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Route To: (1570 (215))

Subject: 1570 (215) - ARO Letter - Savant Bicentennial 3D Seismic Project DM - Dakota Prairie NG - Deb Reichman - #07-01-00-0164

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Deb Reichman protesting the Savant Resources, L.L.C. Bicentennial 3D Seismic Project Decision Memo (DM) on the Dakota Prairie National Grasslands (McKenzie Ranger District).

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellant's objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

This decision was made using a category of action that can be excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as listed in Forest Service Handbook 1909.15, Chapter 30, Section 31.2. As a result, my appeal review will be focused on the use of the category, the review of extraordinary circumstances, and the project's consistency with the Grassland Plan, and applicable laws and regulations. I have reviewed the appeal and make the following findings:

1. The proposed action complies with Chapter 30 of the NEPA Handbook and is excluded from further analysis and documentation in an EIS or EA. The project makes appropriate use of Section 31.2, Category 8. This category permits "Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road (Service Level D, FSH 7709.56), or use and minor repair of existing roads."
 2. The resource specialists on the interdisciplinary team reviewed the proposed action for potential effects on resource conditions and the presence of extraordinary circumstances (DM, pp. 3 to 5; see also project file). The mere presence of one or more resource conditions does not preclude the use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist. I agree that there were no extraordinary circumstances that warranted further analysis and documentation as per FSH 1909.15, 30.3.
 3. The Project File (PF) indicates that the project is consistent with the Grassland Plan and applicable laws and regulations.
- The project is located in Grassland Plan Management Areas (MAs) 6.1 and 3.65. Management direction for MA 6.1 allows mineral and energy development. MA 3.65



allows oil and gas development that is visually subordinate to the landscape. Guidelines for seismic operations include minimizing surface and other resource disturbances from geophysical operations, and prohibiting new road construction for seismic operations (Grassland Plan, pp. 3-32 and 3-33; DM, p. 2).

- The effects to soils were addressed by the specialist in a memorandum to the Area Minerals Manager (PF, Doc. 70). In the memo, the zone soils/hydrologist states, the “proposed seismic operation would result in minimal soil disturbance.”
- By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). The project file provides documentation that cumulative effects were considered.
- Following review of the project area, the Grassland Botanist and Wildlife Biologist prepared or reviewed the Biological Evaluations for the project (DM, p. 4). The effects on Threatened and Endangered, and Sensitive species were appropriately documented (PF, Docs. 7, 22, 25, 26, 27, 41, 42, 43, 43a to 43n, 44, 45, 56, 67, 72, and 77). There are no known Threatened or Endangered plant species on the Little Missouri National Grasslands (PF, Doc. 22). Mitigation was included to avoid known populations of the Regional Forester’s Sensitive Plant Species, Dakota buckwheat (DM, p. 4; PF, Doc. 22). There are no known Threatened or Endangered wildlife species in the project area (PF, Doc. 43). There was analysis for the one Candidate species and multiple Regional Forester’s Sensitive Wildlife Species potentially occurring in the project area (Doc. 43). The analyses indicate that the project is consistent with the Endangered Species Act, the Forest Service Manual, and the Grassland Plan, and that there are no extraordinary circumstances related to Threatened, Endangered, or Sensitive species as a result of the proposed action.
- The DM (p. 5) states that the project is consistent with the Clean Water Act, and that direction in Forest Service Handbook 2509.22 will be used to implement applicable portions of the Clean Water Act. The effects to hydrology were addressed by the specialist in a memorandum to the Area Minerals Manager (PF, Doc. 70). There are no 303d listed streams within the project area, and the project will not result in any discharge into waters of the United States.
- The Seismic Operations General Conditions of Approval will be in effect (DM, p. 3; PF, Doc. 53).
- Periodic inspections and monitoring are part of this Decision to ensure compliance with the NOI/A and Conditions of Approval (DM, p. 3).
- The project is consistent with the National Historic Preservation Act (DM, p. 5; PF, Doc. 47).
- The project is consistent with Executive Order 12898: Environmental Justice (DM, p. 5).

RECOMMENDATION

I have reviewed the record and have found that the analysis and decision adequately address the issues raised by the appellant. I recommend the District Ranger's decision be affirmed and the appellant's requested relief be denied.

/s/ Bruce Ramsey
BRUCE RAMSEY
Appeal Reviewing Officer

cc:
Forest Coordinator
Responsible Official