



DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT

HORSETHIEF CANYON LANDFILL CLOSURE

USDA FOREST SERVICE Intermountain Region Bridger-Teton National Forest Jackson Ranger District

Located Within Teton County, Wyoming

December 2013

Responsible Official

Clinton D. Kyhl
Forest Supervisor
Bridger-Teton National Forest

BACKGROUND

Teton County submitted an application to the U.S. Forest Service (USFS), dated September 25, 2012, for authorization to re-shape and re-cap a landfill and to construct groundwater and landfill gas monitoring wells on National Forest System (NFS) lands managed by the Jackson Ranger District of the Bridger-Teton National Forest (BTNF).

The landfill property (Site) is located approximately seven miles south of the Town of Jackson along Highway 26/89/189/191 in an area known as Horsethief Canyon (Figure 1). The area encompasses 40.5 acres owned by Teton County in the SW1/4 of the NW1/4 of Section 27, Township 40 North, Range 116 West, in Teton County, Wyoming, and the adjoining 17.8-acres of National Forest System lands to the east.

Municipal solid waste (MSW) was buried in the Horsethief Canyon Landfill (on both National Forest and BLM lands) from the mid-1950s through 1989. The BLM property is now owned by Teton County. A soil cap, consisting of 18 inches of compacted soil beneath 6 inches of topsoil, and surface water control channels were placed on top of the landfill in 1989 and a trash transfer station and scale house were constructed on the property owned by Teton County. Since that time, all landfill-bound trash was sent to a landfill in Sublette County, WY, until July 2012 when Teton County began sending waste to a lined landfill in Bonneville County, ID. There is evidence that surface water has infiltrated the buried MSW and shallow groundwater at the site has been impacted.

In 2008, quarterly groundwater testing began on samples from four groundwater wells at the down gradient edge of the landfill. Methylene chloride was found to be slightly exceeding the Groundwater Protection Standard in 12 out of the past 14 sampling events in one of these wells. Methylene chloride is a volatile solvent that is mobile in subsurface environments and is often an indicator that other chemicals may follow. Because the concentration of methylene chloride exceeds the Groundwater Protection Standards, the Wyoming Division of Environmental Quality (WDEQ) is requiring Teton County to put a new, more robust final cap on the landfill, including improved stormwater controls, and apply for a final closure permit. Implementation of both of these requirements must be met by August 2017. Once capped, the site must remain undisturbed and monitored for at least 30 years post-closure. The intent in re-capping the landfill is to minimize the infiltration of surface water, and thus, reduce the production of leachate, and reduce further impacts to groundwater, while providing a barrier to surface intrusion into the Municipal Solid Waste (MSW).

The Environmental Assessment (EA) for the Horsethief Canyon Landfill has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR 1500-1508), the National Forest Management Act (NFMA, 36 CFR 219) and the Bridger-Teton, National Forest Land and Resource Management Plan (Forest Plan). The EA documents the analysis of a “No Action Alternative” and one action alternative (Proposed Action) to meet the purpose and need of the project.

DECISION

Based upon my review of the Horsethief Canyon Landfill Environmental Assessment and supporting documents, prepared by Golder Associates Inc. for Teton County, I have decided to implement Alternative 1, the Proposed Action as described on pages 5-7 of the EA, which authorizes Teton County to regrade municipal solid waste (MSW) from a 5-acre area on Teton County property, onto a portion of the existing landfill on adjacent National Forest Service (NFS) land, regrade the MSW on both Teton County and NFS land, construct a new cap on Teton County and NFS land, and construct surface water channels on the landfill.

A detailed design for the proposed cap will be developed before construction activities begin, but the cap being proposed has been accepted conceptually by WDEQ as an acceptable closure cap design for sites that have had impacts to groundwater. The proposed action includes the following steps on NFS land:

- Remove topsoil from the area to be regraded and stockpile on adjacent, previously disturbed portions of the landfill for later use.
- Remove remaining soil cap and stockpile on previously disturbed land for later use.
- Move existing waste within the current footprint of the landfill as necessary to match the final closure grading plan and use stockpiled soil as needed to develop foundation grading for cap.

- Remove MSW from a 5-acre area on Teton County property and then use the material to regrade portions of the landfill on Teton County and USFS properties. Regrading is necessary in order to establish the appropriate grade for a successfully functioning cap.
- Place a final cap system that meets requirements of the Wyoming Department of Environmental Quality (WDEQ) (Wyoming Solid Waste Rules). The cap will include the following components (in order from the MSW upward):

Gas collection layer consisting of a 1-foot-thick layer of permeable earthen material (sand) or an equivalent thickness of alternate material (shredded tires, or a geosynthetic) and gas vents (6-inch-diameter perforated HDPE pipe), designed to collect and disperse landfill gas (methane and carbon dioxide), preventing build-up of gasses beneath the cap. These will be spaced at approximately 200-ft centers, so approximately 19 wells are expected on the Forest Service portion of the cover.

A geosynthetic (plastic) liner to limit infiltration of precipitation into the MSW, reducing the production of leachate, and significantly reducing further impacts to groundwater.

Drainage layer, consisting of a 1-foot-thick layer of permeable earthen material (sand) or an equivalent thickness of alternate material (shredded tires or geosynthetic), which will drain excess precipitation from the surface of the liner and help prevent infiltration through the liner while enhancing stability by preventing saturation of the soil cover.

A 2-foot-thick vegetation support layer and topsoil (soil layer), consisting of clean soil and topsoil that was previously salvaged and stockpiled. The soil layer will protect the liner and promote the growth of vegetation by providing moisture and nutrients.

Revegetate the area by seeding with a mixture of Forest Service-approved, native, herbaceous species. The vegetation will help to prevent erosion of the soil layer and remove moisture.

- Control surface water by installing appropriately engineered (grass-lined or armored) channels along the east and southwest portions of the landfill perimeter to collect runoff from the final cap and convey it to the southwest boundary of the Site.
- Incorporate a revised groundwater and landfill gas monitoring program into post-closure activities. This is necessary because there is evidence that contaminants may have previously migrated from the MSW into groundwater and also since MSW will remain in place and continue to generate landfill gas.

The cap will serve as a barrier to reduce the infiltration of precipitation into the MSW, reducing contact between water and the MSW thus reducing the production of leachate and reducing negative impacts to groundwater. The cap consists of a relatively impermeable geomembrane that will impede downward movement of precipitation into waste. It also includes a drainage layer on top of the geomembrane that will transmit water to the sides of the cover and to surface water channels. A permeable layer underneath the geomembrane will assist in conducting any landfill gas to the landfill gas vents that will be spaced across the cap.

This decision requires the implementation of the following Required Design Features, which are criteria and best management practices (BMPs) that reduce potential effects to resources of concern.

They include:

- Seasonal restrictions – winter wildlife range – All activities will be conducted outside of the December 1 to April 30, “no human activity” period for wildlife winter range.
- Sediment control BMPs, such as rock check dams, straw bales, and wattles will be installed in the channels. Silt fencing will be installed during earthwork activities.
- A sediment basin will be installed on the down gradient edge of the property to prevent increased sediment loading to the 303(d) section of Flat Creek across Highway 189.
- Bioengineering (cuttings, live stakes, and wattles) will be used to reestablish riparian vegetation along the constructed channels.
- There will be no staging or storage of materials or equipment within 150 feet of riparian areas in compliance with the Construction Staging Area Guideline and Wyoming BMP #4.
- Compliance with the Forest food storage order during operations will be specified in contract clauses for private companies involved in the project. Periodic site inspections to ensure compliance will occur. Personnel will receive training (oral instruction and brochures) on garbage and food storage regulations and protocols to be followed in the field and at any temporary camps used at night.
- Soil will be excavated and stockpiled from the project footprint prior to construction activities. Stockpiles will be protected from erosion.
- Regrading and cover reconstruction will be staged so that soil stockpiles will not be required for long periods of time. Salvaged soil will remain in stockpiles for no more than 2 months.
- If soil is stockpiled for more than 2 months, stockpiles will be vegetated to maintain soil productivity.
- Following regrading and reconstruction of the landfill cover, a seed mix specified by the Forest Service will be used to reseed the area. The seed mix will include, to the extent practical, native species that are adapted to the site.
- Before implementation, during operations and upon completion of the Proposed Action, a noxious weed control program will be implemented to control the presence and spread of noxious weed species. The weed control program will be conducted in conjunction with Teton County Weed and Pest District (TCWPD) to ensure proper timing for disturbance and control methods are applied for each species encountered in the project area.
- The potential to spread noxious weeds in seeds and propagules on construction equipment will be mitigated by washing equipment to remove seeds and propagules prior to entering or leaving the work area.
- Any mulch or straw bales utilized will be certified weed-free.

- The proponent will be required to obtain coverage under the General Stormwater Discharge Permit for Large Construction Projects (WYR 10-0000). Compliance with the permit requires preparing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and implementing best management practices (BMPs) designed to protect the exposed soil from erosion and control sediment discharge to receiving streams.
- WDEQ will require Teton County to prepare an Environmental Monitoring Plan, including surface water, groundwater and methane monitoring, as part of the landfill closure permit application.
- The SWPPP prepared to comply with the Construction Stormwater Discharge Permit requires secondary containment around bulk storage containers of petroleum products equal to the volume of the largest container, plus 10%.
- Areas that have exposed MSW as construction progresses will be within temporary berms, much like active MSW landfills, that will control stormwater runoff and prevent it from flowing from the exposed MSW area. This will be a requirement in the construction specifications.
- Prior to beginning construction, Teton County will be required to apply for a construction permit from the Wyoming DEQ Air Quality Division. Compliance with the permit requires use of Best Available Control Technology such as treatment of haul roads, stockpiles and active work areas with a dust suppressant, and vegetation of soil stockpiles.
- There will be a performance specification that no windblown MSW will be allowed to exit the construction area. Teton County will monitor full-time to make sure this requirement is met. The construction contractor will be required to provide a plan outlining what methods will be used to control windblown MSW until the MSW is covered with final cover material. MSW landfills employ a number of means to control windblown MSW, and as stated above, daily cover is a primary engineering control. Contractors will employ daily cover methods that allow relatively easy removal and reuse such as tarps that are sand-bagged. Litter fences can also be used to catch any MSW that is not dealt with by daily cover.
- If a migratory bird nest is discovered within the proposed action disturbance area prior to construction activities, full protection of any nest will be implemented under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712).

DECISION RATIONALE

Alternative 1, the selected alternative, best meets the purpose and need by directly addressing the causal mechanisms that are leading to contaminants leaching from the landfill. The action is needed for Teton County to comply with the WDEQ requirement that a more robust cap be constructed on all portions of the landfill in order to meet the goal of reducing impacts to groundwater due to leachate generated by infiltration of precipitation into the MSW.

The “No Action” alternative fails to meet the purpose and need because it does not address the

legal requirement to protect ground water quality. It also could eventually impact surface water quality in the Snake River, which includes both eligible and designated Wild and Scenic River segments. No Action fails to meet Wyoming Department of Environmental Quality requirements listed in the purpose and need. Future action would still be necessary under this alternative.

Several alternatives for handling the MSW were considered, but not carried forward for detailed analyses. Excavating all MSW for disposal at another landfill was considered and rejected, because there is no Teton County property suitable as an alternative disposal location, requiring the waste to be hauled to a site out of the county. This alternative would cause a large increase in traffic, when compared to the Proposed Action, while not eliminating the need for long-term monitoring of the site. In addition, the haul cost would be prohibitive to the county.

Hauling a portion of the MSW to another site was considered and eliminated, because it would require additional traffic, while providing no additional benefit when compared to the Proposed Action.

The EA documents that Alternative 1 will have no significant or permanent adverse impacts to any natural or social resources potentially affected by the project. Based on the project design, the Required Design Features, and the best management and reclamation practices, the EA documents the following:

1. Short-term increases to ambient noise will occur in the immediate vicinity of the working equipment but will not be noticeable beyond the immediate area.
2. Geological resources will not be altered from existing conditions and soil erosion will be unlikely, due to the Required Design Features, BMPs, and reclamation measures included in this decision.
3. There will be no adverse effect to surface water resources because BMPs are required to comply with the WDEQ Stormwater Discharge Permit and revegetation is required by the Forest Plan. A beneficial effect is expected to groundwater resources.
4. A Biological Assessment and Biological Evaluation (BAE) was prepared to evaluate compliance with the Endangered Species Act. The results are summarized in Chapter 3.2 of the EA. Eleven species are listed as Proposed, Endangered, or Threatened on the most recent version of the Region 4 list (February 2013). The assessment indicates that there will be “no effect” to: black-footed ferret, whooping crane, bonytail chub, humpback chub, Colorado pike minnow, Kendall Warm Springs dace, sockeye salmon, razorback sucker, pallid sturgeon, Canada lynx and its designated critical habitat and that the selected alternative “may affect, not likely to adversely affect” grizzly bear. The USFWS concurred with the determination in letter dated September 20, 2013.
5. There will be no impacts to historic and cultural resources because there are no known cultural or historic sites within the landfill and because of provisions required by the USFS, NPS, SHPO, and NTIA.
6. Aesthetic and visual resources including those associated with State and National Scenic Byways, Wild and Scenic Rivers, National Forests, National Parks, Wilderness Areas, municipal and county lands, and Wildlife Refuges will not be adversely affected because these areas are either avoided or protected by required design features that conform with

visual quality objectives for the Forest Plan.

7. Implementing the Proposed Action will not result in any changes to existing land use.
8. There will be no adverse impacts to infrastructure aside from effects associated with short term increases in traffic.
9. During construction, approximately 17.8 acres of Forest Service land will be disturbed. In addition, the landfill cap will be re-graded and replaced. During construction, exposed soil could contribute to an increase in the dust particulates in the local air column. Fugitive dust and vehicular emissions are expected to contribute to air emissions. These are considered short-term effects and will last only as long as the estimated construction period. Prior to beginning construction, Teton County will be required to apply for a construction permit from the Wyoming DEQ Air Quality Division. Compliance with the permit requires use of best available control technology such as treatment of haul roads, stockpiles and active work areas with a dust suppressant, and vegetation of soil stockpiles.

The Horsethief Canyon Landfill Closure EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This action was listed as a proposal on the Bridger-Teton, National Forest Schedule of Proposed Actions for 3rd quarter FY 2013 and updated periodically during the analysis. In addition, the public was invited to review and comment on the proposal for 30 days through publication of a legal notice in the Casper Star-Tribune on May 17, 2013, as well as a public scoping document that was sent on May 13, 2013 to Forest Service resource specialists and other interested parties such as the Teton County Commissioners and local environmental groups. The EA lists agencies and people consulted on page 58-59.

No comments were received during the comment period. The environmental concerns that were brought forward by Forest Service resource specialists are addressed through the implementation of Required Design Features and best management practices.

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the Horsethief Canyon Landfill Closure Environmental Assessment (EA), I have determined that the Proposed Action will not have significant effects on the quality of the human environment based on the context and intensity of its impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. I considered the following in making this determination:

Context

The selected alternative will implement project activities that are of limited scope and duration, affecting only the immediate area around the proposed landfill closure. The project is anticipated to be implemented between May 2014 and September 2017. The project was

designed to minimize environmental effects through careful installation, location selection and project design criteria. No significant issues or unresolved conflicts were identified concerning alternative uses of available resources that warrant further consideration of additional alternatives.

Intensity

The intensity of effects was considered in terms of the following:

1. Impacts that may be both beneficial and adverse. It is my determination, based on review of the EA and consultation with Forest Service resource specialists, that the proposed installation methods will not have a significant impact on the environment. All effects will be small or short-lived. None is deemed irreversible or irretrievable and do not set in motion further environmental effects. All potential direct, indirect, and cumulative effects are evaluated in the EA, and biological and cultural resource surveys. I considered beneficial and adverse impacts associated with the project. These impacts are within the range of effects identified in the Forest Plans for the Bridger-Teton National Forest. I conclude that the specific direct, indirect, and cumulative effects of the Proposed Action are not significant, and this action does not rely on beneficial effects to balance adverse environmental effects

2. The degree to which the Proposed Action affects public health or safety. There will be no significant effects on public health and safety as a result of this project (see EA section 3, pages 10-57). Project design criteria have been established to ensure that any threats to public health and safety have been mitigated and resolved during project formation, thus I conclude that there will be no significant effects on public health and safety. These additional criteria and mitigations have been attached to this decision and will be made part of the Special Use Permit.

3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, parklands, prime farms, wetlands, Wild and Scenic Rivers, or ecologically critical areas. Within the National Forests, the project area is not near areas that have been identified as ecologically critical or otherwise unique for the geographic area (See EA Pages 4 and 8).

Heritage surveys have been completed to ensure that impacts to cultural and historic resources will be avoided. (See EA pages 4 and 8).

The project location within the National Forest does not contain prime farmlands, wetlands, Wild and Scenic Rivers, or ecologically critical areas. There are floodplains and wetland located downstream in the Flat Creek drainage. Required design criteria, (see EA, Section 2.1.1 and 3.3.2) and compliance with the Wyoming Stormwater Discharge permit will prevent effects to Flat Creek. Based on this information, I conclude that the selected alternative will have no effects on unique characteristics.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. There is no known credible scientific controversy over the impacts of the

Proposed Action. The effects on the quality of the human environment are not highly controversial. Effects analysis was conducted using scientific literature and professional analysis. The literature that applies to this project did not indicate that this project would be highly controversial. There were no public comments received on the proposal during the scoping process period.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. Based on the lack of public comment and the analysis documented in the EA and Project Record, I find the possible effects on the human environment that are uncertain or involve unique or unknown risks are most likely non-existent. A technical analysis that discloses potential environmental impacts (which is supportable with use of accepted techniques, reliable data, and professional opinion) has been completed and I believe that the impacts of implementing this proposal are within the limits that avoid thresholds of concern.

6. The degree to which the action may establish a precedent for future actions with significant effects or presents a decision in principle about future considerations. The Horsethief Canyon Landfill closure represents a site-specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any proposed future project must be evaluated on its own merits and effects. The proposed action is compatible with the Forest Plan and the capabilities of the land. I believe that this action does not represent a decision in principle about a future consideration and does not represent an irreversible or irretrievable commitment of resources.

7. Whether the action is related to other actions with individual insignificance but cumulative significant impacts. The cumulative impacts of this project are not significant. Consideration of potential cumulative impacts of this proposal on soils, biological resources, threatened, endangered, proposed and sensitive species, hydrology, noise, visual resources, recreation, and traffic were analyzed to consider past, present, and reasonably foreseeable future activities. The resulting analysis disclosed in the EA and supporting documents indicate that this proposal would not cause significant cumulative effects on human, biological, or physical resources, even when considered in relation to other actions (see EA pages 10–57). The effects of the action are limited to the local area.

8. The degree to which the action may adversely affect districts, sites, highway 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 historic resources. Heritage surveys have been completed in the Horsethief Canyon Landfill. A Class III Cultural Resources Survey was performed on the landfill in April 2012 (Schubert 2012). No historic or cultural sites were identified. The results were submitted to Wyoming State Historic Preservation Office (SHPO) and a concurrence letter from SHPO is in the project file.

The potential for impacting undiscovered sites is identified in the concurrence letter: “If any cultural materials are discovered during construction, work in the area shall halt immediately, the federal agency must be contacted, and the materials evaluated by an archeologist or historian meeting the Secretary of the Interior’s Professional Qualification Standards.”

In their letter of April 24, 2012, SHPO concurred that no historic properties would be affected by implementing the proposed project (SHPO File #0412JPL012) and that after review of the report prepared for this project (Schubert 2012) found that it met the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). Since the proposed actions do not impact any known or surveyed sites, there is no need for site-specific mitigation. I believe that this action will not have a significant effect on scientific, cultural, or historic resources (see EA page 4).

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. A Biological Assessment and Evaluation (BAE) was prepared to evaluate compliance with the Endangered Species Act. The results are summarized in The EA (Chapter 3.2). It determined that there would be “no effect” or “may affect, not likely to adversely affect” for all federally listed species on the BTNF. The analysis was submitted to the US Fish and Wildlife Service, Cody Field Office for concurrence. The BAE and concurrence letter are available in the project record. The Proposed Action complies with the Endangered Species Act (ESA) of 1973 (as amended). The Proposed Action could impact individuals or their habitat, but will not likely contribute to a trend towards federal listing, or cause a loss of viability to any population or species (see EA pages 8 to 9 and section 3.2).

10. Whether the Proposed Action threatens a violation of federal, state, or local law, or requirements imposed for the protection of the environment. The Proposed Action meets federal, state, and local laws for heritage resources or cultural sites, water quality, and threatened and endangered species (see EA pages 8 to 9). It also meets National Environmental Policy Act disclosure requirements. The proposed action is consistent with the National Forest Management Act (NFMA) and the Forest Plan for the Bridger-Teton National Forest. This proposal does not require any Forest Plan amendments.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The project was designed in conformance with the following land management plan direction. This management direction is achieved through the establishment of Forest-wide goals and objectives, standards and guidelines. Additional goals and accompanying standards and guidelines have been established for specific management areas (MAs) across the forests. Project implementation consistent with this direction is the process in which desired future conditions (DFC) described by the Forest Plan are achieved. The National Forest Management Act requires that all project-level resource plans are to be consistent with the Forest Plan (16 USC 1604(i)). The proposed action is located in Management Area 41 (Jackson Hole South; Forest Plan pgs. 266–267; USFS 1990) and the DFC is DFC 12 Backcountry Big-Game Hunting, Dispersed Recreation, and Wildlife Security Areas. The theme for DFC 12 is: “An area managed for high-quality wildlife habitat and escape cover, big-game hunting opportunities, and dispersed recreation.”

Applicable prescriptions, standards and guidelines within Management Area 41 include:

- Visual Quality Prescription – The visual quality objectives are retention and partial retention
- Fisheries and Wildlife Prescription – Habitat will be managed to help meet the game populations, harvest levels, success, and recreation-day objectives, and to fully achieve the fish population, harvest levels, success, and recreation-day objectives identified by the Wyoming Game and Fish Department and agreed to by the Forest Service
- Management Activity Guideline – All management activities should be concentrated to within the shortest period of time and to the smallest possible area

This proposal meets all Forest-wide and DFC 12 standards and all other applicable Forest Plan direction. Forest Plan objectives are discussed in more detail for each resource in the EA (pages 10–57).

The alternative development process is detailed in the alternative development section of the EA. After reviewing the EA, I find that my decision is consistent with Forest Plan standards, goals, and objectives as amended on the Bridger-Teton National Forest. The proposed action can be implemented without conflicting with the Forest Plan management direction.

Environmental Justice

Executive Order 12898 requires federal agencies to address disproportionately high and adverse human health or environmental effects on minorities and low-income populations and communities. Alternative 1 does not affect subsistence activities, nor does it impose any disproportionate adverse human health or environmental effects on minority and low-income populations as defined by the Environmental Justice Act. Opportunities for activities that low income residents may engage in for subsistence, such as firewood cutting, hunting, or huckleberry gathering would not be altered under the selected alternative. Therefore, low income residents would not be adversely affected. This decision would not be expected to cause significant changes in the socioeconomic environment of the project area and thus would not affect low income or minority populations or communities.

This alternative meets requirements under the following laws and regulations (see EA pages 8–9):

Multiple-Use Sustained-Yield Act of 1960
National Historic Preservation Act of 1966 (as amended)
Wild and Scenic Rivers Act of 1968, amended 1986
National Environmental Policy Act (NEPA) of 1969 (as amended)
Clean Air Act of 1970 (as amended)
Endangered Species Act (ESA) of 1973 (as amended)
Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 (as amended)
National Forest Management Act (NFMA) of 1976 (as amended)
Clean Water Act of 1977 (as amended)
American Indian Religious Freedom Act of 1978
Archeological Resource Protection Act of 1980
Executive Order 11593 (cultural resources)

Executive Order 11988 (floodplains)
Executive Order 11990 (wetlands)
Executive Order 12898 (environmental justice)
Executive Order 12962 (aquatic systems and recreational fisheries)
Executive Order 13186 (Migratory Bird Treaty Act)
Snake Headwaters Legacy Act of 2009
Roadless Area Protection Executive Order 2001

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

This project is subject to the objection process at 36 CFR 218 Subparts A and B. The Forest Service allows the public 45 days following a legal notice of draft decision to file an objection. Persons or organizations are eligible to object if they have submitted timely and specific written comments regarding the proposed project during a public comment period. Only those who submitted timely and specific written comments regarding the proposed project during a public comment period established by the responsible official are eligible to file an objection under 36 CFR 218.

Since no comments were received during the public comment period, no one is eligible to object. Therefore, there will not be a need for the 45-day objection-filing period.

TIMING OF PROJECT DECISION

Since no one is eligible to object, the final decision notice for this project will be issued immediately. The decision notice will specify which alternative is selected for implementation and the rationale for the decision.

IMPLEMENTATION

Since this decision is not subject to objection, the project may be implemented.

CONTACT

For additional information concerning this decision, contact: Deidre Witsen, Special Uses Permit Administrator, Jackson and Buffalo Ranger Districts, Bridger-Teton National Forest, P.O. Box 1689, Jackson, WY 83001, dwitsen@fs.fed.us, (307) 739-5434.

Clinton D. Kyhl

12/16/2013

Clinton D. Kyhl
Forest Supervisor

Date

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Appendix A

Best Management Practices

In addition to the BMPs listed below, all Required Design Features will be followed.

Air Quality

- To the extent feasible, site improvements will be installed promptly in order to reduce the potential for dust emissions.
- The area disturbed by clearing, earth moving, or excavation activities will be kept to a minimum at all times, allowing improvements to be implemented in sections.
- Erosion control and revegetation efforts will commence immediately following construction.

Geology and Soils

- Any excess fill from excavation activities will be transported to an identified and approved site.
- Soil-disturbing activities will be avoided during periods of heavy rain or wet soils.
- Areas determined to have been compacted by construction activities may require mechanical sub-soiling or scarification to the compacted depth to reduce bulk density and restore porosity.
- Upon completion of construction, all concrete and construction debris will be removed from National Forest System lands.
- No fuel storage is permitted on National Forest System lands.
- Spill kits must be present at staging areas.
- WY BMPs will be followed for any hydraulic or oil leak in accordance with DEQ provisions.
- State licensed fuel handler companies will be required for the on-site fueling needs.

Vegetation

- Re-vegetation measures will occur in all disturbed areas using native species designated by the BTNF.
- Sediment fences or wattles will be placed in conjunction with mulching to reduce the erosion hazard.

Water Resources

- Immediately revegetate disturbed areas upon completion of project.
- Construction is not authorized to occur in wetlands during peak flow.
- Identify the full extent of all wetlands before ground disturbance.
- Any rutting or soil disturbance will be repaired immediately by the contractor/permittee.
- Equipment will only be allowed to cross channels during low flow periods, and all crossings that cause rutting will be restored immediately by the contractor/permittee.
- Staging areas are to be at least 150 feet from riparian areas.

Wildlife

- Special food storage restrictions pursuant to 36 CFR 261.50 must be followed in order to minimize adverse interactions between bears and humans.
- Reclaim and revegetate disturbed areas as soon as possible with native species where applicable.
- Limit construction to daylight hours only.
- No construction (vegetation removal) will occur in areas with nesting habitat when nesting by migratory birds could occur (May 1 through July 31).