



**DECISION MEMO**  
**BARTON SPRINGS THINNING**  
**(Seed Cone Protection Area)**  
**USDA Forest Service, Beaverhead-Deerlodge National Forest**  
**Pintler Ranger District**  
**Granite County, Montana**

**BACKGROUND**

The Barton Springs area has been identified as a seed collection area for the “Blue High” seed. Seeds collected from these trees are cultivated and seedlings are used for reforestation plantings within the Northern Region. The Blue High seed zone (5300+ feet elevation) has been identified as in short supply within the Northern Region. The fires of 2000 on the Bitterroot National Forest burned many ponderosa pine stands in this seed zone and underscored the need to collect Blue High Seed. Insect and disease mortality in the stand/area threatens this seed collecting area.

**DECISION**

I have decided implement the decision as described below. The project area is about 18 miles northwest of Philipsburg, Montana, located in Township 10N, Range 15W, Sections 25, 26, and 36 (see attached map). One unit of approximately 163 acres will be treated to protect trees in an area that has been designated as a seed collection area.

Slash – Small diameter trees (0.5 to 6.9 inches diameter breast height (dbh)) Douglas-fir and lodgepole pine trees within the stand will be cut down.

Salvage - Infected/dead trees within the stand will be cut.

Thinning – Douglas-fir, lodgepole and ponderosa pine trees will be commercially thinned using a ground based system with skid trials to landing sites.

- An approximate basal area (BA) of 60 to 80 will be kept on the site where it exists.
- Leave (do not cut) all Douglas-fir and ponderosa pine trees greater than 11 inches dbh. If the remaining BA is still greater than 80 square feet per acre, then cut trees up to 14 inches dbh as necessary to meet 80 BA. Favor leaving ponderosa pine over Douglas-fir in all cases.
- Will not treat areas where the existing BA is currently less than 60 square feet per acre.

Hand Piling/Burning or Chipping – Hand piling or removal of slashed material will be followed by burning of hand piles or chipping and removal for utilization in biomass products. In some areas, hand piling of existing fine fuels (less than four inches in diameter) may occur. Pile burning will be initiated when the piled fuels are dry and weather conditions provide for safe ignition.

Existing roads and skid trails within the stand will be used for harvest activities. No new or temporary roads will be constructed. Roads and skid trails will be reseeded upon conclusion of harvest activities, except for Forest Road # 358 that appears on the current forest travel plan which will be maintained for public use.

No old growth will be treated. The stand does not meet the old growth criteria (Green et al. 1995). A few small patches of forest located within the stand with old growth characteristics were completely removed from any treatment activities.

The project will maintain existing snag densities by keeping all soft snags greater than 10 inches dbh. Forest Inventory and Analysis (FIA) data was used to estimate large snags (greater than 10 inches dbh) in the analysis area by dominant tree species (Bush and Leach 2003). The average for the Clark Fork Flints landscape which encompasses the analysis area is 6.28 snags per acre and the average Forest-wide is 9.78. Both estimates exceed Forest Plan standards (Deerlodge Forest Plan, 1987) and

meet Region One management recommendations (USDA-FS 2000).

**Mitigation and other project features:**

- Post treatment, the stand will have a minimum canopy closure of 35% (where it exists) to maintain nesting habitat for flammulated owls (Samson 2006).
- All soft snags (Douglas-fir or ponderosa pine) greater than 10 inches dbh will be left in the unit for snag-dependent wildlife, unless they pose a safety hazard to operators and/or the public (if they are located within 1 tree length from a road open to the public for motorized vehicle travel).
- Site-specific Best Management Practices (BMP's) or Soil and Water Conservation Practices (SWCPs) will be applied.
- If additional plant seed is required, only native species common to the site will be used. Consider storage of displaced topsoil and native plants for use to restore disturbed sites. All seed and mulch material will be certified noxious weed seed free.
- Monitor and treat noxious weeds for a period of up to five years following project completion. Monitoring and treatment will be done at an appropriate time of year for the species in the area.
- To aid in prevention of non-native plant species, facilitate native species colonization of disturbed sites, and minimize erosion potential; slash and native material (e.g. needle mulch) can be spread over bare soil generated as a result of the proposed project.
- All heavy equipment will have an undercarriage wash, and be inspected, prior to entering National Forest System lands to reduce the spread of noxious weeds.
- If sensitive plant species are found in the project area those locations will be excluded from ground disturbance.
- Intermittent patches of dense conifers comprised of small diameter trees will be maintained on the edges of openings in the unit, and at the grassland forest interface on the south edge of the unit to provide feeding perches for flammulated owls and other raptor species as well as hiding cover for elk and deer.
- Treatments will occur outside the nesting period (nesting period = mid April through late July) for flammulated owl, northern goshawk, and black-backed woodpecker to remove the potential for direct disturbance effects during breeding season. Review by the wildlife biologist prior to work will confirm non-activity.
- Prescribed burning will comply with the Montana Airshed Group's MOU.
- If currently unknown cultural resources are discovered during project implementation, operations affecting that discovery will be curtailed until the site is evaluated by a Forest archaeologist.
- No trees over 6 inches in diameter will be removed within a 50 foot buffer around the Lower Barton Springs cabin.
- Machinery will be operated in harvest units, on skid trails, and on landings only when soils have dried to a water content of 12 percent or less or when they are frozen, in order to prevent soil compaction and rutting.
- Slash piles will be burned after the soil has frozen (if slash is not chipped).
- Skid trails will be at least 85 feet apart to assure that soil quality standards are met.
- Heavily disturbed areas on landings and skid trails will be restored by replacing displaced soil, ripping compacted surfaces and seeding if needed.
- Five to fifteen tons per acre of coarse woody debris 3 inches in diameter or larger will be left in harvest units for small mammal habitat and soils.

- Existing roads and skid trails will be rehabilitated and re-vegetated when no longer needed. Drainage structures will be constructed as needed to prevent erosion until vegetation develops adequate cover to protect disturbed areas. Fine and coarse slash can be placed on the skid trails as an alternative to drainage structures.
- Low cut (less than 6 inches) visible stumps within 100 feet of Forest Road 358.
- Re-contour and reseed landings visible from Forest Road 358 after cessation of logging activities and dispose of slash promptly.
- Avoid creating unnatural patterns by meandering skid trails and, where openings are created, mimicking the form of natural openings.
- Machinery will avoid the springs located outside the project area.

### **PURPOSE AND NEED**

The Barton Springs Thinning project is proposed in response to insect activity within and adjacent to the unit. There is a need to protect the Blue High seed zone production and collection area. The purpose of this project is to reduce the potential spread of mountain pine beetle, Douglas-fir beetle, and western pine beetle within the project area by removing infected trees and improving the health and vigor of remaining trees and reduce their susceptibility to bark beetle mortality.

### **RATIONALE FOR MY DECISION**

As stated in the Background section of this decision, the Barton Springs area has been identified as a seed collection area for the "Blue High" seed. Seeds collected from these trees are cultivated and seedlings are used for reforestation plantings in the region. The Blue High seed zone (5300+ feet elevation) has been identified as in short supply within the Northern Region. The fires of 2000 on the Bitterroot National Forest burned many ponderosa pine stands in this seed zone and underscored the need to collect Blue High Seed. Insect and disease mortality in the stand/area threatens this seed collecting area.

There is a need to protect this area for future seed production and collection. An increase in bark beetle activity indicates that conifers in the stand are in a stressed condition. This suggests the balance of the stand is susceptible to further bark beetle activity and mortality. Thinning the ponderosa pine/Douglas-fir/lodgepole timber stand will help to improve the health and vigor of the remaining trees.

We have identified several objectives we will meet. Specifically, there is a need to:

- Reduce risks of insect activity on Ponderosa pine "plus" trees and general seed collection trees.
- Reduce risks of insect activity on Douglas-fir trees.
- Reduce the density of conifers within the forested stand to improve plant vigor of the remaining conifers, especially ponderosa pine for cone production and seed collection.
- Reduce overall shading in the area/stand decreasing shading/cooling that enhances bark beetle activity.

My decision to thin approximately 163 acres to reduce the potential spread of mountain pine beetle, Douglas-fir beetle, and western pine beetle within the project area to protect a seed collection area is consistent with NFMA and the Deerlodge Forest Plan (1987).

### **REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION**

An action may be categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA) if it is within one of the categories identified by the USDA in 7 CFR part 1b. or a category identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 Section 31.12 or 31.2, and there are no extraordinary circumstances related to the decision.

This project has been reviewed in accordance with FSH 1909.15. This project falls under Section 31.2 "Categories for Which a Project or Case File and Decision Memo Are Required." Specifically, this

project falls under category 31.2(14), that allows “commercial and non-commercial felling and removal of any trees necessary to control the spread of insects and disease on no more than 250 acres with no more than one half mile of temporary road construction.”

I have concluded, based on both past experience and site-specific environmental analysis, this project will have no significant effect on the human environment, individually or cumulatively, and may be categorically excluded from documentation in an EIS or EA. No extraordinary circumstances exist that might cause this action to significantly affect the environment. My conclusion is based on information presented in this document and the project file.

### **EXTRAORDINARY CIRCUMSTANCES**

The interdisciplinary team reviewed the extraordinary circumstances listed in FSH 1909.15, 30.3(2). They also reviewed other concerns applicable to this project to determine suitability for categorical exclusion. The interdisciplinary team made the following findings.

#### **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

##### Fish and Amphibian Species

There are three sensitive aquatic and one ESA listed fish species that may potentially be affected by this project: westslope cutthroat trout (*Oncorhynchus clarki lewisi*), northern leopard frog (*Rana pipiens*), boreal toad (*Bufo boreas boreas*), and bull trout (*Salvelinus confluentus*).

One sensitive fish species, westslope cutthroat trout (*Oncorhynchus clarki lewisi*) and one federally listed species, bull trout (*Salvelinus confluentus*), are found west of the continental divide on the Beaverhead-Deerlodge National Forest. We have documented the presence of westslope cutthroat trout in North Fork Lower Willow Creek, and both westslope cutthroat and bull trout in Harvey Creek, in the adjacent watershed to the west and north. Considering the effects of this project, and the effects of past and ongoing actions in the North Fork Lower Willow 6th field watershed, this project will have **no impact** on westslope cutthroat trout in the North Fork Lower Willow Creek.

Western (boreal) toads (*Bufo boreas*) have been documented on lands administered by the Beaverhead-Deerlodge National Forest. The nearest documented boreal toad location, to the project area, is located about 13 km NNE of the project area, off NFS lands, adjacent to the Bearmouth rest area on I-90.

It is possible that this project could affect individual boreal toads. Boreal toads can be found in a wide variety of habitats including wetlands, forests, woodlands, sagebrush, meadows, and floodplains in the mountains and mountain valleys (Maxell, 2000). Adult boreal toads may move more than four kilometers away from water after breeding and can remain away from surface water for relatively long periods of time (Maxell, 2000). Juvenile toads may disperse up to four kilometers from their natal site (Maxell, 2000). Because of these characteristics it is possible that individuals could use the sale area and be directly affected by the logging operation. Direct mortality of toads could occur as a result of crushing during harvest operations. Indirect impacts to amphibians associated with timber harvest may be associated with changes in microsite climates due to opening of the tree canopy resulting in increased solar radiation and soil drying, the use and maintenance of roads in the project area and potential sedimentation and toxicant delivery to adjacent streams and wetlands (Maxell, 2000).

The determination that this project “**may impact individual boreal toads...**” is based on three factors; documentation of toads in the general area (northern Granite county) of the project, the presence of suitable habitat within dispersal distance to the project area and the potential, that if toads are present, they could be impacted by implementing this project. This determination of impacts is a very conservative call given that boreal toads have not been documented to occur in the immediate vicinity of the project. The determination of “may impact individual boreal toads...” does not rise to the level of an extraordinary circumstance, as defined in FSM 1909.15, chapter 30.3.

This project is **unlikely to impact** northern leopard frogs as the nearest known populations of frogs exist in Flathead and Lincoln counties in northwest Montana.

The Biological Evaluation for sensitive and threatened fish and amphibian species located in the Project File contains the following determinations:

**Table 1: Threatened, Endangered, Proposed and Sensitive Fish and Amphibian Species**

	Bull Trout	Westslope Cutthroat Trout	Northern Leopard Frog	Boreal Toad
DETERMINATION	NE	NI	NI	MIIH

NE = NO EFFECT (THREATENED SPECIES)

NI = NO IMPACT (SENSITIVE SPECIES)

MIIH = MAY IMPACT INDIVIDUALS OR HABITAT, BUT WILL NOT LIKELY CONTRIBUTE TO A TRENDS TOWARDS FEDERAL LISTING OR LOSS OF VIABILITY TO THE POPULATION OR SPECIES (SENSITIVE SPECIES)

#### Plant Species

No R1 sensitive plant species were found in the project area during field surveys.

No federally proposed, threatened, or endangered plant species occur in the project area or on the Beaverhead-Deerlodge National Forest; therefore no effects to proposed, threatened, or endangered plant species will occur as a result of this project.

#### Wildlife Species

U.S. Fish and Wildlife Service (USFWS) identified gray wolf, bald eagle, and yellow-billed cuckoo as the listed and threatened, endangered, proposed, or candidate species that may be present in the analysis area.

**Bald Eagle:** The project as proposed will have **no effect** on bald eagle based on the lack of suitable habitat and low potential for occurrence. The no effect determination is consistent with the screens developed by the Regional Level 1 Team (USDA-FS 2005).

**Gray Wolf:** The project is limited to thinning trees on <1% of the analysis area. The project will not impact key wolf habitat or the wolf prey base, will not increase wolf/human interactions, and will not affect wolf population viability or the existing ability of wolves to occupy or disperse through the analysis area. Therefore, consistent with the screens developed by the Regional Level 1 Team, the project is **not likely to jeopardize** the continued existence of the wolf within the nonessential experimental population area (USDA-FS 2005). As such, conference with the USDI-FWS is not necessary.

**Yellow-billed Cuckoo:** The project is located in dry ponderosa pine habitats whereas yellow-billed cuckoo appear in willow/cottonwood riparian areas. As such, the species will not be analyzed in detail, and this project will have **no effect** on the cuckoo.

**Table 2: Threatened, Endangered, Proposed or Candidate Wildlife Species**

	Bald Eagle	Gray Wolf	Yellow-billed Cuckoo
Determination	NE	NLJ	NE

NE = NO EFFECT

NLJ NOT LIKELY TO JEOPARDIZE

**Sensitive Species:** Northern Goshawk was removed from the Forest Service Sensitive Species list for Region One on July 17, 2007, see MIS section for discussion on this species.

Table 3 displays these species, habitat preference, acres available in the project area, and the Biological Evaluation determination for each species.

Information from field reviews indicate that the analysis area may provide some pockets of suitable habitat for the fisher (spruce/fir associated), northern bog lemming (wet bog fen associate), and American peregrine falcon (riparian foraging/cliff nesting), however, proposed treatments and all access routes are located in drier habitats where these species are not known to occur. As such, the above species were dropped from further analysis and the project will have no impact on them.

Table 3: Sensitive Wildlife Species

Species	Habitat Requirements	Acres Available in the Analysis Area	Acres Affected by the Proposed Treatment	Determination
North American Wolverine <i>(Gulo gulo)</i>	Large areas of unroaded security habitat; secure denning habitat, ungulate carrion in winter.	No denning habitat, ungulate winter range on the fringes of the analysis area.  Security habitat: 17,299 acres (2 blocks of 4236 and 13063 acres, respectively) comprising 55% of the 31395 acre elk HROGA	No effect on existing security habitat.  No change in available ungulate carrion.	NI
Townsend's Big-Eared Bat <i>(Corynorhinus townsendii)</i>	Roosts in caves, mines, rocks and buildings, or large snags. Forages over riparian areas or water.	Cave roosting habitat unknown.  34,842 acres mature and old growth forest (all tree species combined) with 6.28 (+-3.68) snags per acre.  Riparian foraging in numerous streams.	Cave habitat not impacted.  No old growth treated.  Thinning smaller Douglas-fir trees leaving all snags > 10" dbh and all larger Douglas-fir and Ponderosa Pine (> 14") for future snag recruitment.  Riparian foraging not impacted.	NI
Flammulated Owl <i>(Otus flammeolus)</i>	Mature (> 9 inches dbh) and old growth ponderosa pine (PP)/Douglas-fir (DF) with abundant moth species prey.	19,635 mature and old growth dry DF  1019 pole sized dry DF	140 acres (<.01%) mature dry DF thinned from below maintaining larger diameter trees and at least 35% canopy cover on treated acres. No old growth treated.	MIIH
Black-backed Woodpecker	Burned or insect-killed forest.	34,842 acres mature and old growth forest (all tree species combined) with 6.28 (+-3.68) snags per acre (see goshawk	No old growth treated.  Thinning smaller diameter trees available in 180 acres of mature DF will maintain	MIIH

Species	Habitat Requirements	Acres Available in the Analysis Area	Acres Affected by the Proposed Treatment	Determination
		<p>section above for breakout of age and size classes)</p> <p>Over 4165 acres affected by mountain beetle in patches that range in size from 2 to 310 acres, providing 1 to 15 dead additional trees per acre for snag habitat.</p> <p>0 recently burned.</p>	<p>larger available trees for snag recruitment and all snags &gt;10" will be maintained in treated areas unless a safety concern.</p>	

NI = NO IMPACT

MIH MAY IMPACT INDIVIDUALS OR HABITAT BUT WILL NOT RESULT IN A LOSS OF SPECIES VIABILITY OR CREATE SIGNIFICANT TRENDS TOWARDS FEDERAL LISTING

**Wolverine:** The project will have **no impact** on wolverine. Denning habitat is far removed from proposed treatments. Ungulate carrion and potential movement of wolverine from denning to elk winter range will not be impacted. Security areas will not be impacted, given treatments are far removed from such areas. The project will not increase trapper access. The project will not add cumulative effects to the existing situation for wolverine.

**Townsend's big-eared bat:** Project activities will not occur in or near any caves or abandoned mines. Since no old growth will be treated, old growth roosting habitat will not be impacted. Thinning in Douglas-fir areas will target smaller diameter trees, leaving the largest diameter trees (> 14" dbh) available for future snag recruitment. Riparian and meadow foraging habitat will not be impacted. Direct, indirect, and cumulative effects are not anticipated (see above). As such the project will have **no impact** on the Townsend's big-eared bat.

**Flammulated Owl:** The project as proposed **May Impact Individuals or Habitat**, but is not expected to result in reduced viability for the population or species. Treatments will occur outside the breeding season. Thinning will not occur in or near (greater than 300 meters) areas where the owl has been detected during the breeding season. No old growth will be impacted, leaving the most suitable owl habitats in tact. A minor amount (.01%) of potential nesting/foraging habitat will be thinned from below leaving the overstory relatively in tact. The resulting stand characteristics will be consistent with areas where the owl has been detected. The project will not change the amount or distribution of owl habitat on the forest. Owl habitat is well distributed on Forest, and in the Region.

**Black-backed Woodpecker:** Based on the above analysis, the project as proposed **may impact individuals or habitat** but will not affect the viability of the population or species. The probability of disturbing even one individual is low. Timing restrictions will prevent the potential for direct impacts to breeding birds; adequate snag habitat will be maintained in thinned units and untreated areas in the analysis area as well as Forest-wide and Region-wide; habitat for the woodpecker has increased dramatically in the last decade; woodpecker populations have increased in number; no old growth will be impacted, and old growth is abundant and well distributed Forest-wide.

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**Management Indicator Species:**

Northern Goshawk: The project as proposed will not impact nesting habitat and nest areas. A minor amount of potential foraging habitat (2%) will be thinned. The vegetative composition of home range (primary and secondary habitat) habitat available to goshawks in the analysis area approximates those recommended by Reynolds et al. 1992. No change in breeding area occupancy or productivity is expected. Goshawks and goshawk nesting and foraging habitats are abundant and well distributed across the forest and region.

Elk: Dry, Douglas-fir/ponderosa pine cover types, such as the treatment unit, do not typically provide elk hiding cover because of their low stem densities. Therefore, the proposed unit was not included in cover calculations. The project will not change open road density and therefore the existing Elk Effective Cover (EEC) of 57% will be maintained.

Proposed treatments are located above elevations where elk tend to winter and are not in or near any Forest Plan designated winter range (FP II-18). Expansive elk winter range areas are concentrated on private lands north and east of proposed activities. Effects to elk winter range are not expected.

Pileated Woodpecker: Since the project will not change the amount or distribution of mature or old-growth Douglas-fir, effects to the pileated woodpecker are not expected.

**Floodplains, wetlands, or municipal watersheds**

There are no municipal watersheds in the project area. Floodplains will be avoided because no activities are proposed within 50 feet of a stream. Standard timber sale contracts include clauses that avoid wetlands. (Report available in the project file)

**Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas**

The project is not located in any congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas.

**Inventoried roadless areas**

The project is not located within an Inventoried Roadless Area (IRA).

**Research natural areas**

The project is not located in or near a research natural area.

**American Indians and Alaska Native religious or cultural sites**

Several Tribes were contacted during scoping and no comments or concerns were received. A combination of Class II (sample survey) and Class III (intensive survey) were completed for this project. These surveys determined there are no significant cultural resource sites in the project area.

**Archaeological sites, or historic properties or areas**

A combination of Class II (sample survey) and Class III (intensive survey) were completed for this project. These surveys determined there are no significant cultural resource sites in the project area.

**SCOPING AND PUBLIC INVOLVEMENT**

The Barton Springs Thinning project has appeared on the NEPA Quarterly Project List since April 2004. On April 13, 2004 a scoping notice describing the proposed action and purpose and need for the Barton Springs Thinning project was mailed to members of the public. The scoping package was sent to 64 individuals and groups. Two comments were received for this proposal.

On June 5, 2006 a second scoping notice describing a modified proposed action and purpose and need for the project was mailed to 66 individuals and groups. A news release describing the project was sent to local newspapers on June 7, 2006. Six comments were received on this updated proposal; four comments were in support of the project. Commenters also submitted concerns about the need to treat larger areas of beetle infested trees, harvest methods, old growth, wildlife habitat, effects of thinning, noxious weeds, and soil compaction.

Based on public comment and internal review I have altered the original proposal by:

- Dropping areas that have old growth characteristics
- Eliminating treatment in areas with a current basal area of less than 60 square feet per acre
- Adding the option to have slash piles chipped and removed for biomass products

I believe that the changes to the proposal and mitigation measures address the concerns stated above.

In a recent decision on the lawsuit Earth Island Institute v. Ruthenbeck, the Federal District Court for the Eastern District of California struck down the Forest Service provision at 36 CFR 215.4(a). That provision had excluded projects such as this one from public notice, comment, and appeal. In compliance with the Earth Island Institute decision, the proposed decision for this project was sent out for comment in May 2007. The comment package was mailed to 7 individuals and groups. The legal notice of the comment period was published in the Montana Standard on May 9, 2007. Four individuals and groups provided comments during the comment period. No new issues were identified.

### **FOREST PLAN DIRECTION**

The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans. The Deerlodge National Forest Plan was approved in 1987 and provides guidance for all natural resource management activities on the Deerlodge portion of the Beaverhead-Deerlodge National Forest. NFMA also requires that all projects and activities be consistent with the plan. The decision is consistent with Deerlodge Forest Plan (1987) standards (see project file).

Forest-wide standards state that “silvicultural systems will be the primary tool for preventative pest management. Use systems to improve species diversity, growth, and vigor for stands” (Forest Plan, p. II-32).

Proposed activities will occur in Management Areas D2 and E1. Compliance with MA direction is summarized below. Further details are available in the project file.

**Table 4: Management Area Acres**

<b>Management Areas for Proposed Activities</b>	<b>Treatment Acres</b>
MA D2	31
MA E1	132
TOTAL	163

MA D2 – This management area consists of grasslands, meadows, open timber stands and other forage producing areas. The goal is “to provide a balanced amount of livestock forage and big game habitat. Standards for timber include harvest of firewood, post and poles, and **other products that are compatible with wildlife cover requirements of the area.** (Forest Plan, p. III-53). The project will remove dead and dying trees from a small area located within this MA and will maintain security requirements. The project complies with MA-D2 direction.

MA E1 – This management area consists of productive forest land containing stands of Douglas-fir, lodgepole pine, subalpine fir, and spruce. The goal is “to provide for healthy stands of timber and economic levels of timber while maintaining overall levels of wildlife habitat, livestock grazing, and dispersed recreation”. Standards for timber include allowing even-aged systems (clearcut, shelterwood) and uneven-aged systems (group and single tree selections), as determined by silvicultural prescriptions. (Forest Plan, p. III-54). The project will remove dead and dying trees from a treatment unit located within this MA. The project complies with MA-E1 direction.

### **FINDINGS REQUIRED BY OTHER LAWS**

Numerous laws, regulations, and agency directives require my decision be consistent with their provisions. I have determined my potential decision is consistent with all laws, regulations, and agency policy. The following summarizes findings required by major environmental laws.

#### **National Environmental Policy Act (NEPA)**

NEPA provisions and all regulations for implementation of NEPA (as required under 40 CFR 1500)

have been followed in the development of this categorical exclusion and Draft Decision Memo. The specialist reports in the Project File disclose the expected impacts of this project.

### **National Forest Management Act (NFMA)**

The National Forest Management Act and accompanying regulations require that several specific findings be documented at the project level.

Consistency with Forest Plan. See discussion under “Forest Plan Direction” section above.

Suitability for Timber Production. No timber harvest, other than salvage sales or sales to protect other multiple-use values, shall occur on lands not suited for timber production (16 USC 1604(k)). The Barton Springs Thinning project will utilize a variety of treatment types in areas designated as suitable and unsuitable for timber production (Management Areas D2 and E1—E1 is classified as both suitable and unsuitable). The purpose and need of the project is: to reduce the potential spread of mountain pine beetle, Douglas-fir beetle, and western pine beetle within the project area to protect the identified Blue High seed zone for future production and collection. The purpose of the project is not timber production. The project is not purposely growing and tending trees for commercial production.

NFMA does not prohibit all cutting of trees in “unsuitable” management areas, but expressly allows “sales necessitated to protect other multiple-use values.” Project treatments protect two primary multiple-use values. Harvesting timber in Management Areas D2 and E1 is consistent with NFMA because treatment under the project is necessary to protect other multiple-use values, as expressly permitted by NFMA.

Clearcutting and Even-aged Management. No clearcutting or even-aged management will occur with this project.

Sensitive Species. Federal law and direction applicable to sensitive species include the National Forest Management Act and the Forest Service Manual (2670). The Regional Forester has approved the sensitive species list – those plants and animals for which population viability is a concern. In making my decision, I have reviewed analysis and projected effects on all sensitive species listed as occurring or possibly occurring on the Beaverhead-Deerlodge National Forest. These findings support the conclusion the project will have no adverse impacts on sensitive species.

### **National Historic Preservation Act, Archaeological Resources Protection Act, and Native American Graves Protections and Repatriation Act**

Five cultural resource inventories were conducted by Heritage personnel within a mile of the project area; all field inventories were negative for cultural resources. These inventories were based on the “Site Identification Strategy” found in the Region 1 Programmatic Agreement between the Forest Service and Montana State Historic Preservation Officer.

### **Clean Air Act**

Implementation of the project will be compatible with Montana State Air Quality Bureau goals for clean air based on Forest Service participation and compliance with burning restrictions set by the Montana / Idaho Airshed Group. The practices established by the Airshed Group are considered Best Available Control Technology by the Department of Environmental Quality. The Bureau of Land Management and the Forest Service are permitted to burn based on compliance with burning restrictions set by the Airshed Group and compliance with all other Federal and State laws and regulations.

### **Clean Water Act and State Water Quality Standards**

The design of project activities is in accordance with Forest Plan standards and guidelines, the Regional Guide, Best Management Practices, and applicable Forest Service manual and handbook direction. Project activities will be consistent with the Clean Water Act, State Water Quality Standards, and consistency requirements for TMDL watersheds.

### **The Endangered Species Act**

In accordance with Section 7 (c) of the Endangered Species Act, as amended, and as described in the Wildlife Species Considered and Regulatory Authority section in the wildlife specialist report in the Project File, the U.S. Fish and Wildlife Service (USFWS) identified gray wolf, bald eagle, and yellow-billed cuckoo as the listed, candidate, and proposed threatened or endangered species that may be

present in the analysis area. The Biological Assessment concluded the project will “not likely jeopardize the continued existence of the wolf within the nonessential experimental population area”; and will have “no effect” on the bald eagle and the yellow-billed cuckoo.

The draft decision meets the intent of the Endangered Species Act.

**Environmental Justice and Civil Rights**

Executive Order 12898, issued in 1994 ordered Federal Agencies to identify and address any adverse human health and environmental effects of agency programs that disproportionately impact minority and low-income populations. The Order also directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife. The project will not alter opportunities for subsistence hunting and fishing by Native American tribes. Tribes holding treaty rights for hunting and fishing on the Beaverhead-Deerlodge National Forest are included on the project mailing list, and have the opportunity to provide comments on this project. Public involvement occurred for this project, the results of which I have considered in this draft decision. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

The Civil Rights Act of 1964 provides for nondiscrimination in voting, public accommodations, public facilities, public education, federally assisted programs, and equal employment opportunity. Title VI of the Act, Nondiscrimination in Federally Assisted Programs, as amended (42 U.S. C. 2000d through 2000d-6) prohibits discrimination based on race, color, or national origin. This decision complies with this act.

**IMPLEMENTATION DATE**

Implementation of this decision will likely begin in the fall of 2008.

**ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in ***The Montana Standard***, Butte, Montana. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Written appeals must be submitted to:

For Postal Delivery	For Hand Delivery
USDA Forest Service, Northern Region ATTN: Appeal Deciding Officer P.O. Box 7669 Missoula, MT 59807	USDA Forest Service, Northern Region ATTN: Appeal Deciding Officer 200 East Broadway Missoula, MT 59802 Office hours: 7:30 a.m. to 4:00 p.m.

Faxed appeals must be submitted to: Fax: (406) 329-3411

Electronic appeals must be submitted to: [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us)

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant’s name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for

electronic mail may be filed with the appeal);

- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: [http://www.fs.fed.us/r1/projects/appeal\\_index.shtml](http://www.fs.fed.us/r1/projects/appeal_index.shtml).

If no appeal is received implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 business days following the date of appeal disposition.

**CONTACT PERSON**

For further information on this project, please contact Bruce Schuelke, Butte Ranger District, 1820 Meadowlark Lane, Butte, MT 59701, phone (406) 494-2147.

**RESPONSIBLE OFFICIAL**

/s/CFBuchaGentry

2/21/2008

CHARLENE F. BUCHA GENTRY  
District Ranger  
Pintler Ranger District  
Beaverhead-Deerlodge National Forest

DATE

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