

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

June, 26 2012

**Clancy Area Hazardous Fuels Reduction Project
Environmental Assessment MT- (LLMTB070-2011-054EA)**

INTRODUCTION

The interdisciplinary team for the Clancy Area Hazardous Fuels Reduction Project has completed an Environmental Assessment (EA) and analyzed a proposal to implement fuels reduction treatments. These treatments are designed to reduce the hazardous fuels on BLM administered lands within the Wildland Urban Interface (WUI) for public and firefighter safety in the event of a wildland fire. Project activities would occur on up to 3,300 acres of the approximately 11,000 acre project area.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

Based upon a review of the Clancy Area Hazardous Fuels Reduction Project EA and the supporting documents, I have determined that the selection of the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Record of Decision and Approved Butte Resource Management Plan April 2009

DECISION

It is my decision to authorize the Proposed Action as described in the attached Clancy Area Hazardous Fuels Reduction Project Environmental Assessment MT-LLMTB070-2011-054EA. I have determined that BLM lands are at substantial risk of high severity wildland fire due to fuels buildup, and this decision becomes effective on July 2, 2012 in accordance with the regulations contained in 43 CFR 5003.1(b)

RATIONALE FOR THE DECISION

The proposed action was selected because it best meets the Purpose and Need for Action described in the Environmental Assessment and responds to all of the issues identified in public comments. Incorporating the design features into the proposed action will eliminate or minimize identified resource concerns. The proposed action will reduce hazardous fuels, reducing the potential fire behavior in the event of a wildland fire. This will decrease one of the hazards associated with safely suppressing a wildland fire for both firefighter and the public within the area. The proposed action will meet the management goals and actions outlined in the EA or in the Record of Decision and Approved Butte Resource Management Plan April 2009, and meet all criteria of the Health Forest Restoration Act (HFRA of 2003)

Butte RMP Goals:

FM1- Provide an appropriate management response to all wildland fire emphasizing firefighter and public safety

FM4- Promote seamless fire management planning across jurisdictions within the boundaries of the Butte Field Office.

FM5- Protect life and property by treating hazardous fuels on BLM lands

Butte RMP Actions:

Fire management program priority will be fuels reduction in the WUI area in conjunction with completed Community Wildfire Protection Plan.

The decision conforms to the Federal Land Policy and Management Act (FLMPA) of 1976, as amended {43 U.S.C. 1761}, Record of Decision and Approved Butte Resource Management Plan April 2009, and Healthy Forest Restoration Act (HFRA of 2003).

Healthy Forest Restoration Act (HFRA of 2003) Decision Criteria

The proposed action of the project meets all the criteria to utilize the HFRA authority.

- The proposed action is outside any Designated Wilderness areas
- A collaborative process was used.
 - Public, Local county, city, state, tribal, and other federal government participation in this project started in 2002 with gathering data and presentation of findings for the Wildland-Urban Interface Communities-At-Risk- Hazard Assessment (January 2004). This assessment set the basis for Clancy Area Hazardous Fuels Reduction Project.
 - Refer to above document page 10 and 11 that details the start of the collaborative process.
- The objective of the project is reduce fuel loading through the removal of dead and dying trees, and the modification of excessive live fuels within the WUI to increase public and firefighter safety.
- The project is on BLM Lands.
- The project qualifies as an authorized and covered project under HFRA and in the WUI
 - The project is within the WUI of at-risk community as identified in The Tri-County Fire Working Group Regional Community Wildfire Protection Plan (2005) and Community Wildfire Protection Plan CWPP Jefferson County Montana (2005).
- The proposed action applies large tree retention requirements
 - Retention of old growth trees; a 26" diameter limit on all ponderosa pine and Douglas-fir would be included in timber harvesting prescriptions to ensure old forest structure is retained. Snag and downed woody requirements would also be met to help maintain healthy stand structures that are relatively complex.

The No Action Alternative does not meet objectives or the purpose and need. Under this alternative, hazardous fuels would not be treated and wildland fire would be more of a threat to firefighter and public safety. The No Action Alternative would not meet the management goals and actions outlined in the EA or in the Record of Decision and

Approved Butte Resource Management Plan April 2009 as discussed above.

COLLABORATIVE PROCESS

The public was involved and interested throughout the development of this EA. Public comments helped to define issues and develop proposed action for accomplishing management goals and objectives. The following bullets outline the public participation for the Clancy Area Hazardous Fuels Reduction Project

- Public participation in this project started in 2002 with gathering data for the Wildland-Urban Interface Communities-At-Risk- Hazard Assessment. This assessment set the basis for Clancy Area Hazardous Fuels Reduction Project.
- Public notification of the Proposed Action through a posting on the Butte Field Office NEPA registers in April 2011.
- A scoping letter explaining the project and requesting attendance at a public open house was mailed to approximately 30 to federal agencies, local, state and county government Cooperators and tribes.
- The scoping letter explaining the project and requesting attendance at a public open house were posted at post offices and local business throughout Clancy, Montana City, Jefferson City and Helena.
- On January 18, 2012 an editorial of the project and invitation to the open house meeting appeared in the Boulder Monitor.
- On January 20, 2012 an editorial of the project and invitation to the open house meeting appeared in the Helena Independent record.
- On January 23, 2010 A legal notice in the Helena Independent Record of the scoping letter explaining the project and requesting attendance at a public open house
- On January 23, 2012 a public open house was held at the Clancy Grade School.
- The Butte Field Office received 26 written and email comments from individuals. The majority of the comments were in support of the project and the removal of hazardous fuels (15). Of the 15, two identified areas that were not proposed to be treated. One letter produced several comments including the effects of logging on soil and water resources, road effects on wildlife, soil and water, and suggested that the goal of the project should be changed and alternative created that utilize Dr. Cohen research. Two comments were received related to weeds. One comment on the use of prescribed fire.

Sherri Lionberger
Field Manager

Date

Right of Appeal

This Healthy Forest Restoration Act (HFRA of 2003) project decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on July 2, 2012. Within 30 days of this decision, a notice of appeal must be filed in the office of the authorized officer at Bureau of Land Management, Butte Field Office, 106 North Parkmont, Butte, Montana 59701. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

The appellant has the burden of showing that the decision appealed is in error.

This decision becomes effective on July 2, 2012 in accordance with the regulations contained in 43 CFR 5003.1(b) Notwithstanding the provisions of 43 CFR 4.21 (a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a wildfire management decision made under this part and parts 5400 through 5510 of this chapter effective immediately or on a date established in the decision. Wildfire management includes but is not limited to:

1. Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and
2. Projects to stabilize and rehabilitate lands affected by wildfire.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, P.O. Box 31394, Billings, Montana 59107-1394, not later than 15 days after filing the documents with the authorized officer and/or IBLA.

