

Record of Decision

South Project

Final Environmental Impact Statement

USDA Forest Service
Hell Canyon Ranger District, Black Hills National Forest
Custer County, South Dakota

Background

The South project area covers just over 52,000 acres in the Upper and Lower Pleasant Valley watersheds approximately five miles west of the town of Custer in Custer County, South Dakota. National Forest land comprises 43,044 acres, State of South Dakota owns 1,197 acres and 7,840 acres within the South project boundary are privately-owned.

The southernmost point of the project area lies at T6S R4E Section 6 (approximately 10 miles northwest of Hot Springs, SD) and the northernmost point is at T3S R3E Section 9, Black Hills meridian (approximately nine miles WNW of Custer). See Vicinity Map (Map 1) in Appendix A of the Final Environmental Impact Statement (FEIS). Resource management actions apply only to National Forest lands. The major arterial roads which access the project area include National Forest System Roads (NFSRs) 715, 288, 307, 315, 273, 287, 292, 309, 402, 275 and US Highway 16.

Three management areas (MA) are present on Forest Service lands within South: MA 5.1, Resource Production Emphasis (17,863 acres), MA 5.4, Big Game Winter Range (23,018 acres) and MA 5.1A, Southern Hills Forest and Grassland (2,162 acres). Past and current uses occurring on Forest Service, State and private lands include livestock grazing, timber harvesting, recreation, mining, wildlife habitat management and subdivision of private lands (mainly large ranches and patented mining claims) into residential parcels.

Ponderosa pine is the main cover type in the project area at 89% of the acreage. Meadows comprise about 11% of the area. Aspen, shrubs and non-forested land (rock outcrops, etc) occupy less than 1%.

The Purpose of and Need for Action in the South project area is to reduce the hazard of and effects from large-scale wildfires on the At-Risk Communities (ARC) of Custer, Pringle and Argyle, South Dakota while providing for wildlife habitat needs, reducing risks of Mountain Pine Beetle infestation, providing a sustainable supply of commercial timber, and providing for management and public access needs.

Decision

This Record of Decision (ROD) documents my decision. The South Project purpose and need provides the focus and scope for the proposed action and alternatives under direction of the 1997

Revised Black Hills National Forest Land and Resource Management Plan, as amended by the 2006 Phase II Amendment (Forest Plan). Forest Plan direction is summarized in Chapter 1 of the FEIS. Given the Purpose of and Need for Action, I reviewed Forest Plan direction, public comments received on the Draft EIS, issues identified from those comments, information contained within the project record, and the analysis disclosed in the Final FEIS. Based on this review, I have decided to implement a Modified version of Alternative 3.

Let me address the modification. In completing my review of the FEIS and project file, I determined that additional protection of goshawk nesting areas was necessary to ensure consistency with Forest Plan Standard 3108a. The deferred sites identified below are within the designated nest areas around historically active goshawk nests. While I am aware that Forest Plan Standard 3108a allows for vegetation management activities to occur within nesting areas, I have determined that these sites do not require vegetation treatment to maintain or enhance their value for goshawks. Therefore, my decision includes deferring these sites from vegetation treatment:

- Site 030912-01 – this site to be deferred from all treatment including fuel break
- Site 030912-04 – this site to be deferred from all treatment including POL thinning
- Site 030912-02 – this site to be deferred from all treatment including POL thinning
- Site 031105-09 – this site to be deferred from all treatment
- Site 030809-28 – this site to be deferred from all treatment
- Site 030808-29 – this site to be deferred from all treatment
- Site 030808-26A – this site to be deferred from all treatment

My rationale for selecting Alternative 3, Modified is explained under “Rationale for Selecting Alternative 3, Modified”. See the attached Record of Decision maps for a display of Alternative 3, Modified vegetation treatments.

All other features of Alternative 3, as described in the FEIS are included in this decision. For an acreage description of the commercial and non-commercial treatments in Alternative 3, refer to Table 2.1 on page 28 of the South FEIS. Maps 3,6,17 and 18 in Appendix A of the FEIS display the planned vegetation and fuels treatments. Appendix G lists proposed vegetation treatments by site.

Rationale for Selecting Alternative 3, Modified

Three alternatives (two action alternatives, one no-action alternative) were analyzed in detail in the South Final Environmental Impact Statement (FEIS). I select Alternative 3, Modified because I feel it best meets the Purpose of and Need for Action, is consistent with the Forest Plan, follows other management direction, and responds well to the public comments received and issues identified. In determining which alternative to select for this project, I first considered whether active management would be appropriate in this area at this time. After reviewing all materials related to the project, including Forest Plan direction, supporting documents, public input and specialist’s reports, I believe that active management is appropriate. My rationale follows:

- After reviewing the fire/fuels specialist's data related to the 1996 Fire Protection Assessment (FPA), I learned that 93% of the project area is within the High Risk rating. Risk is the potential of an ignition occurring as determined from historical fire-record data. Potential for ignition occurring within the project area is quite real. Management actions have little, if any, influence on the potential for wildfire ignition (Fire Risk).
- One factor that can be managed is Fire Hazard. Currently, approximately 68% of the pine sites in the South project area have a Very High Fire Hazard rating. Fire Hazard ratings are related to fuel sources which could sustain a fire, such as dense sites of ponderosa pine. The Fire Hazard ratings are closely tied to the structural stage of pine sites. Many ponderosa pine sites are currently more densely covered with pine than in 1996 when the FPA was completed. Therefore, this area has a high likelihood of wildfire ignition coupled with a fuels condition which could sustain a fire. These factors considered alone would raise concern. I then considered the location of the South project area. Three At-Risk Communities (ARC) are located adjacent to the South project area: Custer, Pringle and Argyle. Also, According to Custer County Planning Office data, there are approximately 352 structures contained within the project area. Over 1,500 other structures are within three miles outside of the project boundary and the area continues to grow at a remarkable rate, showing an addition of 68 private structures in two recent years (a 24% increase) within the project boundary. Given this additional information, I believe that it is prudent and appropriate to consider management activities which would reduce the potential for a large-scale, high intensity wildfire in this area. Therefore, I reject the No Action Alternative.

The next consideration I had in making my decision was what level of vegetation treatment would be most appropriate for this project. My deliberations focused on the four significant issues identified through public scoping, and consistency with the Forest Plan. Both action alternatives would meet the Purpose and Need for Action in the project area, but focus on different elements. In determining what level of treatment is most appropriate, I considered the impacts to other resources, public input and management direction. Alternative 2 was the proposed action presented to the public during scoping. Alternative 3 was developed in response to issues identified during public scoping. Refer to Table 2.2 on page 29 of the South FEIS for an illustration of effects to issues by alternative.

Here are the issues that were used to develop Alternative 3:

1) Susceptibility of residual timber stands to wind damage

Alternative 2, the proposed action, includes commercial thinning of pine sites adjacent to private property to a basal area of 40 sq.ft./acre, which would greatly reduce hazards associated with wildfire. Other commercial thinning of pine sites within the project area would be to a target basal area of 60 sq.ft./acre. The more aggressive thinning of 40 sq.ft./acre would occur on 9,456 acres near private property in Alternative 2. During scoping, the public expressed concerns that thinning to this level over the proposed area has the potential to leave the residual trees much more susceptible to wind-throw. This would not provide for sustaining forested sites, which is desired. Alternative 3 responds to this issue by increasing residual leave-basal-area in all thinned

pine sites to 60 sq.ft. of basal area per acre, which provides a high level of fire protection, and would reduce the likelihood of residual trees being knocked over or snapped off by high winds.

2) Big-game cover and security near State of South Dakota property

The State of South Dakota property within the South project area is managed for big-game habitat. This property provides a spring calving area for elk. Since the State's property is largely grassland, concern was raised that if all immediately-adjacent pine sites were treated, very little hiding cover would be available for use by cow elk and their newborn calves. One pine site, 031112-11, adjacent to the State property is proposed for commercial thinning in Alternative 2. To respond to this significant issue, site 031112-11 was deferred from treatment in Alternative 3 in order to provide hiding cover habitat preferred by elk adjacent to the State property. To enhance this area further for elk and other big game species, approximately three miles of roads were selected for closure to motorized vehicles to increase big game security. The roads are the southern portion of FSR 715.3D and existing unauthorized roads U420009, U4200020 and South 077.

3) Lack of prescribed burning within restoration treatments in Management Area 5.1A

Management Area 5.1A, Southern Hills Forest and Grassland Areas, is not within the suitable base for timber production on the Black Hills National Forest due to low timber productivity. This area historically had frequent, low-intensity ground fires. Fire suppression has allowed growth of more trees than was historically present, and this increases the likelihood of stand-replacing crown fires. Since this management area is not within the suitable base for timber production, prescribed burning would likely be a cost-effective tool for long-term management. I believe that mechanical treatment of vegetation prior to prescribed burning is warranted at this time because it would increase the safety of using fire as a tool to achieve the desired restored conditions in the prairie/forest ecotone of MA 5.1A. The proposed action, Alternative 2, omitted prescribed burning within the Restoration vegetation treatments and therefore, would not fully meet the intent of the Restoration prescription.

4) High occurrence of storm-damaged trees within "dense" sites of ponderosa pine increases fuels hazard and suppresses understory vegetation

A snow and ice storm in April 2000 had a widespread impact on ponderosa pine in the project area, especially small-diameter pine in the understory. The snow and ice bent over the trees, and the crowns often reached the ground. Many remain alive but are in this configuration now, eight years later. Some tree trunks and branches were broken off, leaving great amounts of wood on the ground. If a fire were to start under these conditions, very intense heat on the ground could occur. Intense heat can sterilize the soil and increase the likelihood that trees of all sizes would be killed due to overheating of the roots. Bent-over trees could provide a "ladder" for fire to easily move up into the canopy, creating conditions for crown-fire, which is extremely difficult to control depending on weather and other conditions. Since dense pine sites provide habitat for

selected wildlife species, I desire to maintain some of these sites on the landscape. The Proposed Action, Alternative 2, included 963 acres of Improvement Cutting (IC), focusing on the most heavily damaged sites. Alternative 3 responds to this significant issue by increasing the amount of IC treatment to 3,317 acres. Alternative 3 would increase the chance of maintaining these dense sites. The IC treatment would thin out a large percentage of the storm-damaged trees, most of which are less than six inches in diameter. Afterwards, sites would be less likely to sustain an intense fire, which would increase the probability of these dense sites remaining on the landscape for the foreseeable future.

Travel

The Purpose of and Need for Action in the South project area includes "...providing for management and public access needs." The South Interdisciplinary Team (IDT) completed a Roads Analysis Process (RAP) and site-specifically reviewed every road within the project area. Each resource specialist noted resource concerns or access needs for every road. The proposed action, Alternative 2, fully incorporated the recommendations of the IDT in the RAP. The transportation proposals in Alternative 3 differ slightly from Alternative 2 due to responding to issues identified from public scoping.

The road proposals set forth in Alternative 3 will protect soil, water and wildlife resources while still providing adequate access for management of the project area and recreational enjoyment of the Forest. Maps 7 and 8 in Appendix A of the FEIS illustrate the travel management proposals for Alternative 3. Compare these to Map 2 (existing condition) and Maps 4 and 5 (Alternative 2) for an illustration and comparison of road changes in Alternative 3. Overall open-road density would be decreased from the existing 4.1 miles/square mile to approximately 2.8 miles/square mile in Alternative 3. System roads would increase from 118.7 miles existing to 132.6 miles in Alternative 3. These changes will be accomplished by eliminating unneeded non-system (unauthorized) roads, and converting some needed non-system (unauthorized) roads to system roads. See Tables 3.55 and 3.56 on page 203 of the FEIS. The resulting road system provides for both administrative and public access, therefore the Alternative 3 travel management proposal is included as part of my decision on this project. I believe that the site-specific roads analysis conducted by the South ID team produced a quality product that identified roads necessary for fuels and vegetation management related to this project. These road proposals respond well to the Purpose of and Need for Action of the South project.

The Black Hills National Forest is currently conducting a forest-wide Travel Management Planning effort, with a focus on recreation. The South project Alternative 3 road proposals have been incorporated into the Forest-level travel proposal, which will be submitted for public review in 2009. The Alternatives for the Forest effort are being developed, and could change before a decision is made on that project. The South ID team worked collaboratively with the Forest Travel Management ID team to develop consistent proposals. Clearly, I am aware that the Decision on Forest-level Travel Management has the potential to supersede this South project Decision.

My decision is based on the balance of resource conditions that best meets the Purpose of and Need for Action and how well the selected alternative responds to the public comments and issues. I believe that Alternative 3, Modified, provides the best balance of resource protection while meeting the Purpose of and Need for Action.

Other Alternatives Considered

In addition to the selected action, I considered 2 other alternatives in detail. A brief summary of these alternatives is presented below. Further information on the alternatives can be found in Chapter 2 of the FEIS.

Alternative 1 – No Action: NEPA (National Environmental Policy Act) requires the study of the No Action Alternative and that it be used as a basis for comparing the effects of the proposed action and other alternatives. The No Action alternative assumes no implementation of any elements of the proposed action or other action alternatives would take place within the South project area.

This alternative represents no attempt to actively respond to the purpose and need for action or the issues raised during scoping. There would be no effort to modify existing vegetation, fuel conditions or roads in the project area. However, on-going activities such as fire suppression, active timber sales and recurring road maintenance would continue.

I did not select this alternative because it does not satisfy the Purpose of and Need for Action of the South project.

Alternative 2 – Proposed Action: This alternative was developed in response to the Purpose of and Need for Action described in Chapter 1 of the FEIS and it was presented to the public during scoping. This alternative would result in reduced fire hazard over a large percentage of the project area. The fire hazard ratings of high to very high would be change from 68% of pine sites pre-treatment to approximately 7% of pine sites showing a high to very high fire hazard rating post-treatment. Refer to Table 3.46 on page 102 of the South FEIS for a fire hazard rating comparison for each alternative.

Refer to Table 2.1 on page 28 of the South FEIS for a comparison of Alternative 2 and Alternative 3 treatments.

I did not select this alternative because I believe that Alternative 3-Modified better satisfies the Purpose of and Need for Action of the South project, and responds to issues identified during public scoping.

After review of all of the alternatives, I conclude that active management is the best option for meeting the Purpose of and Need for the project, and for responding to the issues.

Public Involvement

The Notice of Intent to prepare the EIS was published in the Federal Register on July 25, 2007. The NOI asked for public comment on the proposal within 30 days of publication of the notice.

In addition, as part of the public involvement process, a scoping letter was sent to approximately 660 individuals, agencies, groups, tribal representatives, and other governments in June, 2007. As a result of public involvement efforts, input was received from 39 individuals, tribal representatives, groups, or agencies. This scoping letter included a description of the project area, a general explanation of the proposed action and an invitation to comment.

The Draft Environmental Impact Statement (DEIS) was issued for public review in June of 2008. The Notice of Availability (NOA) for comment on the DEIS was published in the Federal Register on June 6, 2008. The public comment period ended forty-five days later on July 21, 2008.

A legal notice of the opportunity to comment on the Draft EIS was published in the Rapid City Journal on June 11, 2008.

A total of 11 comment letters on the Draft EIS were received from individuals, groups, tribes or agencies. See Appendix I in the FEIS for responses to comments. None of these comments generated a need for re-analysis or required major substantive changes in the document. All letters are contained within the project file.

The Environmentally Preferred Alternative(s)

Disclosure of one or more environmentally preferable alternatives is required [Section 101 NEPA; 40 CFR 1505.2(b)]. The environmentally preferable alternative is not necessarily the alternative that will be implemented and it does not have to meet the underlying need for the project. It does, however, have to cause the least damage to the biological and physical environment and best protect, preserve, and enhance historical, cultural and natural resources.

In the case of the South Project, I have determined that there could be two environmentally preferred alternatives depending on the perspective taken. From a short-term (less than 5 years), non-disturbance perspective, the No Action Alternative (Alternative 1) would meet many of the criteria for being environmentally-preferred. In the short term, Alternative 1 would provide the most acres for species preferring mature, dense pine habitat, and would provide the least risk of damaging cultural resources. There would be reduced soil and water impacts associated with activity-specific equipment. Conversely, this alternative would increase risk of long-term negative effects from possible large-scale, high-intensity wildfires, increased likelihood of MPB infestation within pine sites, and a likely increase in unmanaged motorized recreation. Taking a longer-term perspective (twenty years), Alternative 3-Modified is considered the environmentally-preferred alternative. Although some activities would generate short-term disturbance related to vegetation management, long-term environmental risks associated with wildfires, risk of mountain pine beetle infestation and unmanaged travel routes would be reduced.

Legal Requirements, Regulation, and Policy

Another aspect of the process for selecting an alternative is ensuring that the decision complies with all legal requirements and policy. Alternative 3-Modified meets the following legal requirements:

Federal and/or State Laws

The National Historic Preservation Act of 1966, as amended - All surveyed and inventoried cultural sites considered eligible or potentially eligible for the National Register of Historic Places will be buffered and avoided during resource management activities. Unevaluated sites will also be buffered and/or avoided. New sites discovered during operations will be protected. Any identified Traditional Cultural Properties and sacred areas will be protected.

The South Dakota State Historic Preservation Officers (SHPO) offices were consulted concerning the proposed activities in the South Project Area. In letters dated January 12, 2006, and May 8, 2006, the South Dakota State Historic Preservation Officer (SHPO) concurred with the determination of No Adverse Effects for the proposed undertaking on the non-renewable cultural resources of South Dakota. The Advisory Council on Historic Preservation (ACHP) will be consulted about measures to protect significant archeological sites from adverse affects, should any be identified.

The National Environmental Policy Act (NEPA), 1969 - The Act establishes the format and content requirements of environmental analysis and documentation. The process of preparing the South Project EIS and ROD was completed in accordance with this Act.

The Endangered Species Act, 1973 - A Biological Assessment was prepared to document possible effects of any activities on endangered, threatened or proposed species in the South Project Area. A determination was made that planned activities will have “No Effect” on the black-footed ferret and therefore no formal consultation with the USFWS was required.

The Clean Water Act, 1982 - Selected Alternative 3-Modified will meet the Clean Water Act, as amended in 1982. This act establishes a non-degradation policy for all federally proposed projects. The selected alternative is not likely to degrade water quality below standards set by the State of South Dakota. This will be accomplished through planning, application, and monitoring of Best Management Practices and other design criteria associated with project activities.

Clean Air Act Amendments, 1977 - The Selected Action will be implemented to meet the National Ambient Air Quality standards through avoidance of practices that degrade air quality below health and visibility standards.

The National Forest Management Act (NFMA) 1976, which amends the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974: All alternatives were developed to be in full compliance with NFMA as summarized below.

Consistency with the Land and Resource Management Plan

The NFMA law (16 U.S.C. 1604(i)) requires me to ensure that permits, contracts, cooperative agreements, and other activities carried out on the Black Hills National Forest are consistent with the Forest Plan. My decision is consistent with this direction in that:

- Planned activities will contribute to Forest Plan goals and objectives (*South FEIS, Chapter 1*).
- I have reviewed the BHNF FY 2006 Monitoring and Evaluation Report and Region 2 MIS guidance for projects. The effects of planned activities on management indicator species are consistent with the Forest Plan.
- Planned activities are consistent with management area direction
- Planned activities comply with Forest Plan standards (*South FEIS, Chapter 3*).

Consistency with the National Forest Management Act

The 1982 planning rule has been superseded and is no longer in effect. The Forest Service is implementing this project under the 2008 Planning Rule (73 FR 21468).

Consistency with Plan Direction - The scope of analysis for a Forest Plan's management indicator species is determined by the Forest Plan's management direction, specifically, its standards and guidelines (Chapter II) and monitoring direction (Chapter IV). The Black Hills National Forest Forest Plan (Forest Plan) contains no obligation to conduct project-specific monitoring or surveying for MIS. Phase II ROD, pp. 8, 20; Forest Plan as Amended, pg. I-11, Objective 238. The Forest Plan establishes monitoring and evaluation requirements that do not require population monitoring for MIS, but rather employ habitat capability relationships. Phase II ROD, pp. 20; Forest Plan as Amended, pg. I-11, Objective 238. The South project analyzed the following management indicator species (MIS) because habitat for these species is available in the project area: white-tailed deer, black-backed woodpecker, brown creeper, and grasshopper sparrow.

Alternative 3, Modified is consistent with the requirements in the Forest Plan because:

- It is consistent with objective 238a to maintain or enhance habitat for white-tailed deer, brown creeper and grasshopper sparrow. See species discussions on pages 112-118 and 122-124 of the FEIS.
- It is consistent with objective 238b to maintain habitat opportunities for black-backed woodpecker. The FEIS discusses snags (Objective 211) on pages 105-108 and Standard 2301 (snags) on page 108. Refer also to design criteria in Appendix B under "Snags and Down Woody Material" and to species discussion on pages 118-121.
- It moves toward meeting management area structural stage objectives 5.1-204 and 5.4-206. These are discussed on pages 15, 16, 75 and 76, and illustrated in Tables 3.34 and 3.35 on pages 88-89 for Alternative 3. The modifications to vegetation treatments in Alternative 3-Modified did not change the post-harvest structural stage percentages at the Forest-wide scale.

- It is consistent with Objective 10-07, to reduce acreage of ponderosa pine in medium or high risk for infestation of mountain pine beetle. Refer to pages 77-79 for existing condition of mountain pine beetle risk and page 90 for the effects of Alternative 3 on beetle risk acres. The modifications to vegetation treatments in Alternative 3-Modified did not change the post-harvest percentages of ponderosa pine in medium or high risk for infestation of mountain pine beetle.

Alternative 3 is further consistent with the Forest Plan because it meets the following standards:

- 1101, 1102, 1103, 1301 regarding soil productivity, compaction, erosion, disturbance and stream health. Refer to the soil and water discussion on pages 32-68 of the FEIS, as well as the design criteria listed under 'Hydrology and Soils' in Appendix B.
- 2205, to remove all conifers from mixed conifer/hardwood stands treated to meet hardwood objective 201. See the Silviculture section of Appendix B.
- 2301a, to retain all snags which are not deemed a safety hazard. Refer to design criteria in Appendix B under "Snags and Down Woody Material".

Best Available Science - My decision is based upon consideration of the best available science. I have reviewed the record and found it contains a thorough review of relevant scientific information and responsible opposing views. Where appropriate, the record acknowledges incomplete or unavailable information, and scientific uncertainty and risk. Specifically, the extensive literature citations in the Specialist Reports show that relevant literature was reviewed and considered by resource specialists in preparation of this FEIS.

In addition, the record shows that literature cited by the public during the scoping period and during the comment period was reviewed and considered by resource specialists on the South Project Interdisciplinary team. Finally, resource specialists acknowledge in the project file their use of the best science available to them in preparation of this FEIS.

Resource Management Requirements - The NFMA directs the Secretary of Agriculture to establish certain resource management guidelines included in the agency directives system. I find that the activities in this project decision comply with the National Forest Management Act (NFMA) as follows:

- Irreversible resource damage will not occur. The project will not cause irreversible resource damage, such as to soil productivity or watershed condition. (FEIS, Chapter 3).
- Adequate restocking is assured.
- No clearcutting is proposed.
- No created openings will be larger than 40 acres.
- Culmination of Mean Annual Increment (CMAI) requirements are met.

Administrative Review

This decision is subject to appeal pursuant to 36 CFR Part 215 (June 2003). A written appeal must be submitted within 45 days following the publication date of the legal notice of this

decision in the Rapid City Journal, Rapid City, South Dakota. 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:

Black Hills National Forest Supervisors Office
Appeal Deciding Officer
Attn: Ed Fischer
1019 N. Fifth Street
Custer, SD 57730

Phone: (605) 673-9200

Fax: (605) 673-9350

Email: appeals-rocky-mountain-black-hills@fs.fed.us

Appeals may be hand-delivered to the office address above between the hours of 8:00 am and 4:30 pm, Monday through Friday, excluding Federal holidays.

For appeals filed electronically, the name of the project decision being appealed should appear in the subject line. Electronically filed appeals must be readable in either Word, Rich Text or .pdf formats. When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgement confirming agency receipt. If the appellant does not receive an automated acknowledgement of the receipt of the appeal, it is the appellant's responsibility to ensure timely receipt by other means (§ 215.15(c)(3)).

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. At a minimum, an appeal must meet the content requirements of 36 CFR 215.14 and include the following information:

- (1) Appellant's name and address (§ 215.2), with a telephone number, if available;
- (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- (3) When multiple names are listed on an appeal, identification of the lead appellant (§ 215.2) and verification of the identity of the lead appellant upon request;
- (4) 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;
- (5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (§ 215.11(d));
- (6) Any specific change(s) in the decision that the appellant seeks, and rationale for those changes;
- (7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;

- (8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- (9) How the appellant believes the decision specifically violates law, regulation or policy.

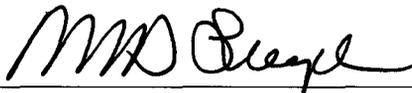
Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Implementation Date

Pursuant to 36 CFR 215.9 (a), if no appeal is filed within the 45-day time period, implementation of this decision may occur on, but not before, the 5th business day following the close of the appeal filing period. If an appeal is received, implementation may occur on, but not before 15 business days following the date of the appeal disposition (36 CFR 215.9(b)).

Contacts

For additional information concerning this decision, contact Michael D. Lloyd, District Ranger, or Betsy Koncerak, Interdisciplinary Team Leader, Hell Canyon Ranger District, 330 Mount Rushmore Road, Custer, SD 57730. For further information on the Forest Service appeal process, contact Ed Fischer, Environmental Coordinator, Black Hills National Forest, 1019 N. 5th Street, Custer, SD 57730.



MICHAEL D. LLOYD
District Ranger
Hell Canyon Ranger District
Black Hills National Forest



Date

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