



**United States Department of the Interior
Bureau of Land Management**

Miles City Field Office

March 2004

Decision Record and Finding of No Significant Impact



**EA No. MT-020-2004-006: Moon Creek/Swain Coulee
Fire Hazard Abatement and Restoration Project
Environmental Assessment**

Decision Record and Finding of No Significant Impact

EA no. MT-020-2004-006

Decision

After reviewing Environmental Assessment (EA) no. MT-020-2004-006, the associated planning file, and public comments, I have decided to select the Hazard Abatement Alternative.

The Hazard Abatement Alternative was developed to respond to the effects of the Swain Coulee and Moon Creek fires (August 2003). Design features were included in the alternative to minimize the effects of treatment on natural resources within the area, and to enhance the functioning of other resources wherever possible.

I have documented my determination that an EIS is not required by including a Finding of No Significant Impact (FONSI) with this Decision Record (DR).

Description of the Selected Alternative:

Commercial Treatments

- Salvage Cutting (1,025 acres): In burned areas, dead and dying trees 9 inches or greater in diameter that meet merchantability standards will be felled and removed from the site through salvage harvest.
 - Dead and dying trees greater than 9 inches in diameter that do NOT meet merchantability standards will be left standing to provide snag habitat, if they are more than 10 feet tall, more than 75 feet from roads/fences, and do not create safety hazards during treatment.
 - Dead and dying trees less than 9 inches in diameter will remain on-site and will fall to the ground naturally over the next 8-12 years.
 - All live¹ trees will be left standing.
 - During contract administration, current market conditions may be a consideration in whether all treatments in sparse and low density stands are completed. At a minimum, high and medium density stands will be treated to achieve the objectives and desired future conditions identified in the EA (see EA, page 3).
- Green treatment (293 acres):
 - Restoration Thinning: Stands will be moved back toward historical conditions (15-30 Trees Per Acre (TPA)). An average 20 foot spacing will be left between crowns (30-45 feet between tree boles); two to six of the leave TPA will be large (>10 inches DBH), and the rest will be small-medium (1-9 inches DBH) trees.
 - Fuel Breaks: Fuel breaks will be created along private property boundaries and county roads. Most trees will be removed from this 100-foot corridor. Exceptions will be large trees (>10 inch DBH) that will not hit the road, fences, or boundaries.
 - Hardwood Draw Restoration treatments (8 acres): Where riparian species such as cottonwood, green ash, chokecherry, and sumac exist in ephemeral draw bottoms, most conifers within 60-100 feet of these species will be removed. A few ponderosa pine and juniper may be left when needed for wildlife roost trees or bank stabilization.

¹ Live crown greater than or equal to 30 percent of the pre-fire crown length and less than 360 degree bole scorch indicates that tree will likely live

Non-commercial Treatment

- **Fuel breaks burned area:** Fuel breaks 100 feet wide will be created along boundaries, fences, and roads. Trees less than 10 inches in diameter will be felled. About 40 percent of these trees will be left on site to meet Coarse Woody Debris (CWD) requirements; the rest will be hand piled and burned. Burned trees greater than 10 inches in diameter will be felled if they will hit fences, the road, or boundary lines adjacent to the fuel break.
- **Fuel breaks unburned area:** Trees less than 10 inches in diameter will be hand piled and burned. 1 – 5 larger trees (>10 inches) will be left per acre if they won't hit the road, boundary, or a fence when felled.
- **Forest Products/Firewood Harvest:** If the timber sale is not accomplished on any proposed treatment acres (due to wood borer insects, blue stain, etc.), then forest products and firewood may be sold and removed from those acres. Forest products or firewood will not be available on any acres treated in a commercial timber sale to maintain the levels of CWD for other resource needs (see section 2.2.2). However, firewood could be sold from log landing decks or Fuel Breaks treatment areas.

See Figures 3 and 4 in the EA for treatment distributions.

Related/Support Activities: The miles of road and landing information are estimated totals that could be necessary for ground-based treatment. Fewer actual miles and less landing disturbance may be necessary, depending on the equipment used to implement the treatment.

- **Road construction:** Approximately 15 miles of road (4 at Moon Creek and 11 at Swain Coulee) would be constructed to implement the alternative (see Appendix B for locations). After treatment, approximately 6 miles of road (1.8 miles at Moon Creek and 4.2 miles at Swain Coulee) will left open (see Design Features 3 and 4 and Appendix B for locations).
- **Slash piles/disposal:** Excess small trees within the Shaded Fuel Break and Restoration Thinning treatment areas will be felled, piled and burned.
- **Access:**
 - On the Swain portion, BLM will acquire access on approximately 1.77 miles of trail on Brewer's private land in Section 29, in return for access for timber hauling across approximately 0.10 mile of BLM in section 30, subject to access provisions (see section 2.2.1, and Project File, Lands and Realty specialist report, pp. 4-6).
 - For the Moon Creek portion, A Land Use License will be obtained from the Eastern Montana DNRC so that timber could be hauled across state section 13.
- **Anticipated maintenance treatments:** Future prescribed fire or mechanical treatments will be necessary to maintain post-treatment densities.

Design Features: The following measures are included in the Proposed Action:

1. Skid trails will not be constructed on slopes over 30 percent.
2. Equipment will not operate on slopes over 40 percent, except on short lengths where approved by the BLM.
3. Temporary roads and landings will be reseeded, and water-barred when project is completed. Portions of temporary roads will be ripped prior to reseeding where the slope exceeds 7 percent, for 50 feet upslope of waterbars, and for 50 feet on either side of draws. An approved native seed mix will be used (certified weed seed free, at the appropriate pure live seed ratios, seeding rates, and applied at the appropriate time).
4. New roads left open will be bladed (if necessary), water-barred, and seeded.
5. Activities will be conducted when ground is frozen if possible.
6. Disturbance will be minimized. Total soil disturbance (roads, landings, constructed skid trails, and primary skid trails) will be limited to less than 15 percent of the total area.
7. Where available, the following amounts of CWD will be left in treated burned stands: 1-5 tons/acre in low density stands 5-8 tons/acre in medium density stands, and 7-12 tons/acre in high density stands.
8. Where available, 1 - 5 tons/acre of CWD will be left in unburned treated stands. Additional CWD will be contributed by the live stand.
9. Equipment will not be allowed in Streamside Management Zones (SMZs) around the identified class 3 streams, except in marked crossings (see Project File, Hydrology, p.11).
10. Off-road harvesting equipment will be washed prior to entering the project area.

11. Measures to minimize disturbance in the vicinity of the Brandenburg eagle nest would be implemented as developed with USFWS (FWS, 2003).
12. Designated cultural sites will be avoided. If antiquities/cultural sites were discovered during treatment, operations will cease and the BLM Field Manager will be notified. The timber sale contract will reflect the Conditions of Approval developed to protect cultural resources (see Project File, Cultural, p. 2).
13. Raptor surveys will be initiated starting in mid-March, prior to project implementation. Priority surveys will be in unburned treatment units. Burned units will have minimum levels of survey. Appropriate mitigation measures will be implemented to avoid disturbance of any nesting raptors. The Montana Final Statewide Oil and Gas EIS Standards will be used. The Field Office Manager may modify the standards based on site specific situations.

Monitoring

Disturbed areas will be monitored for noxious weeds for three to five years following treatments.

Contract Administration and Monitoring associated with other projects

Implementation of Best Management Practices (BMPs), SMZ Law requirements, protection of Cultural Resource sites, CWD reduction objectives, and other objectives and outcomes discussed in this EA will be monitored during Sale Contract Administration activities.

Vegetation response to fire effects and response to project implementation will be accomplished through monitoring of the Fire Rehabilitation EAs (EAs no. MT-020-2003-014 and 020-2003-019) and implementation of Range Coop Agreements with permittees to evaluate grazing conditions.

Rationale for the Decision

In making this decision, I balanced concerns about the potential effects of treatment with the objectives as stated in the EA. Based on my review of the project file, the EA, and public comment, I determined that the Hazard Abatement Alternative best meets all elements of the Desired Future Condition described on page 1 of the EA, as demonstrated by the following factors:

- In unburned stands, restoration thin treatments will create densities, openings, and stand structures that are more consistent with Historic Range of Variability and historic ponderosa pine savanna. The vigor and collective genetic quality of the remaining trees will be improved. Shaded fuel break treatments will reduce the potential for future stand-replacement fire and associated risks to private property and developments along BLM boundaries.
- In burned stands, removal of excess CWD from high and medium density stands will reduce future fire danger, and improve access to forage for domestic livestock and wildlife. This will reduce the need for preference to be adjusted in the future.
- In all, three public comments were submitted during preparation of the EA. All commenters expressed their support for the project, and no concerns with treatment types were identified.
- As required by Instruction Memorandum No. MT-2002-025, I considered whether my decision or associated actions will have a direct or indirect adverse impact on energy development, production, supply, and/or distribution. This decision does not affect BLM's ability to make economically recoverable sources of energy available for development or production. No adverse impacts to powerlines or other Rights-of-Way in the area are anticipated. Treatments will reduce the potential for future severe fire and associated risks to these rights-of-way (ROWS) on BLM administered lands.
- I have determined that my decision to implement the Hazard Abatement Alternative will not result in any undue or unnecessary degradation to Critical Elements of the Human Environment or other resources, and will substantially decrease the risks to resources and resource uses on BLM-administered land and private property located adjacent to BLM lands.

- This project area is within the Powder River Planning Area. The project is consistent with the Powder River RMP, as amended. The Powder River Resource Management Plan is an “issue-driven” plan that focused on Coal, Vegetation Utilization, Lands, and Wilderness. Decisions and analyses did not focus specifically on the forestry resource, except as it related to these four major issues.

The project conforms to criteria included in the plan for the soil, air, water, rangeland vegetation, and wildlife resources:

- EA no. MT-020-006 is the “project level planning” that considers “the significance of a proposed project and the sensitivity of soil, water and air resources.” Section 2.2.2. of this EA includes “stipulations attached as needed to protect resources.” The project allows for soils to be “managed to maintain productivity and minimize erosion”. Water quality will be “maintained within state and federal standards” (summarized from Powder River ROD, p. 5).
- Management of the forestry resource on this site-specific project will provide for wildlife habitat, soils stabilization, and watershed, which were listed as key considerations in management of the forestry resources (Powder River ROD, p. 8).

In addition, removal of commercial and pre-commercial material is allowable for the purpose of reducing fuel loadings (Fire/Fuels Management EA/Plan Amendment for Montana and the Dakotas Decision Record, p. 2).

- After considering prescribed fire (without mechanical pre-treatment) as a method of reducing the amounts of CWD, I determined that removing excess levels of CWD using mechanical treatment will better meet the Desired Future Conditions described in the Purpose and Need section of the attached EA (see section 2.3 of the EA for additional detail on Alternatives Considered but not Analyzed in Detail).

Protest Process

This is a timber management decision made under the forest management regulations. The **legal notice published in the March 17, 2004 edition of the Miles City Star** will constitute the decision document for purposes of protest under 43 subpart 5003-Administrative Remedies. Protests pertaining to this decision must be filed in accordance with 43 CFR subpart 5003, within 15 days of **first publication** of the legal notice, in the Miles City Field Office, 111 Garryowen Road, Miles City MT 59301-0940.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

After studying the potential impacts of the Hazard Abatement Alternative as described in the attached EA and the associated planning file, and after careful consideration of public comment, I do not anticipate any significant impacts. I based my finding of no significant impacts on the following factors related to context and intensity, as defined by the Council on Environmental Quality (CEQ) at 40 CFR parts 1500-1508.

- (a) **Context**— Short- and long-term impacts were identified and studied. Potential off-site effects were studied for applicable resources (e.g., water quality). Based on the following considerations, the analysis focused on the effects in the local area:
- The primary users of the area are local residents and recreationists.
 - The project area does not include any resources with national-level designations (e.g., Wild and Scenic Rivers, Wilderness Study Areas).
 - The effects are likely to occur within the local project area.

(b) Intensity (severity of the impact)

1. Impacts that may be both beneficial and adverse.

BLM specialists predicted both beneficial and adverse impacts, which are described in the attached Environmental Assessment (EA). I considered the short-term and long-term impacts, both positive and negative, and did not ignore potential short-term negative impacts to achieve long-term benefits. The adverse impacts associated with treatment are acceptable and characteristic of the impacts typically associated with this type of action.

2. The degree to which the proposed action affects public health or safety.

Protection of public safety is one of the primary goals of this project. This action does not require trade-offs to protect future public safety at the cost of increased threat to public safety at the time of treatment. Conventional methods and established procedures (preparation of a burn plan for disposal of slash, compliance with Streamside Management Zone (SMZ) law, closing or signing roads if necessary when logging trucks are using them) will be followed. No severe impacts to public health and safety are anticipated.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

These unique characteristics are considered BLM Critical Elements and are addressed in Chapter 3.0 of the EA. The project area does not include prime or unique farmlands, floodplains, wilderness, or threatened or endangered species or habitat. The project area has not been designated an Area of Critical Environmental Concern. No large riparian or wetland areas exist within the area. Thousands of acres of similar wildlife habitat are available near the project area.

No sites considered eligible for the National Register of Historic Places would be impacted or affected by the proposed action. The 14 identified cultural resource sites would be avoided through project redesign or relocation as described in EA no. MT-020-2004-006. The timber sale contract will incorporate the Conditions of Approval (see Project File, Cultural, p. 2) to specify how unknown cultural resources will be treated if discovered during treatment.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Three comments were submitted during preparation of the EA, following the informational public meeting held on 9/23/03. All comments were in support of the proposed treatments. No concerns with treatment or identified effects were identified by the public. See Chapter 4.0 of the attached EA for details on the comments received from members of the public and specialists at other agencies who commented or were consulted during preparation of the EA.

Based on the comments received during the NEPA process, the effects on the quality of the human environment are not highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

This project includes salvage timber harvest. Given the site-specific factors involved in this project, salvage timber harvest was determined to be an appropriate post-fire management tool for this area. Considerations related to the use of salvage timber harvest as a management tool are described in Appendix C of the attached EA.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This project was initiated in response to conditions created by two wildland fires. Management actions in response to future wildland fires will be determined after considering site-specific characteristics and post-fire conditions. This action conforms with the Powder River RMP. Therefore, this action does not establish any precedents for future actions, and does not represent a decision in principle about future projects.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

This action involves salvage cutting, green tree treatment, construction of fuel breaks, hand treatment of excess fuels, and piling and burning slash and excess small trees. The need for future maintenance treatments was also identified. As described on page 7 of the EA, private landowners and state agencies are also considering salvage cutting on their own lands.

The EA compares the impacts associated with the fires that would continue without treatment (the No Action Alternative) with the impacts that would occur as a result of treatment. Design features were included in the Hazard Abatement Alternative to minimize the impacts of treatments on resources and natural processes.

Only slight increases in sedimentation are anticipated as the result of treatment (see page 12-13 of the EA). Standard procedures (coordination with the Montana/Idaho Airshed Coordinating Group, preparation of a prescribed burn plan) will be used when burning piles following treatment. These impacts would not contribute cumulatively to create

significant impacts on air and water resources. No other cumulative impacts to the human environment were identified.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Based on the analysis in the attached EA, it is not anticipated that sites considered eligible for the National Register of Historic Places would be impacted or affected by the proposed action. The 14 identified cultural resource sites would be avoided through project redesign or relocation as described in EA no. MT-020-2004-006. Conditions of Approval (see Project File, Cultural, p. 2) will be incorporated into any timber sale contract that is prepared to specify how unknown cultural resources will be treated if discovered during treatment.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

During the NEPA process, BLM consulted with US Fish and Wildlife Service as required by section 7(a)(2) of the Endangered Species Act. No known federally listed threatened or endangered species exist within the project area. The EA includes a design feature to reduce potential impacts to one bald eagle nest located approximately three miles from the project area (USFWS 2003). Contact and possible consultation would be reinitiated with US Fish and Wildlife Service if these conditions change, or if BLM receives new information relevant to threatened and endangered species within the project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The selected action does not threaten violation of any laws related to protection of the environment. During implementation, BLM will comply with State Law MC-77-5-3, Streamside Management Zones, as discussed with the DNRC State Service Forester. During preparation of the EA, BLM complied with all analysis requirements for Critical Elements of the Human Environment. BLM also consulted with appropriate state and federal agencies with statutory responsibilities for protection of the environment, and will comply with requirements during project implementation (see 9 above).

I know of no other agency guidance, policies, monitoring, or prior significance determinations documented in related or analogous NEPA decision that would indicate significant impacts from this action. An Environmental Impact Statement (EIS) does not need to be prepared.

/S/ David McIlroy
Miles City Field Manager

Date