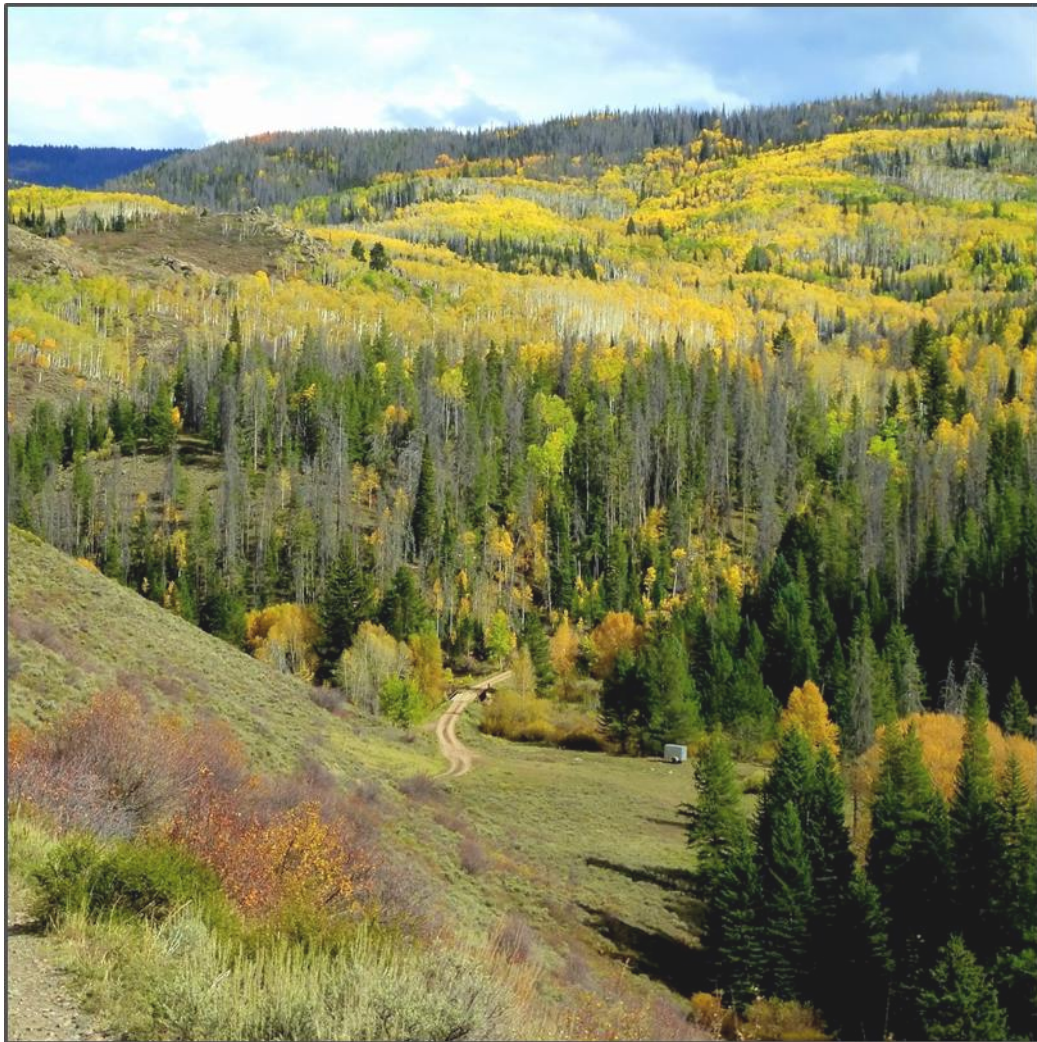


Medicine Bow Landscape Vegetation Analysis Project

Record of Decision



Medicine Bow-Routt National Forests and Thunder Basin National Grassland
Laramie and Brush Creek/Hayden Ranger Districts
August 2020

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Cover photo: Matrix of forested area on the Medicine Bow-Routt National Forest depicting aspen stands, conifer stands, and beetle-killed stands. (provided by U.S. Forest Service).

**Medicine Bow Landscape Vegetation Analysis Project
Record of Decision
Albany and Carbon Counties, Wyoming**

Lead Agency: USDA Forest Service

Cooperating Agencies: Wyoming State Forestry Division, Wyoming Game and Fish Department, Wyoming Department of Environmental Quality, Wyoming State Historic Preservation Office, Cheyenne Board of Public Utilities, Wyoming Department of Agriculture, Albany County Commissioners, Albany County Fire Warden, Carbon County Commissioners, Little Snake River Conservation District, Laramie Rivers Conservation District, Medicine Bow Conservation District, Saratoga-Encampment-Rawlins Conservation District, Bureau of Land Management, State of Wyoming Governor's Office, and U.S. Fish and Wildlife Service.

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Abstract: The Forest Service has prepared the Medicine Bow Landscape Vegetation Analysis Project (LaVA Project) record of decision (decision) in compliance with the National Environmental Policy Act, the Healthy Forests Restoration Act, the 2003 revised Medicine Bow Land and Resource Management Plan (forest plan), and other relevant Federal and State laws and regulations. The decision is supported by the LaVA Project modified final environmental impact statement (April 2020) which is incorporated by reference into this decision. This decision authorizes integrated management actions to be adaptively implemented over a 15-year period beginning in 2020 and ending in 2035. The project is needed to respond to unprecedented landscape-level tree mortality from bark beetles and other forest health issues affecting the Medicine Bow National Forest; to reduce threats to ecosystem components, including forest resources; and to reduce hazardous fuels to minimize the potential for large-scale, high-intensity wildfires.

This decision authorizes Alternative 3, Final Decision for implementation. Alternative 3 was developed in response to the 2020 pre-decisional administrative review process for the project. It is a subset of Alternative 2, the modified proposed action, in that it excludes inventoried roadless areas from treatment opportunity and reduces acres proposed for vegetative treatment accordingly.

Public Availability of Supporting Documents:

The record of decision and supporting documents for the LaVA Project are available for public review in the Forest Supervisors' Office in Laramie, Wyoming and on the [LaVA Project website](http://www.fs.usda.gov/project/?project=51255) at <http://www.fs.usda.gov/project/?project=51255>.

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Background

The Medicine Bow Landscape Vegetation Analysis Project (LaVA Project) includes up to 288,000 acres of vegetation management¹ on the Medicine Bow National Forest under one decision for the next 15 years. The LaVA Project was developed to respond to unprecedented landscape-level tree mortality from bark beetles and other forest health issues that have affected hundreds of thousands of acres across the Medicine Bow National Forest since the late 1990s. The magnitude of these issues led the Forest Service's Washington Office to designate the LaVA analysis area as a priority landscape for the treatment of insects and disease under section 602 of the Healthy Forests Restoration Act (2003, as amended (2014) in 2017 (2017 USDA Forest Service). The Healthy Forests Restoration Act provides expedited procedures for administrative review of projects authorized under the Act as well as expedited procedures for complying with National Environmental Policy Act requirements.

Introduction

A re-issued draft Record of Decision² for the Medicine Bow LaVA Project was made available for a 30-day review under the project-level pre-decisional administrative review, or "objection process" (Title 36 CFR 218, Subparts A and C) in April of 2020. The re-issued decision documented my intent to select Alternative 2, modified proposed action, as analyzed in the April 2020 modified final environmental impact statement, as my selected alternative. By the close of the objection period, the Forest Service had received 30 letters of objection to the re-issued decision.

This Record of Decision (decision) documents my selection of Alternative 3, Final Decision for implementation on National Forest System lands administered by the Laramie and Brush Creek/Hayden Ranger Districts of the Medicine Bow National Forest. Alternative 3, Final Decision is Alternative 2, modified proposed action, as analyzed in the April 2020 LaVA Project modified final environmental impact statement. However, my selected alternative differs from Alternative 2 in that it excludes the inventoried roadless areas in the project area from treatment. Excluding inventoried roadless areas from the proposal removes roughly 123,000 acres, or 20 percent of treatment opportunity area acres, from the project decision and reduces proposed treatment acres from up to 360,000 acres to up to 288,000 acres. The selected alternative is within the range of alternatives analyzed in the April 2020 modified final environmental impact statement and responds to concerns raised during the recent project-level objection process. Pages [9](#) - [24](#) provide a more detailed description of my decision.

Project Location

The LaVA Project is in Albany and Carbon Counties, Wyoming. The project area stretches from the Colorado-Wyoming border north across the Snowy Range and Sierra Madre Mountain Ranges from approximately 25 miles west of Laramie, Wyoming to about 25 miles east of Baggs, Wyoming. It encompasses approximately 850,000 acres of National Forest System lands—the entirety of the Snowy Range and Sierra Madre portions of the Medicine Bow National Forest, Brush Creek/Hayden and Laramie Ranger Districts.

¹ In response to an objection instruction contained in the June 10, 2020 'Summary of Reviewing Officer's Instructions' (USDA Forest Service 2020), I excluded treatment of inventoried roadless areas from my decision. Since inventoried roadless areas represent roughly 20 percent of the LaVA treatment opportunity area acres, treatment acres were reduced by 20 percent, accordingly.

² I released a draft record of decision for a 30-day project-level pre-decisional administrative review process (objection) on April 19, 2019. By the close of the objection period, I had received 27 letters of objection to the draft decision meeting the requirements of 36 C.F.R. 218.8. On June 18, 2019, I withdrew my decision and cancelled the objection process to allow time to respond to public concerns. In April of 2020, I re-issued a new draft record of decision, thereby initiating a new objection process.

Healthy Forests Restoration Act

The LaVA Project is within the boundaries of a designated priority landscape area for treatment of insects and diseases, as defined by the Healthy Forests Restoration Act (H.R. 1904), section 602(d) (see figure 1). Accordingly, the project is a hazardous fuel reduction project, as defined by section 101(2) and as authorized by section 102(a)(1-5), of the Act.

Purposes of the Healthy Forests Restoration Act include reducing wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects; enhancing efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; and protecting, restoring, and enhancing forest ecosystem components (Healthy Forests Restoration Act, section 2, purposes 1, 3, and 6). Alternative 2, modified proposed action and Alternative 3, Final Decision meet the intent of the Act.

Section 104(f) of the Act encourages meaningful public participation during preparation of authorized hazardous fuel reduction projects. In keeping with the spirit of the Act, my staff and I have met with LaVA cooperating agencies on a monthly basis since March of 2017 and will continue to meet with these agencies on a regular basis throughout the 15-year project implementation period and beyond. These agencies assisted the Forest Service in hosting numerous public involvement sessions in local communities during project development with the intent of sharing project information and soliciting comments about the proposal. Both the public and cooperating agency personnel helped the Forest Service develop and structure the LaVA Project analysis. They will continue to be instrumental during LaVA Project implementation.

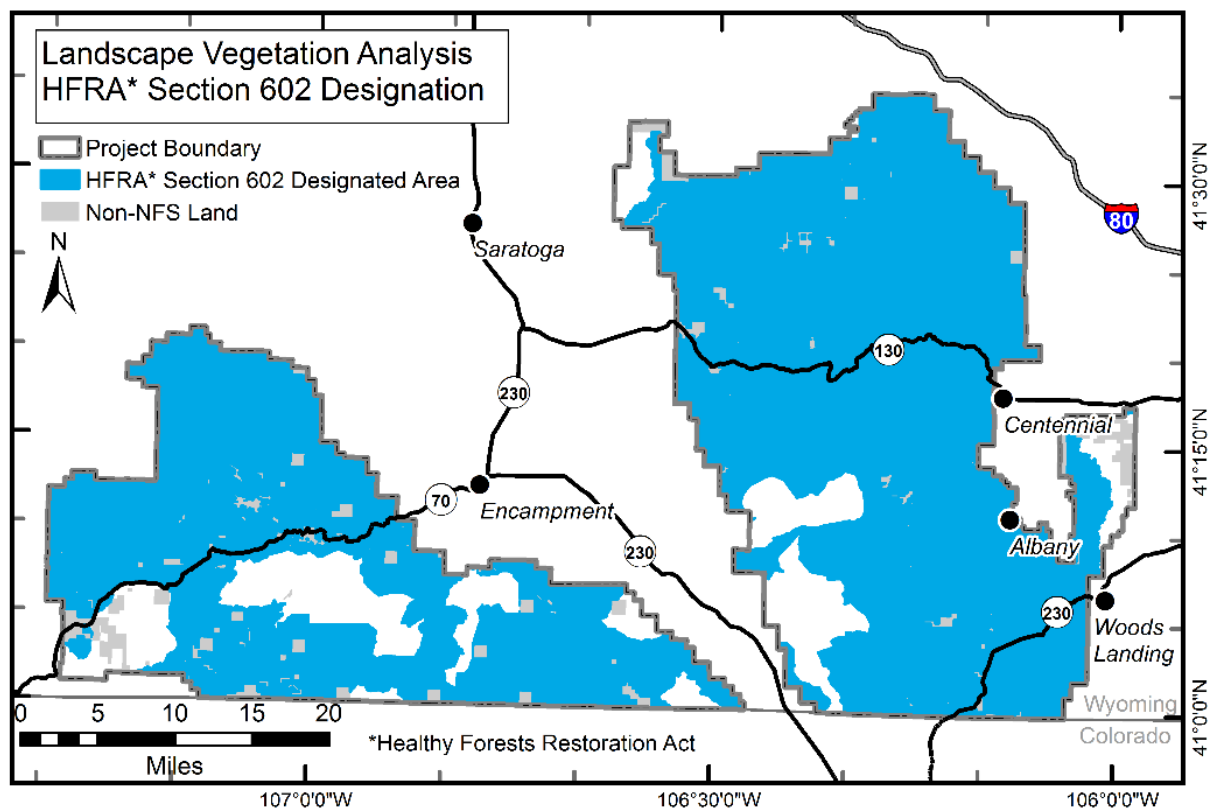


Figure 1. LaVA Project area and the Healthy Forests Restoration Act, section 602, designation area

Purpose of and Need for the Project

The purpose of and need for the LaVA Project is to respond to changed forest vegetation conditions caused by the bark beetle epidemics on the Medicine Bow National Forest. Project needs include mitigating hazardous fuel loads, providing for recovery of forest products, enhancing forest and rangeland resilience³ to future insect and disease infestations, protecting infrastructure and municipal water supplies, restoring wildlife habitat, enhancing access for forest visitors and permittees, providing for human safety, and providing management adaptability and flexibility in the face of uncertainty and rapidly changing conditions. The approach is to actively manage forest and shrubland vegetation using mechanical treatments, tree cutting, prescribed burning, or hand treatments consistent with the goals outlined in the Governor's Task Force on Forests (Bannon et al. 2015), the Western Bark Beetle Strategy (USDA Forest Service 2011d), the Wyoming Statewide Forest Resource Strategy (Wyoming State Forestry Division 2010), the Healthy Forests Restoration Act and Farm Bill Amendments (2003 and 2014), and the 2003 Medicine Bow National Forest Revised Land and Resource Management Plan (forest plan).

Pre-decisional Administrative Review Process (Objection Process)

The Notice of Availability for the LaVA Project's modified final environmental impact statement was posted to the Federal Register on April 10, 2020. The project's legal notice was published in the Laramie Boomerang that same day, initiating a 30-day objection-filing period under Subparts A and C of 36 C.F.R. 218 – Project-level Pre-decisional Administrative Review Process. By the close of the objection-filing period, on May 11, 2020, the Forest Service had received 30 objections meeting the requirements of 36 C.F.R. 218.8.

On June 2, 2020, after conducting an initial review of the objections, the Reviewing Officer held a virtual objection resolution meeting between multiple objectors, the Responsible Official, and agency staff for the purposes of clarifying objection issues and discussing potential resolutions. This meeting culminated in a set of instructions being provided to the Responsible Official on June 10, 2020⁴, the close of the objection-resolution period. These instructions address a broad range of resource management and public use concerns and were developed to strengthen the Final Decision.

³ For the purposes of the LaVA Project, resilience is defined as "the ability of an ecosystem and its component parts to absorb, or recover from the effects of disturbances through preservation, restoration, or improvement of its essential structures and functions and redundancy of ecological patterns across the landscape (Forest service Handbook 1909.12 Land management Planning Handbook Chapter zero code)." This definition is included here and in the August 2020 Errata to the modified final environmental impact statement to respond to the Reviewing Officer's June 10, 2020 objection instructions (USDA Forest Service 2020)

⁴ June 10, 2020 'Summary of Reviewing Officer's Instructions.'

Some objection issues identified missing literature citations or missing definitions which were added to the project record prior to the release of this decision. Other objection issues identified such things as the use of best available science, insufficient cumulative effects analyses, and deviations from Forest Plan guidelines. These issues resulted in minor adjustments or clarifications to the analysis. One instruction, however, substantially influenced my decision and led me to reconsider and select, for decision, an alternative that was proposed by the public during scoping and considered but eliminated from detailed study in the April 2020 modified final environmental impact statement. This alternative, previously reviewed, excludes inventoried roadless areas in the project area from treatment. This removes roughly 123,000 acres, or 20 percent of treatment opportunity area acres (see Treatment Opportunity Areas, pages [12-19](#)), from the project decision. It also reduces proposed treatment acres from 360,000 to 288,000. The acreage change mitigates concerns surrounding management actions in inventoried roadless areas, as well as addressing concerns surrounding the analysis's range of alternatives and use of the Healthy Forests Restoration Act. This alternative, which is within the range of alternatives analyzed in the April 2020 modified final environmental impact statement, is referred to as Alternative 3, Final Decision.

Alternative 3, my selected alternative, fully incorporates the June 10, 2020 instructions received from the Reviewing Officer, as required by 36 CFR 218.12(b). See Appendix 1 of this decision for a detailed overview of instructions received and how they were addressed.

My Decision

I have decided to select Alternative 3, Final Decision for implementation on the Laramie and Brush Creek-Hayden Ranger Districts of the Medicine Bow National Forest. Alternative 3 is a subset of Alternative 2, modified proposed action, as analyzed in the April 2020 LaVA Project modified final environmental impact statement. My selected alternative differs from Alternative 2 in that it excludes the inventoried roadless areas in the project area from treatment. Excluding inventoried roadless areas from my decision removes roughly 123,000 acres, or 20 percent of treatment opportunity area acres, from the project decision and reduces proposed treatment acres from up to 360,000 acres to up to 288,000 acres. The acreage adjustments were calculated as follows:

- Treatment Opportunity Areas comprise 613,107 acres of the LaVA Project area under Alternative 2 (April 2020 modified final environmental impact statement, page 70) and treatment opportunity areas within inventoried roadless areas comprise roughly 130,000 acres, or 20 percent of the total TOA acreage (April 2020 Reissued Draft record of decision, page 51).
- Because the total treatment opportunity area acreage would be reduced by 20 percent under Alternative 3, Final Decision, a corresponding 20 percent reduction in total authorized vegetative treatment acres (stand initiation, intermediate and "other" treatments combined) was made. This reduced total treatment acres from up to 360,000 acres to up to 288,000 acres.
- An analysis conducted between the 2019 final environmental impact statement and the 2020 modified final environmental impact statement determined that timber cutting, sale, and removal within inventoried roadless area treatment opportunity areas would be feasible on only 24,331 of the 130,000 inventoried roadless area acres included in the project proposal. This acreage is due to limitations in operable ground⁵(April 2020 modified final environmental impact statement, page 353).

⁵ Generally, areas with slopes less than 40 percent with greater than 20 percent tree cover within 1,000 feet skidding distance of an accessible (non-Wilderness) IRA edge (MFEIS at p. 353).

- The abovementioned analysis was determined to be a reasonable proxy for areas where stand initiation and intermediate treatments could have taken place within inventoried roadless areas.⁶ Therefore, the April 2020 modified final environmental impact statement was updated to allocate 24,331 acres of timber cutting to these treatment types.
- Of the 260,000 acres of stand initiation and intermediate treatments proposed in Alternative 2, modified proposed action, 36.5 percent was stand initiation and 63.5 percent was intermediate (April 2020 modified final environmental impact statement, page 8). The 24,331-acre reduction was allocated based on these percentages for an 8,881-acre reduction in stand initiation treatments and 15,450-acre reduction in intermediate treatments.
- The remaining reduction was allocated to the “other” treatment category.
- Final acres under Alternative 3, Final Decision are broken down as follows:
 - Stand Initiation: 86,119
 - Intermediate: 149,550
 - Other: 52,331
 - TOTAL: 288,000

Prior to making my decision, I carefully considered information from the following sources:

- the LaVA Project purpose and need for action
- information gathered during public involvement sessions and through meetings with cooperating agencies
- issues identified during scoping (40 CFR 1501.7)
- comments received during the 45-day comment period for the draft environmental impact statement
- information from the interagency consultation with the U.S. Fish and Wildlife Service, under section 7 of the Endangered Species Act
- public concerns raised during the 2019 project objection process
- public concerns raised during the 2020 project objection process
- the analysis of the alternatives described in the LaVA modified final environmental impact statement and associated project record
- direction from the Medicine Bow forest plan
- current policies and regulations

Under Alternative 3, Final Decision, I am authorizing individual vegetation management treatments on up to 288,000 acres of National Forest System lands within the Sierra Madre and Snowy Range Mountain Ranges of the Medicine Bow National Forest. Individual treatments will be authorized in pre-established treatment opportunity areas (described below) over a 15-year period beginning in 2020 and ending in 2035. All authorized treatments will be contingent upon Forest Service and cooperating agency priorities, available staffing, and annual funding appropriations.

⁶ Although this analysis focused on cutting, sale and removal, it is also a reasonable proxy for where stand-replacing prescribe fire could take place due to ability to utilize and create man-made control features (roads, clearcuts, etc.) in those areas.

My decision adopts Final Appendix A: Adaptive Implementation and Monitoring Framework (August 2020) to guide project implementation. Appendix A outlines an adaptive, five-phase process for identifying, refining, field verifying, implementing, and monitoring individual treatments over the 15-year implementation period in close cooperation with LaVA cooperating agencies and the public. My decision also adopts the LaVA Story Map, a web-based application that will allow interactive sharing of project information and provide a forum for public input/feedback throughout the life of LaVA Project implementation. The Story Map, which will be available for interactive use on or before September 30, 2020, will be integral for tracking completed and planned treatments, for ensuring active public engagement, and for ensuring project success in close partnership with LaVA cooperating agencies and the public.

Appendix A, the adaptive implementation and monitoring framework, has continued to be modified and updated in response to public concerns raised throughout the analysis process. Most recent modifications are in response to the 2020 objection process and include removing all references to inventoried roadless areas; adding rows for the continental divide national scenic trail and deviations from Forest Plan guidelines to Output 1: Pre-treatment checklist; adding a new workbook to track wildlife security areas to Output 3: Treatment Tracking Workbook; and including additional best management practices for the continental divide national scenic trail to Attachment 4, Pre-treatment Standard Operating procedures. Adherence to this Appendix A will allow for strategic, integrated resource management that advances the missions of multiple agencies in response to continually changing conditions. It will also ensure continued public and cooperating agency engagement, which is vital to the success of any landscape-level project, including the LaVA Project.

During project implementation, treatment acres will be calculated based on the primary treatment objective. For example, if a stand-initiation treatment is conducted and the same unit is burned to initiate regeneration, treated acres will only be counted once, not twice. In this example, the acres treated would count toward the stand-initiation treatment cap.

Other activities included within the total acreage associated with my decision include slash treatments (for example, lopping and scattering, piling and burning, chipping), noxious weed control, native grass and forb seeding, range improvements, recreation enhancement projects, heritage resource protection projects, fisheries projects, soils projects, watershed improvement projects, wildlife projects, and routine road maintenance.

I recognize that ground conditions and analysis assumptions may change over the 15-year treatment authorization period for the LaVA Project. Therefore, I am requiring the preparation of a Supplemental Information Report⁷ every five years to assess whether the treatments proposed would cause effects on the resource environment that exceed the effects documented in the LaVA modified final environmental impact statement (April 2020). These scheduled five-year reviews will be in addition to reviews determined to be necessary as a result of unforeseen events and resource condition changes that may be identified in the intervening periods as a result of project monitoring that are not addressed by the project's adaptive management measures. See decision page [23](#) for more information.

⁷ Forest Service Handbook 1909.15, section 18 outlines requirements for Supplemental Information Reports.