Cottonwood project, the Cottonwood II Vegetation Management project, was initiated by publishing a Notice of Intent (NOI) in the Federal Register on December 24, 2003, (Vol. 68, No. 247) to prepare an EIS. The NOI asked for public comment on the proposal from December 24, 2003, through February 3, 2004. A public scoping letter was sent on December 26, 2003, to 95 individuals, interest groups, Shoshone-Bannock and Nez Perce Tribes, local governments, and other agencies. Thirteen letters from 14 individuals or groups were received.

Using the comments from the public, other agencies, and Tribal Nations, the Forest Service IDT developed the following list of issues to address.

1.9 Issues

Significant issues were defined as a point of discussion, debate, or dispute about environmental effects that are directly or indirectly caused by implementing the Proposed Action. Significant issues are issues used to formulate alternatives to the Proposed Action, prescribe mitigation measures, or analyze environmental effects. Indicators are measures used to track the effects of the Proposed Action on the significant issues. The significant issues and indicators are summarized below.

1.9.1 Significant Issues

Table 1-1 lists the issues identified by the Forest Service during scoping as significant, a brief description of each, and indicators.

The IDT considered other issues and concerns raised by the public. These issues include some which, though important, were outside the scope of this analysis (for example, those dealing with grazing management and off-road vehicle management). Other comments concerned standards or guidelines, which will be incorporated as requirements in all alternatives of the analysis (for example, compliance with cultural resource regulations, Forest Plan Standards and Guidelines, and conducting required wildlife assessments). Some comments were voices of support for particular parts of the proposal or objected to parts of the proposal. The *Cottonwood II Vegetation Management EIS Scoping Report—Content Analysis* (Forest Service 2004a) lists and discusses all comments provided during scoping. A few comments will be dealt with by applying mitigation measures or project design criteria to all alternatives.

TABLE 1-1
Significant Issues

Issue	Issue	Indicators
1	*Old Growth and Canada Lynx.* The project area has been documented as occupied Canada lynx habitat. Effects of the proposed activities on lynx habitat should be addressed.	▪ Estimated change in lynx foraging habitat from project activities ▪ Estimated change in lynx denning habitat from project activities
2	*Big Game.* The effects of the proposed activities on big game populations.	▪ The direct and indirect effects of vegetation management on big game winter range. ▪ The direct and indirect effects of vegetation management on big game summer habitat.
3	*Colorado River Cutthroat Trout.* The effects of the proposed activities on Colorado River cutthroat trout (CRCT) habitat.	▪ The direct and indirect effects of vegetation management on CRCT habitat. • Barriers – Access restored to miles of habitat
4	*Watersheds.* The effects of the proposed activities on the functions and values of watersheds including vegetation, wildlife, aquatic species, water quality, wetlands, and bank stability.	▪ Sediment deposition into streams ▪ Miles of road moved from the riparian corridor ▪ Protection of designated stream beneficial uses ▪ Change in peak discharge in North and South Cottonwood Creeks ▪ Wetland/riparian impacts

1.10 Supporting Documents and Past Analysis

This Draft EIS also adheres to the federal legal requirements described below.

1.10.1 The National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190)

The purposes of this Act are "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality (42 U.S.C. Sec. 4321). NEPA establishes the format and content requirements for environmental analyses and documentation. The entire process of preparing this Draft EIS was undertaken to comply with NEPA.

1.10.2 The National Forest Management Act (NFMA) of 1976 (P.L. 4-588)

This Act guides development and revision of National Forest Land Management Plans and contains regulations that prescribe how land and resource management planning is to be conducted on National Forest System lands to protect National Forest resources. The different alternatives for this project were developed to comply with the NFMA, and represent varying degrees of resource protection.

1.10.3 Forest Restoration Act (Healthy Forests Initiative)

The President's Healthy Forests Initiative will expedite federal and local efforts to restore forest and rangeland health and reduce fire risk with thinning and fuels reduction. Currently, an estimated 190 million acres of public lands and the surrounding communities are at increased risk of extreme fires because of overgrown forests and rangeland fuel loads. More than 35 million acres are infested by fire-prone invasive species and noxious weeds. Federal lands in the West are 15 times more dense than they were 100 years ago. The purposes of the action alternatives for this project are consistent with the goals of the Healthy Forests Initiative.

1.10.4 The Endangered Species Act (ESA) of 1973, as Amended

The purpose of this Act is to provide for the conservation of threatened and endangered species and their habitats. The B-TNF is required by the ESA to ensure that any actions it approves will not jeopardize the continued existence of threatened and endangered species or result in the destruction or adverse modification of critical habitat.

Consultation with the U.S. Fish and Wildlife Service (FWS) is required under the ESA for this proposed project and will be completed prior to any decisions made as a result of this analysis.

1.10.5 The Migratory Bird Treaty Act of 1918

The purpose of this Act is to establish an international framework for the protection and conservation of migratory birds. Additional information on the Migratory Bird Treaty Act can be found in Section 3.2, *Wildlife and Vegetation Resources*.

1.10.6 The Federal Water Pollution Control Act of 1972 (P.L. 92-500) as amended in 1977 (P.L. 95-217) and 1987 (P.L. 100-4), also known as the Clean Water Act (CWA)

The primary objective of this Act is to restore and maintain the integrity of the Nation's waters by: 1) eliminating the discharge of pollutants into the Nation's waters; and 2) achieving water quality levels that are fishable and swimmable. This Act establishes a non-degradation policy for all federally proposed projects to be accomplished through planning, application, and monitoring of BMPs. Identification of BMPs is mandated by

Section 319 of the Water Quality Act of 1987 (also referred to as the Clean Water Act), that states, “It is national policy that programs for the control of non-point sources of pollution be developed and implemented.”

1.10.7 The National Historic Preservation Act (NHPA)

This Act requires federal agencies to consult with state and local groups before nonrenewable cultural resources, such as archaeological sites and historic structures, are damaged or destroyed. Section 106 of this Act requires federal agencies to review the effects that project proposals may have on the cultural resources in the project area. It requires agencies to consider the effects of undertakings on properties eligible to or listed in the National Register of Historic Places (NRHP) by following the regulatory process specified in 36 CFR 800.

1.10.8 The Archaeological Resources Protection Act (ARPA)

This Act makes it illegal to excavate or remove any archaeological resources from federal or Indian lands without a permit. It also provides for criminal penalties for the vandalism, alteration, or destruction of historic and prehistoric sites on federal and Indian lands, as well as for the sale, purchase, exchange, transport, or receipt of any archaeological resource if that resource was excavated or removed from federal or Indian lands or in violation of state or local law.

1.10.9 The American Indian Religious Freedom Act (AIRFA)

The AIRFA seeks to protect and preserve traditional Native American spiritual beliefs and practices by providing access to sites and providing for the use and possession of sacred objects.

1.10.10 Consumers, Civil Rights, Minorities, and Women

All Forest Service actions have the potential to produce some form of impacts, positive or negative, on the civil rights of individuals or groups, including minorities and women. The need to conduct an analysis of this potential impact is required by Forest Service Manual and Forest Service Handbook direction (see Section 3.7, *Cultural Resources*).

1.10.11 Environmental Justice

On February 11, 1994, President Clinton signed Executive Order 12898. This order directs each federal agency to make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The President also signed a memorandum on the same day emphasizing the need to consider these types of effects during NEPA analysis. To meet this direction, the USDA requires, where proposals have the potential to disproportionately adversely affect minority or low-income populations, these effects

must be considered and disclosed (and mitigated to the degree possible) through the NEPA analysis and documentation. Additional information is provided in Section 3.15, *Required Disclosures*.

1.10.12 Bridger-Teton National Forest Responsibility to Federally Recognized Tribes

American Indian Tribes are afforded special rights under various federal statues that include: the NHPA of 1966 (as amended); the NFMA of 1976; the Archaeological Resources Protection Act of 1979 and Regulations 43 CFR Part 7; the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 and Regulations 43 CFR Part 10; the Religious Freedom Restoration Act of 1993 (P.L. 103-141); and the American Indian Religious Freedom Act (AIRFA) of 1978. Federal guidelines direct federal agencies to consult with modern American Indian Tribal representatives who may have concerns about federal actions that may affect religious practices, other traditional cultural uses, as well as cultural resource sites and remains associated with American Indian ancestors. Any tribe whose aboriginal territory occurs within a project area is afforded the opportunity to voice concerns for issues governed by NHPA, NAGPRA, or AIRFA.

Federal responsibilities to consult with American Indian Tribes are included in the NFMA, Interior Secretarial Order 3175 of 1993 and Executive Orders 12875, 13007, 12866, and 13084. Executive Order 12875 calls for regular consultation with tribal governments; and Executive Order 13007 requires consultation with American Indian Tribes and religious representatives on the access, use, and protection of American Indian sacred sites. Executive Order 12866 requires that federal agencies seek views of tribal officials before imposing regulatory requirements that might affect them; and Executive Order 13084 provides direction regarding consultation and coordination with American Indian Tribes relative to fee waivers. Another Executive Order that pertains to American Indian Tribes is Executive Order 12898, which directs federal agencies to focus on the human health and environmental conditions in minority and low-income communities, especially in instances where decisions may adversely impact these populations (see the "Environmental Justice" discussion above). The 40 CFR 1500-1508 regulations of NEPA invite American Indian Tribes to participate in Forest Service management projects and activities that may affect them.

1.11 Other Agencies Having Permit or Review Authority

1.11.1 U.S. Fish and Wildlife Service (FWS)

The FWS has responsibilities under the Fish and Wildlife Coordination Act (1934), ESA (1973), and Bald Eagle Protection Act (1940). Responsibilities under the Fish and Wildlife Coordination Act require federal agencies issuing permits (for example, Corps of Engineers § 404 Permit) to consult with the FWS to prevent the loss of or damage to fish and wildlife resources where "waters of any stream or other body of water are proposed…to be impounded, diverted…or otherwise controlled or modified."

The Forest Service must prepare a Biological Assessment (BA) to comply with the ESA. A BA evaluates potential effects on threatened and endangered species that may be present in the project area. The FWS decides if implementation of the selected alternative would jeopardize the continued existence of any species listed or proposed as threatened or endangered under the ESA. This decision is issued as a Biological Opinion (BO). The BO includes terms and conditions that must be complied with in order to be exempt from the prohibitions of Article 9 of that Act. The BO may include conservation recommendations, which are suggestions regarding discretionary activities to minimize or avoid adverse effects of the Proposed Action on listed species or critical habitat. If it is determined that the alternative would jeopardize the continued existence of a listed species, the agency must offer a reasonable and prudent alternative that would, if implemented, preclude jeopardy. The FWS has 60 days from initiation of formal consultation to issue a BO. If the FWS decides that implementation would not jeopardize the continued existence of any listed species, a letter of concurrence will be issued after a 30-day informal consultation period. Additional information is provided in Section 3.4, *Fisheries Resources* and Section 3.2 *Wildlife and Vegetation Resources*.

1.11.2 U.S. Army Corps of Engineers (COE)

The COE is the permitting authority for the discharge of dredged or fill materials into wetland and non-wetland waters of the United States (Waters). Any activity that would result in disposal of dredged or fill materials into wetlands or Waters would require a "404 permit" under § 404 of the CWA. Additional information is provided in Section 3.2, *Wildlife and Vegetation Resources*.

1.11.3 U.S. Environmental Protection Agency (EPA)

EPA has oversight responsibility for federal CWA programs. EPA may also intervene to resolve interstate disputes where discharges of pollutants in an upstream state may affect water quality in a downstream state. EPA reviews 404 dredge and fill permit applications and provides comments to the COE. EPA has veto authority under the federal CWA for decisions made by the COE on 404 permit applications. EPA also has responsibilities under NEPA and the federal Clean Air Act to cooperate in the preparation of an EIS and evaluates the adequacy of information in the EIS, the overall environmental impact of the Proposed Action, and various alternatives.

1.11.4 Wyoming State Historic Preservation Office (SHPO)

Actions that are permitted, approved, or initiated by the Forest Service and that may affect cultural resources must comply with provisions of the NHPA of 1966, as amended, and as implemented by federal guidelines 36 CFR 800. Section 106 of the NHPA requires a federal agency to take into account the effects of the agency's undertaking on properties listed on, or eligible for listing on, the NRHP. Before any federal undertaking begins, cultural resources eligible for listing on the NRHP must be identified and documented. Cultural resources recorded in the project area are evaluated in consultation with SHPO or the Federal Advisory Council on Historic Preservation (ACHP).

Additional information regarding consultation and the documentation of the site is available in Section 3.7, *Cultural Resources*.

1.11.5 Wyoming State Engineers Office (WSEO)

WSEO administers water rights in the State of Wyoming. The Wyoming Constitution defines all natural waters within the boundaries of the state as the property of the state. The Wyoming State Engineer's Office is charged with the regulation and administration of the water resources in Wyoming.

Water rights can be issued to anyone who plans to make beneficial use of the water. Recognized beneficial uses include: irrigation, municipal, industrial, power generation, recreational, stock, domestic, pollution control, instream flows, and miscellaneous. Water rights holders are limited to withdrawals necessary for the purpose.

1.11.6 Wyoming Department of Environmental Quality (WDEQ)

WDEQ is responsible for implementing environmental protection laws and programs for the State of Wyoming. WDEQ administers water quality monitoring for compliance with Wyoming water quality standards.