

DECISION MEMO

Dime and Mystery Lake Snake River Cutthroat Trout Restoration Project

USDA Forest Service
Blackrock Ranger District, Bridger-Teton National Forest
Fremont and Teton Counties, Wyoming

OVERVIEW AND BACKGROUND

Wyoming Game and Fish Department has proposed removing introduced, non-native trout from two lakes within the Teton Wilderness on the Bridger-Teton National Forest in order to reduce the risk that these populations pose to native cutthroat trout populations in the Snake River. They have proposed to accomplish the fish removal with Rotenone.

Yellowstone cutthroat trout (YCT, locally referred to as Snake River cutthroat trout) occupy less than half of stream miles that they occupied historically and are genetically unaltered in only 17% of historic habitats. YCT is a Wyoming State Species of Greatest Conservation Need (NSS3) and on the Regional Forester's Sensitive Species List for Region 4 of the US Forest Service. Competition and/or hybridization by non-native trout has been identified as a leading cause of conservation concern for the species. The Upper Snake River Genetic Management Unit of YCT represents one of the most intact populations of YCT, which makes it a particularly high priority for conservation actions.

Wyoming Game and Fish Department (WGFD) maintains jurisdiction and responsibility for management of fish and wildlife populations on the National Forest Service lands within the state of Wyoming. The project is within the Wilderness, and Section 4(d)(7) of the Wilderness Act provides that "Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the National Forests."

Piscicides, such as Rotenone, have been used by state agencies to remove non-native species on NFS land on previous occasions. The USFS Intermountain Region has a Memorandum of Understanding with the state agencies regarding fish and wildlife management, which supplements the Wildlife Coordination Act (PL 85-624) and the Sikes Act (PL 93-452). Under these laws and agreements, the application of piscicides, consistent with the label requirements, are considered state actions, which are coordinated with the Forest Service.

With that background, WGFD has requested a special use permit to apply rotenone to Mystery Lake and Dime Lake and the associated inlet and outlet streams in the Teton Wilderness. In addition, the Wilderness activity has been approved by the Regional Forester following the Minimum Requirements Decision Guide process, which is for the purpose to identify, analyze, and select management actions that are the minimum necessary for Wilderness administration. A Pesticide Use Proposal has also been prepared and is currently under consideration for authorization by the Regional Forester.

DECISION

I have decided to issue a Special Use Permit to the Wyoming Game and Fish Department authorizing occupancy and use of the Teton Wilderness within the Bridger-Teton National Forest in order to conduct piscicide treatments on Mystery Lake and the associated inlet and outlet streams and Dime Lake and the associated inlet and outlet streams.

I have reviewed the proposed action, input from numerous Forest Service specialists, biological evaluations and biological assessments, public scoping comments and the response to comments, and the MRDG. Because the Forest Service is not exercising decision making authority over fish and wildlife population management, this decision will be limited to the Special Use Permit and the terms and conditions identified in the permit.

Additional design criteria (issued as terms and conditions for the permit) included in this decision that will be part of the implementation plan are as follows:

1. The forest food storage order will be in effect for the duration of the project.
2. Carcasses of fish will be collected throughout and after the treatment period to eliminate this potential food source for bears.
3. Wyoming Game and Fish personnel will remain at the site for two days following the treatments and/or the detoxification period.
4. Camping during the Dime Lake treatment will occur outside the Wilderness, reducing chances of conflicts with grizzly bears.
5. Store chemicals on impervious surfaces, in closed containers, at least 50 feet from the outer edge of riparian and wetland vegetation, and at least 100 feet from the outer edge of open water bodies. At a minimum, ensure containment of a complete spill from all containers being stored is possible with spill kit materials at the storage site.
6. Provide the BTNF with spill contingency plans per normal rotenone operations.
7. Report any spills promptly to the Blackrock District Ranger.
8. Evaluate weather conditions and only apply under favorable conditions. Avoid application if storm events make conditions unsafe for applicators or if conditions may cause chemical runoff. (Chem-3, National BMPs)
9. Use the potassium permanganate in Dime Creek based on time of travel below the application point where potential fish mortality can be expected before the chemical is completely neutralized. (Chem-4, National BMPs)
10. Monitor water quality and sediments pre- and post- treatment to evaluate chemical concentrations. WGFD should provide a monitoring plan. (Chem-4, National BMPs)
11. Do not apply rinse water from empty containers, mixing apparatus, or clean up to the ground near water bodies. If possible, carry containers off-site and rinse in an appropriate laboratory setting.
12. Incorporate the BMPs listed after the References in the Hydrology Specialist's Report into project planning and implementation.
13. Treatments will be conducted as late in the summer as practical to reduce the risk to larval amphibians and macroinvertebrates.
14. Prior to treatment, trained biologist will survey the habitat for larval amphibians. If larval-stage amphibians are discovered, either delay treatments to allow time for metamorphosis or temporarily transfer tadpoles to similar adjacent habitats.
15. Wyoming Game and Fish Department personnel will decontaminate equipment with a fungicide (to combat chytrid) before entering the Teton Wilderness.

CATEGORICAL EXCLUSION

The project is authorized by the use of a Categorical Exclusion, which excludes the decision from documentation in an environmental impact statement or environmental assessment as described in 36 CFR 220.6(d)(8): Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands.

Determinations of Extraordinary Circumstance:

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:
The District Wildlife Biologist and District Fisheries Biologist have concluded that there are no extraordinary circumstances concerning Threatened and Endangered Species and Region 4 Sensitive Species associated with this project that would warrant further analysis and documentation in an EA or EIS.
- Floodplains, wetlands, or municipal watersheds:
The Forest Hydrologist has concluded that there are no adverse effects are anticipated to water quality or hydrological resources.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas:
The project would occur within the Teton Wilderness. Because of this, an MRDG has been conducted in order to determine the most appropriate action for wilderness administration.
- Inventoried roadless areas or potential wilderness areas:
The project components are within wilderness and would not affect inventoried roadless areas or potential wilderness areas.
- Research natural areas:
There are no research natural areas located within the project area. There is no effect to research natural areas.
- American Indians and Alaska Native religious or cultural sites:
There are no known American Indian and Alaska Native religious or cultural sites in the area of interest. There is no effect to American Indians and Alaska Native religious or cultural sites.
- Archaeological sites, or historic properties or areas:
Given the above design criteria, there will be no conflicts with archaeological sites, historic properties or areas and there are no extraordinary circumstances that would warrant further analysis.

PUBLIC INVOLVEMENT

The project was scoped on February 6th, 2016 in the Casper Star-Tribune and on January 22nd, 2016 in the Jackson Hole News with a request for comments. An interdisciplinary team was comprised of Forest Service resource specialists in recreation, hydrology, wildlife, and fisheries. The interdisciplinary team reviewed the proposed action, considered potential issues, and determined their findings. Public scoping helped to guide the project analysis and shape the final project proposal. The interdisciplinary team recommended design suggestions which have been incorporated into this decision.

APPLICABLE LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Forest Plans). The Bridger-Teton Forest Plan was approved in 1990, as required by this Act. The plan provides for guidance for all natural resource management activities on the Forest. The Act requires all projects and activities be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. This project is within DFC 6A (Dime Lake) and 6B (Mystery Lake). This decision is responsive to guiding direction contained in the Forest Plan and is consistent with pertinent Standards and Guidelines.

Endangered Species Act – Implementation of the project is consistent with requirements of the Endangered Species Act of 1973. A Forest Service wildlife biologist reviewed the project and considered potential impacts the proposed action would have on threatened and endangered species and their habitats. The biologist concluded that there would be “no effect” on threatened, endangered, and proposed species. This decision is consistent with this Act.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. Potential effects of this decision on sensitive species were considered. The Zone Wildlife Biologist and Fisheries Biologist concluded that the project would have either “no impact” or “may impact individuals or habitat, but will not trend species toward federal listing or reduce population viability” on sensitive species. This decision is consistent with this Act.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the implementation of the Design Criteria and Best Management Practices. This decision incorporates the Design Criteria and Best Management Practices to ensure protection of soil and water resources. This decision is consistent with this Act.

Clean Air Act - Under this Act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. The project area is a Class II airshed. This decision will not adversely affect air quality.

National Historic Preservation Act – Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. Implementation of the project is consistent with

requirements of the National Historic Preservation Act of 1966, as amended in 1999. This decision is consistent with this Act.

Archaeological Resources Protection Act – This Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. Implementation of the project is consistent with requirements of the Archaeological Resources Protection Act. This decision is consistent with this Act.

Native American Graves Protection and Repatriation Act – This Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. Implementation of the project is consistent with requirements of the Native American Graves Protection and Repatriation Act. This decision is consistent with this Act.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

IMPLEMENTATION DATE

Implementation may occur immediately.

CONTACT

For additional information concerning this decision, contact Matthew Anderson, South Zone Fisheries Biologist, 29 E. Fremont Lake Road, phone 307-367-5751.



Todd Stiles

Date

Blackrock District Ranger

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.