



DECISION MEMO COW FLY SALVAGE



**USDA Forest Service, Beaverhead-Deerlodge National Forest
Madison Ranger District
T12S, R1E Portions of Sections 16, 19, 20, 31, & 32
Madison County, Montana**

DECISION

I have decided to harvest dead trees (primarily Douglas-fir) in the Meridian Creek area of the West Fork Madison drainage. Harvest will occur on about 242 acres in multiple stands (see map on last page). Scattered dead trees in each unit will be hand-felled and then transported by helicopter to existing landings. From the landings, logs will be transported on existing roads open to motorized use (West Fork #209 and Cliff Lake Bench #1209). Harvest and hauling activities should take about 2 months and occur sometime between autumn 2007 and autumn 2009.

Other features associated with this decision include:

- Most of the slash will be lopped and left on-site (FP¹ Standards Dead & Down Material-1, Soils-3 and Timber-4). In areas where it is necessary to hand-pile slash due to heavy concentrations (in excess of 20 tons/acre), piles will be burned following a period of sufficient drying and under guidelines in the Montana Airshed Group's Memorandum of Understanding (FP Standards Air Quality-1, Timber-4 & Fire Mgmt-1).
- Four snags with at least a 20-inch dbh will be retained per acre in the harvest units. Preference will be given to retaining Douglas-fir snags in clumps and associated with land forms that support high snag densities (FP Standards Snag Mgmt-1 & 2).
- Road maintenance activities include a sediment reduction package (pf² H-8) designed to reduce sediment from use of existing system roads for hauling logs (FP Standards Watershed-1, Watershed-3, Watershed-5 and Roads-6).

¹ I have included specific mitigation items in the potential decision to ensure compliance with Forest Plan Standards. As applicable, the specific Forest Plan Standard is included in parentheses. For example, lopping slash and leaving it on site ensures the potential decision complies with Beaverhead National Forest Plan Standards Dead & Down Material-1, Soils-3 and Timber -4. In this document, "FP Standard..." in parentheses indicates a mitigation measure that addresses the specified Forest Plan (FP) Standard(s).

² Pf followed by an alpha-numeric number refers to a specific document, available upon request, in the Cow Fly Salvage Project File.

- Additional surveys for goshawk and other raptor nests will be conducted prior to treatment activities. If active nests are found, additional seasonal restrictions to prevent disturbance of nesting birds will be applied (FP Standard Wildlife-12).
- To reduce the spread of noxious weeds, all heavy off-road equipment will have an undercarriage wash, and will be inspected, prior to entering National Forest System lands (FP Standard Noxious Weeds-1). Noxious weed infestations will be controlled following procedures in the Noxious Weed Control Program ROD (2002) for the Beaverhead-Deerlodge National Forest.
- Sites disturbed by log and service landings will be allowed to naturally re-vegetate using existing native seed in the topsoil. Similar sites near the project area quickly re-vegetated following past activity. However, if the sites do not re-vegetate naturally, they will be artificially seeded using only native species common to the site. All seed and mulch material will be certified noxious weed seed free (FP Standard Noxious Weeds-1).
- If cultural resource sites or artifacts are found during project implementation, activities will be curtailed until the site has been evaluated by the Forest Archeologist (FP Standard Cultural Resources-5).
- The contractor will provide flaggers to control traffic while helicopters are yarding logs.
- Helicopter yarding will not occur from the Friday before the general big game hunting season through the third Sunday of the season.
- Harvest activities may continue through the winter months. Snowmobilers will be allowed to continue using the plowed West Fork Madison and Standard Creek Roads. When logging trucks and support vehicles are using the road, the contractor will provide flaggers to control snowmobile traffic.
- No log hauling will be permitted on weekends (noon on Fridays through Sunday), federal holidays and during the general big game hunting season unless the contracting officer determines hauling can be safely completed using flaggers provided by the contractor.
- Dust abatement, as necessary, will be completed along the first two miles of the West Fork Road.
- Although this proposal does not include slash piling in individual units, some slash of firewood sized material may be available at the landing sites or log decks located at Miller Flats and HooDoo Pass. After harvesting operations are completed, this residual material may be available to the general public through personal use firewood permits (FP Standard Timber-14).

RATIONALE FOR THE DECISION

I decided to harvest dead trees as described above because it provides merchantable timber without additional road construction and uses existing log decks. The harvest units I selected were specifically delineated around the heaviest pockets of dead trees to provide as efficient and economical of an opportunity for helicopter logging as possible. In addition, I selected harvest units in an area (and an overall landscape) where snags are relatively abundant so habitat is well distributed for species dependent upon snags for nesting.

I considered public comments received during initial scoping and following a 30-day comment period before reaching my final decision. A summary about how these comments influenced my decision follows. Responses to each comment are posted on the Beaverhead-Deerlodge National Forest web page at:

<http://www.fs.fed.us/r1/b-d/projects>.

Scoping Comments

Of the 22 letters received in response to initial scoping, 17 expressed support for the proposal. Many of these letters stated that the authors had noted large amounts of dead and dying trees while recreating near the project area. I received several suggestions for use of harvested wood and logging methods. These suggestions were incorporated into this decision when they were compatible with terrain limitations of the harvest units, including a suggestion to allow personal use firewood harvest from slash piles.

The letters also recognize the West Fork of the Madison area as a relatively popular recreation area and expressed concern about the safe use of motorized roads and trails while logs are being transported. Mitigation measures are included in the decision to improve safe use of roads and trails during project implementation.

Many of the concerns expressed about water quality and fisheries are not directly affected by the decision because harvest units and landings exceed the state SMZ buffer law of 50 feet, and in most cases vastly exceed this distance. A sediment reduction package to assist in reducing sediment from existing roads while they are being used for hauling logs is included in the decision.

Concerns about soil disturbance and compaction were identified. Many of the soil disturbance factors identified do not apply to this decision because helicopters, rather than more traditional logging techniques, will be used. Detrimental soil conditions in the harvest units and cumulatively, in the affected watersheds are well within acceptable limits (pf H-10).

Several letters expressed concern about impacts from logging following wildfires. The trees identified for salvage died from an insect infestation, not wildfire.

Concerns about retention of old growth Douglas-fir and snags and effects to wildlife species associated with them were also identified. After implementation, the timber stand compartment will still exceed Forest Plan standards for retention of old growth Douglas-fir and spruce and will exceed Forest Plan standards for retaining snags.

The insect infestations that created the dead trees in the harvest units also infected forested stands in the southern Gravelly Mountains, creating snag rich habitat.

Comments on Draft DM

Of the ten letters received during the 30-day comment period, seven expressed support for the project. Several reviewers recommended additional small timber sales using the existing road system. While I appreciate these comments, I do not have plans for additional timber sales in the West Fork Madison area in the reasonably foreseeable future.

Concern was again expressed for safe use of roads by logging trucks and recreational traffic. Mitigation is included in the decision requiring the contractor to provide flaggers for controlling traffic during periods of heavy recreation use. I also modified the decision to allow log hauling during winter months while accommodating continued snowmobile use.

The draft Decision Memo stated I was considering harvesting “dead, dying and insect damaged trees”. Due to the extent of the insect infestation in the area, a question was asked about how we would identify “dying” and “infested” trees. In this Decision Memo, I have clarified my intent by simply stating that we will harvest “dead” trees (see page 1).

Concerns were expressed about the removal of Douglas-fir with old growth characteristics and the availability of snags for use by some wildlife species. Using the best science currently available (Green et al, 1992 and Bush et al, 2006) validated with field surveys, 48% of the Douglas-fir and spruce component of the timber compartment will continue to exhibit old growth characteristics, assuming the harvest units lose all of the big trees due to mortality and harvest (pf H-5). My decision exceeds Forest Plan Standards for snag retention and, again, is consistent with the best science available (2000 Snag Management Protocol).

Many of the concerns identified in the comment letters were associated with potential impacts to Threatened, Endangered or Sensitive wildlife species. I decided not to harvest Unit 2 (delineated in the draft Decision Memo) due to its proximity to a bald eagle nest near Wade Lake. The Biological Assessment and Biological Evaluations address many of the wildlife-related concerns. These documents are electronically available at <http://www.fs.fed.us/r1/b-d/projects>. The reasons for the effects calls for some species is summarized on pages 7-8 of this Decision Memo.

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.3 or a category identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 Section 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

This project has been reviewed in accordance with FSH 1909.15. The interdisciplinary team responsible for identifying and documenting potential environmental effects of this action determined the project falls within Section 31.2 “Categories for Which a Project or Case File and Decision Memo are Required”. Specifically, this project falls under Category 31.2(13), that allows salvage of dead and/or dying trees not to exceed 250 acres and requiring no more than ½ mile of temporary road construction (no road construction is included in this project).

The interdisciplinary team reviewed the extraordinary circumstances listed in FSH 1909.15, 30.3(2) and other concerns applicable to this project to determine suitability for categorical exclusion. The mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on those resource conditions that determine whether extraordinary circumstances exist.

EXTRAORDINARY CIRCUMSTANCE	APPLICABILITY TO PROJECT
<p>Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.</p>	<p>May affect, (but is) not likely to adversely affect – bald eagle. US Fish & Wildlife Service (USFWS) concurred with the determination May 17, 2007 (pf F-13).</p> <p>Not likely to jeopardize the continue existence – gray wolf. US Fish & Wildlife Service (USFWS) concurred with the determination May 17, 2007 (pf F-13).</p> <p>May impact individuals or habitat, but is not likely to contribute to a trend towards federal listing or loss of viability to the population or species - black-backed woodpecker, flammulated owl, grizzly bear³, harlequin duck, northern goshawk, western toad and westslope cutthroat trout. While this project may impact individuals or habitat, I have provided a brief summary on pages 7-8 (for each species) of why the decision will not contribute to a trend towards federal listing.</p> <p>No Impact – all other Sensitive terrestrial, aquatic and plant species.</p> <p>Additional information supporting the above effects determinations is electronically available at: http://www.fs.fed.us/r1/b-d/projects (pf H-1, H-7, H-11 & H-12).</p>

³ Since the Yellowstone grizzly bear distinct population segment was delisted by the USFWS effective April 30, 2007, consultation is no longer required (pf F-13). USFS Region 1 policy automatically considers delisted species as a “Sensitive” species (pf F-15). The “may affect (but is) not likely to adversely affect” determination disclosed in the 5/1/07 Biological Assessment for Threatened and Endangered Species (pf H-11) has been changed to a “may impact individuals or habitat, but is not likely to contribute to a trend towards federal listing or loss of viability to the population or species” determination in the Biological Evaluation for Region 1 Sensitive Terrestrial Species (pf H-12).

EXTRAORDINARY CIRCUMSTANCE	APPLICABILITY TO PROJECT
Floodplains, wetlands, or municipal watersheds	The project area is not located in a municipal watershed, wetland or floodplain. Harvest units are located well in excess of the 50-foot SMZ buffer (pf H-4, pg 4).
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	None in project area.
Inventoried roadless areas	None in project area.
Research natural areas	None in project area.
American Indians and Alaska Native religious or cultural sites Archaeological sites, or historic properties or areas	A heritage resource survey was completed on September 13, 28, & 29 and October 3, 2006 (pf H-2). One site was located outside the project area.

Because harvest activities are not located within or near any riparian areas or streams, the proposal will not affect any impaired waters identified in the 2006 303(d) list (pf H-4). Road maintenance activities are included in the decision to reduce sediment contribution to the West Fork of the Madison River and Meridian Creek resulting from use of existing roads for hauling logs.

By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). Preliminary analyses considered cumulative impacts from the proposed action coupled with past, present and reasonably foreseeable actions. The interdisciplinary team analyzed cumulative effects at multiple spatial scales (project area, watershed, landscape, Forest-wide and regionally) that vary depending upon the specific resource. For example, the affected 6th Code HUC watersheds (Cliff Lake, Lobo, Lake and Freezeout) form the cumulative effects analysis area for soils while forested and rangeland habitat on Cliff Lake Bench, the Gravelly Mountains and the Northern Region form the cumulative effects analysis areas for some wildlife species. As a result, past, present and reasonably foreseeable activities vary as the spatial area and resource varies. Activities included in cumulative effects analyses are roads and trails, livestock grazing, and past timber harvest. The project file provides consistent documentation that the interdisciplinary team considered cumulative effects prior to determining that there are no extraordinary circumstances related to the proposed action (pf Section H).

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 decision to significantly affect the environment.

Summary of reasons why this decision will not contribute to a trend towards federal listing or loss of viability for some Sensitive species⁴

Black-backed woodpecker – Implementation of the decision could directly impact individual black-backed woodpeckers by felling a tree used for nesting. The project would also reduce the available prey species on 242 acres of potential black-backed woodpecker habitat. Due to the recent insect infestations resulting in increased presence of snags in the Gravelly landscape and an increase in burned forested habitat regionally, snags are abundant and well distributed. Since the presence of snags in the project area and cumulative effects analysis area are well within the range recommended by researchers to support the potential density of several woodpecker species at the landscape scale, implementation of the project will not likely contribute to a trend towards federal listing or loss of viability of the population or species.

Flammulated owl – Removing large Douglas-fir snags from 242 acres reduces flammulated owl nesting habitat on about 5% of the current suitable nesting habitat within the project area. It is unlikely that implementation of the project would substantially reduce roosting habitat or adversely impact the forage base. Since only a small amount of habitat would be reduced, flammulated owls have not been conclusively shown to occur in the project area during any season and breeding has not been documented in this part of Montana, implementation of the project will not likely contribute to a trend towards federal listing or loss of viability of the population or species (pf H-12, pg 34-37).

Grizzly bear – Noise in the vicinity of the harvest units and roads used for transport would temporarily displace grizzly bears and they would not likely forage in the immediate vicinity. Due to limited impacts on breeding, feeding or sheltering aspects of grizzly bear life history, implementation of the project will not likely contribute to a trend towards federal listing or loss of viability of the population or species.

Harlequin duck – Harlequin ducks are not known to occur in the upper Madison River or its tributaries. However, the West Fork of the Madison River may provide suitable habitat. Direct impacts to a single breeding female and her offspring in the form of disrupted breeding and feeding opportunities, though remote, is not discountable. Since the probability of such an occurrence is remote, implementation of the project will not likely contribute to a trend towards federal listing or loss of viability to the population or species.

Northern goshawk – At this time, there are no known goshawk nests in the harvest units or general vicinity of the project area. Additional surveys for goshawk nests will be conducted prior to treatment activities. If active nests are found, additional seasonal restrictions to prevent disturbance of nesting birds will be applied. While standing dead trees are unlikely nesting habitat, there is the potential that a tree marked for harvest would contain an active nest. In the event that an active goshawk

⁴ Readers are cautioned that only a summary is provided here. Details supporting the effects determination are electronically available at: <http://www.fs.fed.us/r1/b-d/projects> (pf H-1, H-7 & H-12).

nest is not detected during pre-implementation surveys or during implementation, nest abandonment could occur. Little change in the suitability of the project area to support goshawk prey species is anticipated. While it is possible that this project could result in abandonment of an unknown nest, the probability of such an occurrence is low due to the likelihood of detection of an active nest during pre-implementation surveys or during actual harvest activities and will not likely contribute to a trend towards federal listing or loss of viability to the population or species.

Western (boreal) toad – Intensive surveys of 15 lentic sites in the West Fork Madison, Wade, Cliff and Hidden Lake areas in 2001 and 2003 did not find western toad populations. The nearest native habitat of western toad is a reproducing population about 4 miles down-valley in a series of old beaver ponds. Suitable habitat exists within the analysis area, particularly in wetland habitat in upper Meridian Creek and riparian habitat along the West Fork of the Madison River. Because western toads are known to migrate considerable distances over land, there is a moderate probability that western toads could occur within the project area. Direct mortality of toads could occur during mechanical operations, but the probability of such occurrence is low and will not contribute to a trend towards federal listing or loss of viability to the population or species.

Westslope cutthroat trout – A hybrid (75%) population of westslope cutthroat trout lives in Meridian Creek. In the long term, the project will have a beneficial effect to this westslope cutthroat trout population from road maintenance activities which reduce sediment routing into the stream. Due to the distance of the harvest units from Meridian Creek, the probability of sediment delivery to Meridian Creek during harvest and yarding is extremely low. The greatest potential impact to westslope cutthroat trout habitat could result from log trucks using the Meridian Creek trail during an extended rain event that causes sediment routing into Meridian Creek. However, the probability of such an event occurring during the operating season is very low. Considering all of these factors in combination, the decision will not contribute to a trend towards federal listing or loss of viability to the population or species.

SCOPING AND PUBLIC INVOLVEMENT

On January 20, 2006, a letter describing the proposal and requesting comments (pf C-3) was mailed to 546 members of the public who had expressed an interest in this type of activity on the Madison Ranger District. Members of the public receiving this letter included environmental groups, private property owners and state, local, and tribal governments. The proposal was also listed in the July 2005 through April 2007 Schedule of Proposed Actions (SOPA) for the Beaverhead-Deerlodge National Forest (pf Section D). In addition, a news release describing the proposed action and requesting initial scoping comments (pf C-16) was provided to area media contacts on February 1, 2006 and a number of news articles were printed state-wide (pf C-22 through C-25 & C-28).

On March 14, 2007, the draft Decision Memo (pf B-1) was mailed to 25 individuals and organizations along with a cover letter providing information about providing comments (pf B-3). The draft Decision Memo, Response to Initial Scoping

Comments (pf B-2) and a smaller scale, more detailed map were posted on the Beaverhead-Deerlodge National Forest web page. A press release about this project was provided to area media contacts on March 15, 2007 (pf B-5).

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, this project was sent out for comment. A legal notice providing a 30-day comment period for the Cow Fly Salvage project was published in the *Montana Standard* on March 15, 2007 (pf B-4).

I received ten letters providing comments on the draft Decision Memo. I considered these comments prior to reaching a decision (see pages 3 & 4). Agency responses to these comments are available online at <http://www.fs.fed.us/r1/b-d/projects>.

FOREST PLAN DIRECTION

The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans. The Beaverhead National Forest Plan was approved in 1986 as required by NFMA. The plan provides guidance for all natural resource management activities on the Beaverhead National Forest. NFMA also requires that all projects and activities be consistent with the plan. The decision is consistent with Beaverhead Forest Plan standards (pf G-1).

Harvest units are located in Management Areas (MA) 1 (5 acres) and MA-16 (237 acres). MA direction applicable to the project is summarized in the following paragraphs with further details available (pf G-2).

MA-1 consists of lands “unsuitable for timber production but which accommodate numerous other resource uses”. Management goals generally allow resource use with minimal restrictions, designed only to protect the existing status of other resource values. Salvage harvest of dead trees is allowed by Standards specific for MA-1 lands. The project also meets other applicable MA-1 Standards by maintaining existing roads and trails and using prescribed fire if slash accumulations exceed 20 tons/acre.

MA-16 consists of Forest lands “that are available and suitable for timber production”. Management goals include emphasizing cost efficient management of the timber resource while protecting long-term productivity. The salvage harvest is not intended as management for timber production where trees are harvested to improve the potential of other trees on the site to produce harvestable timber. The project meets other applicable MA-16 Standards by providing mitigation for safe use of roads and trails during harvest activities and using prescribed fire if slash accumulations exceed 20 tons/acre.

FINDINGS REQUIRED BY OTHER 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 Decision Memo. Specialist reports in the project file (Section H) disclose the expected impacts of this project. This Decision Memo describes the decision I have made and my rationale for making it.

National Forest Management Act – For black-backed woodpecker, flammulated owl, grizzly bear, harlequin duck, northern goshawk, western (boreal) toad and westslope cutthroat trout, this decision “May impact individuals or habitat but is not likely to contribute to a trend towards federal listing or loss of viability to the population or species”. The decision will have “No impact” on all other Sensitive terrestrial, aquatic and plant species. Additional information supporting the effects determinations is briefly summarized on pages 7-8 and further supported by Biological Evaluations.

National Historic Preservation Act, Archaeological Resources Protection Act, and Native American Graves Protections and Repatriation Act – A heritage resource survey has been completed for all treatment units (pf H-2). Mitigation includes a requirement to cease ground disturbing activities should a cultural or historic site be located during implementation until the site is field reviewed by a Forest Service archaeologist. The decision is designed to avoid impacts to heritage resource sites. Native American tribes with reserved rights in the project area were contacted during scoping (pf C-3). No tribal concerns were identified.

Environmental Justice and Civil Rights – Executive Order 12898, issued in 1994, requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with the Executive Order. Public involvement occurred for this project (pf Sections B, C & E), the results of which I have considered in this 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.

Clean Water Act and State Water Quality Standards – This Act requires the restoration and maintenance of the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices (BMPs). BMPs will be incorporated into the timber sale contract and a sediment reduction package is included with this decision. All harvest units are located at least 50 feet away from a stream.

Clean Air Act – Implementation of this decision 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 Forest Service is 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.

Endangered Species Act – The decision “may affect (but is) not likely to adversely affect” the threatened bald eagle and is “not likely to jeopardize the continued existence” of the gray wolf. Since the Yellowstone grizzly bear distinct population segment was delisted by the USFWS effective April 30, 2007 (Federal Register/Vol.72, N.60/Thursday, March 29, 2007/Rules and Regulations), consultation is no longer required for this species (pf F-13). The current USFWS species list (4/30/2007) for the Beaverhead-Deerlodge National Forest no longer shows the grizzly bear as warranting Endangered Species Act consideration for forest activities. The decision meets the intent of the Endangered Species Act. Additional information supporting the effects determinations is electronically available at <http://www.fs.fed.us/r1/b-d/projects>.

IMPLEMENTATION DATE

Implementation of this decision will likely begin during the fall season of 2007.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 215, as clarified in the court order dated October 19, 2005 by the U.S. District Court for the Eastern District of California in Case No. CIV F-03-6386JKS. 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.

Paper appeals must be submitted to:

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

Or

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.

Electronic appeals must be submitted to:

appeals-northern-regional-office@fs.fed.us

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

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.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Supporting documentation for this decision is available for public review at the Sheridan Work Center, 125 Mill Street, Sheridan, MT 59749.

CONTACT PERSON

For further information on this project, please contact Mark Petroni, Madison District Ranger, 5 Forest Service Road, Ennis, MT 59729 (406)682-4253 or Jan Bowey, Planner, Beaverhead-Deerlodge National Forest, P.O. Box 428, 125 Mill Street, Sheridan, MT 59749 (406)842-5432.

RESPONSIBLE OFFICIAL

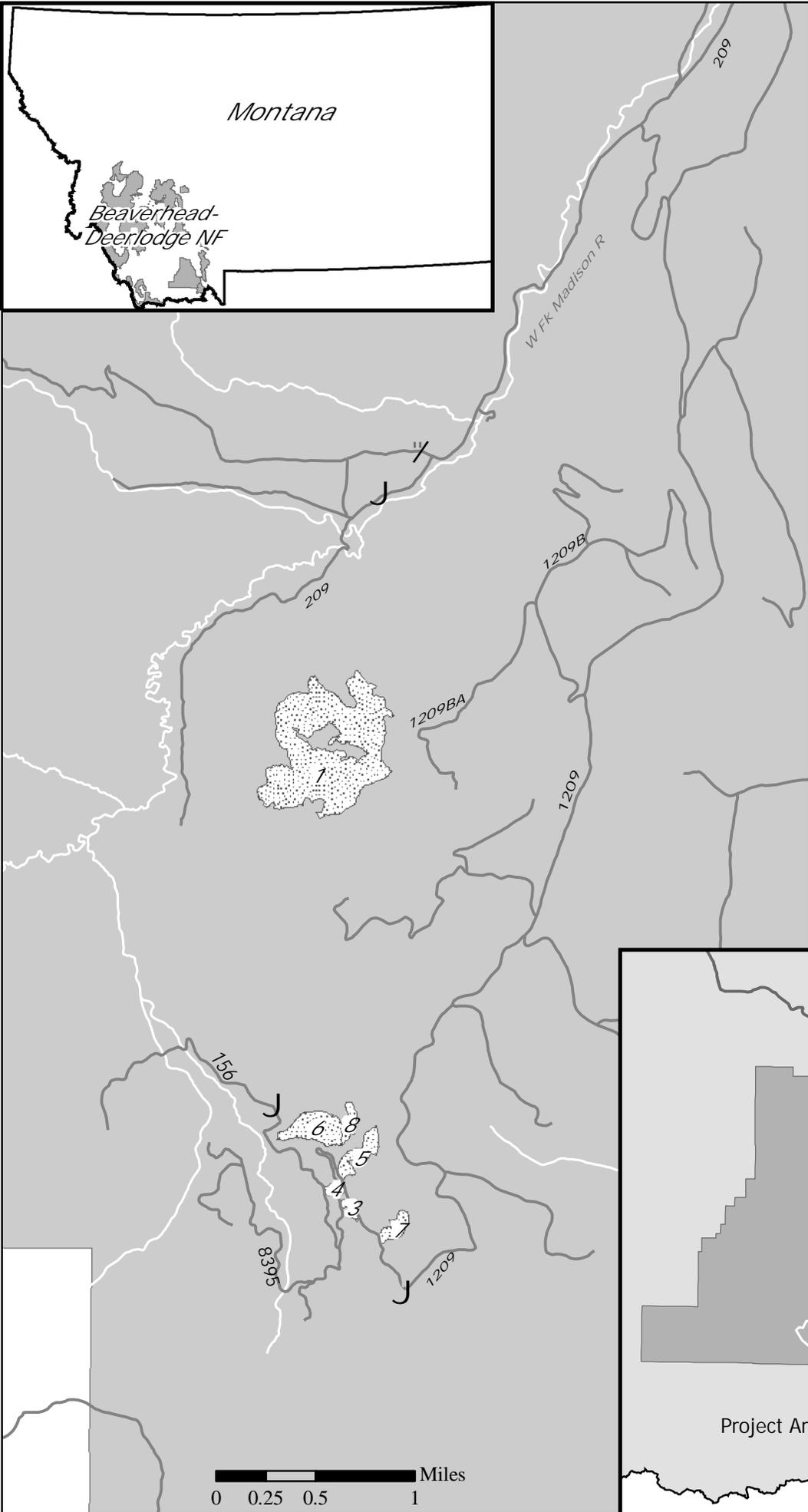
/s/ Mark A. Petroni

MARK A PETRONI
Madison District Ranger
Responsible Official

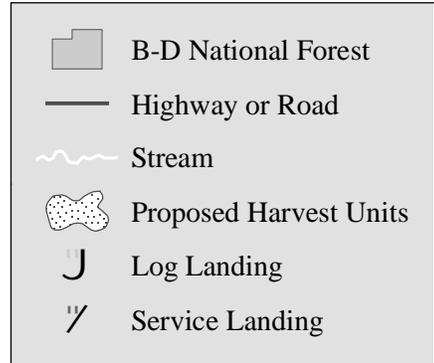
May 31, 2007

DATE

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Beaverhead-Deerlodge National Forest Madison Ranger District Cow Fly Salvage



May 2007

