

Record of Decision
Norwood Project
Final Environmental Impact Statement

USDA Forest Service
Hell Canyon Ranger District, Black Hills National Forest
Pennington County, South Dakota
Weston and Crook Counties, Wyoming

Background

The Norwood project area is located along approximately 22 miles of the Wyoming and South Dakota border in Pennington County, South Dakota and Weston and Crook Counties in Wyoming. The southernmost point of the project area is approximately 7 miles directly east of Newcastle, Wyoming. The project area includes approximately 46,458 acres, 42,252 of which are National Forest System lands and the remaining 4,206 acres are private. The legal description of the project boundary is; T2S, R1E Sections 4-8, 18 and 19; T1S, R1E, Sections 4-9, 16-21, 28-33; T1N, R1E, Sections 3-11, 14-23, 28-33; T2N, R1E, Sections 3-24, 27-34; T3N, R1E, 28-34; T2N, R2E, Sections 7 and 18; T46N, R60W, Sections 32 and 33; T47N, R60W, Sections 3, 27 and 28; T48N, R60W, Sections 9, 10, 17, 20-22, 27-30, 32-34; T49N, R60W, Section 33; Black Hill Meridian.

There are several arterial roads, which access the project area including, NFSR (National Forest System Road) 110, 111, 117, 284, 301, 810, and 811. The private land is mostly undeveloped, however there is 1 subdivision with small vacation cabins and several other isolated structures. The Beaver Creek cross-country ski trail area is located entirely within the project area and is closed to all motorized vehicles, including snowmobiles during the winter months. Portions of the South Dakota State designated snowmobile trail system occur within the northern part of the project area. Other developed recreational opportunities include 2 campgrounds and a rental cabin at Summit Ridge.

The vast majority (99%) of the project area is in management area 5.1, Resource Production Emphasis, with the remaining area (1%) within management area 5.4, Big Game Winter Range. The area of 5.4 management emphasis is an isolated parcel located within Wyoming which currently does not have legal road access to it. Past and current uses occurring in the project area include timber harvesting, livestock grazing, and recreation (mainly dispersed).

Ponderosa pine is the main cover type in the project area at 82% of the acreage. Other forested stands include white spruce, aspen and paper birch which collectively account for approximately 12% of the area. Meadows comprise about 5% of the area and the remaining acreage is mountain mahogany.

The purpose and need for action in the Norwood project area is to enhance vegetative diversity, reduce risk of mountain pine beetle infestation and large-scale wildfire, provide for wildlife habitat needs, and provide a sustainable supply of commercial timber consistent with Forest Plan direction, while providing for management and public access needs.

Decision

This Record of Decision (ROD) documents my decision and reasons for the decision. The Norwood 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, as amended by the 2006 Phase II Amendment. (Forest Plan). Forest Plan direction is summarized in Chapter 1 of the FEIS. Given the purpose and need, I have reviewed the alternatives and analysis disclosed in the Final EIS, the issues identified during public scoping, information contained in the project record, Forest Plan direction, and public comments received on the Draft EIS. Based on this review, I have decided to implement Alternative 3, including all post-sale projects. The reasons for selecting Alternative 3 are explained under Rationale for Selected Action, presented later in this Record of Decision.

Alternative 3 was developed following the public scoping period in response to two significant issues raised; aspen restoration and mountain pine beetle risk. This alternative includes an increase in treatment acres over the proposed action in response to these 2 issues. Alternative 3 would commercially harvest approximately 40.7 mmbf of sawtimber and 17,900 ccf of POL from approximately 16,216 acres. Maps 3, 5 and 7 in Appendix A of the EIS, display the planned vegetative and fuels treatments and the resultant road condition for the selected alternative. Appendix G in the final EIS includes a site listing of proposed treatments.

Rationale for Selected Action

A total of 4 alternatives, including no action, were analyzed in detail in the Environmental Impact Statement (EIS). Alternative 2 was identified as the preferred action, however after further review of the issues, analysis and public comments, I have selected alternative 3. I feel alternative 3 best meets the purpose and need for action, management direction and conditions on the ground, and it responds well to the issues and public comments received. In determining which alternative to select for this project, I first considered whether active management is appropriate in this project area, at this time. After reviewing all materials related to this project, including the analysis documented in the EIS, specialist reports and supporting documents, public input, and Forest Plan direction, I believe active treatment is appropriate and needed in the project area at this time for the following reasons. Approximately 45% of the pine stands in the Norwood area are in a high risk condition for mountain pine beetles. Another 53% are in a medium risk for mountain pine beetles. There are active and expanding beetle infestations within the project area and an actively expanding, large-scale infestation at epidemic proportions directly north and east of the project area. Hardwoods and meadows are being encroached upon and converted to pine.

Furthermore, the fire hazard rating in pine stands is very high in 48 percent of the stands. Approximately another 20% of pine stands are in a high fire hazard condition.

Given these facts, I believe that active management should be utilized in the project area to manage the risks of large-scale disturbances and to increase vegetative diversity. In addition to vegetative treatments, I also conclude that the existing road density is higher than what is necessary for management and private access needs and therefore, this is an appropriate time to review the road system in the project area. Therefore, I have concluded that active management is the best course of action for this project and I therefore reject the No Action Alternative.

The next consideration I had in making my decision was what level of treatment would be most appropriate for this project. All action alternatives would meet the Purpose and Need for Action in the project but focus on different elements. Ultimately, my decision was based on what balance of resource conditions best meet the purpose and need for action, as well as respond to the issues and public comments. My deliberations focused on the 3 significant issues (aspen restoration, ponderosa pine structural diversity and mountain pine beetle risk), how the alternatives respond to them and public input received on the Draft EIS.

Aspen Restoration

Vegetative diversity can encompass diversity in cover types or species, age classes, density, and within stand structures on the landscape. Within the project area and, in deed, the Black Hills as a whole, ponderosa pine dominates the landscape. Therefore, increasing other cover types in an area also increases diversity. The Forest Plan objective (201) for aspen is to manage for increased aspen acres, not to exceed 92,000 acres across the Forest as a whole. The northern portion of the Norwood project area is located in a part of the District which supports aspen clones. Over time, pine has encroached upon and out competed many aspen stands. All of the action alternatives increase acres of aspen in the project area, but they vary in how much of an increase would occur. Alternatives 2 and 4 would increase aspen by 8% while Alternative 3 is designed to increase designed aspen stands by 22% over existing conditions.

There are ample reasons to desire aspen increases on the forest. These hardwood stands provide habitat for an abundance and diversity of wildlife species. They also have a low fire hazard rating and contribute to the scenic attractiveness of an area. Comments received during scoping from both the Wyoming and South Dakota Game and Fish Departments, as well as from a number of other members of the public, were in favor of increasing aspen stands as much as possible. None of the comments received were opposed to aspen increases. For all of these reasons, I have chosen to implement the aspen restoration treatments as proposed in Alternative 3.

Ponderosa Pine Structural Diversity and Mountain Pine Beetle Risk

Diversity in pine could be provided for by size, age and density variations of stands across the landscape as well as these same variations within individual stands. The project area currently has an abundance of 4A pine stands and each of the action alternatives would increase the amount of 4A pine stands, but to varying degrees. In addition, each alternative would increase acres of pine in a 2, 3A or 3B structural stage, which are currently relatively low in abundance.

In considering which alternative best provides for pine structural diversity, it is imperative to also consider mountain pine beetle risk because active management treatments which would lower beetle risk will increase acres of pine in structural stage 4A, based on existing stand conditions in the project area. The vast majority of stands are mature and single aged. Therefore, options to lower beetle risk are limited to reducing stand density through commercial thinning or regeneration treatments, or converting these stands to structural stage 1 by clearcutting. The option of clearcutting was not considered in detail in the alternatives. I concur with this approach because forested openings are not lacking in the project area. I therefore, do not suggest that mature pine stands be clearcut solely to reduce beetle risk. Consequently, the most prudent approach for reducing beetle risk is to reduce the density of mature pine stands to a structural stage 4A condition.

While various factors likely influence beetle caused mortality in pine stands in the Black Hills, stand density plays a critical role in stands susceptibility to beetle attack. Lowering stand densities will lower susceptibility. Management strategies that decrease stocking densities are often the best approach to reduce long-term losses to the mountain pine beetle

While this conclusion is accepted as fact by project Specialists, I am also aware of conflicting opinions. Some public input received on this project stated that reducing stand density would not reduce mountain pine beetle risk. I believe that sufficient evidence exists within the Black Hills to conclude that stand density is a critical factor in mountain pine beetle susceptibility and is one which can be managed. Furthermore, I do not suppose that the proposed treatments will eliminate mountain pine beetles, nor would I want that. These beetles are part of the ecosystem here in the Black Hills.

Because lowering beetle risk is inconsistent with minimizing increases in 4A pine, I considered the benefits and detriments to both to determine which balance would be best. The existing situation in and around the project area in regard to mountain pine beetle is that the northern portion of the project area is part of an existing epidemic which extends for approximately 20 miles. This epidemic has been observed for several years and high levels of mountain pine beetle caused mortality are occurring (Schaupp, 2006). Mountain pine beetle epidemics in 2006 on the Black Hills, of which this is one, killed an estimated 60% more trees over 102% more acres than in 2005 (Schaupp, 2006).

Approximately 45% of pine stands in the Norwood area are in a High risk condition for mountain pine beetle susceptibility. Alternative 4 reduces acres in a high risk condition to approximately 38% which is certainly an improvement, but a moderate one. The proposed action is a bit more successful in reducing high risk stands and results in 33% of the pine stands

in a high risk condition, again a moderate improvement. Alternative 3, however, shows a considerable decrease in high risk acres of pine to only 18%. I believe that there is ample evidence that the Norwood project area could experience large scale beetle caused mortality in the near future. This level of mortality would result in a vastly changed landscape. I feel that such a change is not in the best interest of the public or the Forest. Furthermore, the analysis presented in the EIS does not display any long-term detrimental affects to resources which would result from implementation of alternative 3. Therefore, I feel that aggressive treatments of pine stands with a High risk rating for mountain pine beetle susceptibility is necessary and prudent in the Norwood project area to limit beetle caused mortality.

Alternative 3 provides additional benefits in regard to fire hazards in the project area. While fire hazard was not identified as a significant issue, it is part of the purpose and need for action in the Norwood area.

Therefore, Alternative 3 is my selected action because it best meets the purpose and need for action, management direction and conditions on the ground, and it responds well to the issues and public comments received.

Other Elements of the Selected Alternative

All action alternatives would increase meadow and birch acres by the same amount, therefore this was not a main consideration in selecting an alternative. I do, however, conclude that the treatments to increase meadows and birch stands are reasonable and appropriate.

Each of the action alternatives would implement the same activities in regard to the road system in the project area. Overall road density would be decreased from 4.0 miles/square mile to 3.2 miles/square mile. System roads would increase from 215 to 232 miles total. These changes will be accomplished by eliminating unneeded non-system roads or converting those non-system roads which are needed to system roads. The resulting road system provides for both administrative and public access needs and therefore, implementing the specified road activities is included as part of my decision on this project.

Post sale projects for weed treatments, wildlife habitat improvement, range structural improvements, soil and water improvements, fuels treatments, pine encroachment, pre-commercial and POL thinning, and aspen cleaning will be implemented as described in the final Norwood EIS.

Other Alternatives Considered

In addition to the selected action, I considered 3 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 EIS. Tables 1 and 2 display a comparison of alternatives in terms of activity, output and effects relative to the 3 identified significant issues.

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 Norwood 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.

Alternative 2 – Proposed Action: This alternative was developed in response to the purpose and need for action described in Chapter 1 of the EIS and it was presented to the public during scoping. This alternative would result in moderate increases in aspen acres, reduced mountain pine beetle risk and pine diversity. Alternative 2 would commercially harvest approximately 35.9 mmbf of sawtimber and 15,600 ccf of POL (products other than logs) from approximately 14,231 acres. Refer to map 2 in Appendix A of the EIS.

Alternative 4 - This alternative was developed to address Significant Issue #2 (pine structural diversity). The main focus of this alternative is to minimize increases in the 4A pine structural stage to provide for diversity. This alternative, like alternative 2, results in a moderate increase of aspen, but is the least of all action alternatives in improved mountain pine beetle risk. Alternative 4 would commercially harvest approximately 33.6 mmbf of sawtimber and 13,900 ccf of POL from approximately 13,458 acres. Refer to map 4 in Appendix A of the EIS.

Table 1 - Comparison of Vegetative Treatments by Alternative (in acres)

Commercial Treatment Acres	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Commercial Thinning 50sf/ac BA (CT50)	0	424	962	338
Commercial Thinning 60sf/ac BA (CT60)	0	3,348	8,200	1,547
Commercial Thin 60sf/ac BA without POL Thinning (CT60noPOL)	0	0	0	1,360
Commercial Thinning 70sf/ac BA (CT70)	0	3,804	90	3,739
Hardwood Conversion (HWRC)	0	180	489	180
Hardwood Release (HWR)	0	1,544	1,544	1,544
Overstory Removal (OR)	0	1,652	1,652	1,652
Seedcut (SC)	0	1,907	1,907	1,726
Prepcut (PC)	0	23	23	23
Group Selection (GS)	0	505	505	505
Individual Tree Selection (ITS)	0	81	81	81
Pine Encroachment (PE)	0	76	76	76
Special Cut	0	317	317	317
Sanitation	0	271	271	271
Meadow Restoration (MR)	0	7	7	7
POL Thinning	0	92	92	92
Total Acres	0	14,231	16,216	13,458
Total Volume	0	35.9 mmbf	40.7 mmbf	33.6 mmbf
Non-commercial Treatments (acres)				
Pine Encroachment	0	85	85	85
TSI Thinning	0	2,233	2,233	2,233
Aspen Cleaning	0	1,724	2,033	1,724
POL Thinning*	0	7,576	9,252	5,624
Fuels Treatments	0	5,578	5,578	5,578
<i>Mechanical Slash and Burn</i>		952	952	952
<i>Mechanical Thin and Burn</i>		1,404	1,404	1,404
<i>Mech Thin WUI No Burn</i>		1,830	1,830	1,830
<i>Mech Thin Non-WUI No Burn</i>		1,392	1,392	1,392

Table 2 – Comparison of Effects to Key Issues by Alternative

Aspen Restoration Management indicators	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Acres of Aspen Stands	2,206	2,380	2,688	2,380
Percent increase in Aspen Stands	0	8%	22%	8%
Ponderosa Pine Structural Diversity* Management indicators	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Acres and % in SS1	402	402	402	402
Acres and % in SS2	124	1,532	1,532	1,532
Acres and % in SS3A	287	306	306	306
Acres and % in SS3B	1,441	1,467	1,456	1,456
Acres and % in SS3C	402	320	304	304
Acres and % in SS4A	16,866	18,838	24,181	17,504
Acres and % in SS4B	12,307	9,542	4,111	10,804
Acres and % in SS4C	2,773	2,009	1,816	2,108
Acres and % in SS5	40	40	40	40
Mountain Pine Beetle Risk* Management indicators	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Acres and % of Ponderosa Pine in a Low Risk condition for MPB Susceptibility	813 (2%)	2,241 (7%)	2,241 (7%)	2,241 (7%)
Acres and % of Ponderosa Pine in a Medium Risk condition for MPB Susceptibility	18,254 (53%)	21,015 (60%)	25,636 (75%)	18,959 (55%)
Acres and % of Ponderosa Pine in a High Risk condition for MPB Susceptibility	15,575 (45%)	11,200 (33%)	6,271 (18%)	13,256 (38%)

*Total pine acreage differs by alternative due to differing acres of hardwood and meadow conversion.

Public Involvement

The Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published in the Federal Register on July 5, 2006. 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 140 individuals, agencies, groups, tribal representatives, and other governments in June, 2006. As a result of public involvement efforts, input was received from 14 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 March of 2007. The Notice of Availability (NOA) for comment on the DEIS was published in the Federal Register on March 30, 2007. The public comment period ended 45 days later.

A legal notice of the opportunity to comment on the Draft EIS was published in the Rapid City Journal on April 3, 2007.

A total of 8 comment letters on the Draft EIS were received from individuals, groups, tribes or agencies. Seven of these letters were received by the end of the comment period and one letter was sent electronically after the comment period had ended. Each timely received comment was responded to (see Appendix I in the final EIS). None of these comments generated a need for reanalysis or required major substantive changes in the document.

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 Norwood Project, I have determined that there could be two environmentally preferred alternatives depending on which perspective one takes. From a short-term (less than 5 years), non-disturbance perspective, the No Action Alternative (Alternative 1) meets many of the criteria for being environmentally preferred. In the short term, Alternative 1 provides the most acres for species preferring more mature, dense pine habitat, maintains the highest number of snags for wildlife, and has the least risk of damaging cultural resources. However, it risks long-term negative effects from large scale MPB infestations and possible large scale, high intensity wildfire within this area more than any other alternative. Taking a longer term perspective over the next twenty years, Alternative 3 (Selected Action) is considered the environmentally preferred alternative. Although some activities generate short-term disturbance related to vegetation management, it reduces significant long-term environmental risks.

Legal Requirements, Regulation, and Policy

Another aspect of the process for selecting an alternative is ensuring that the decision actions comply with all legal requirements and policy. The Selected Action meets the following legal requirements.

Federal 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. New sites discovered during operations will be protected. Any identified Traditional Cultural Properties and sacred areas will be protected. Reference is made to the consultation with the South Dakota State Historical Preservation Officer (SHPO) under State Laws section below.

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

The Endangered Species Act, 1973: A Biological Assessment and a Biological Evaluation have been prepared to document possible effects of any activities on endangered, threatened, proposed or sensitive species in the Norwood Project Area. A determination was made that planned activities will have “No Effect” on the bald eagle and therefore no formal consultation with the USFWS was required. The Region 2 Sensitive Species list has recently changed. Forest Service Manual direction at #7 under 2672.11, Identification of Sensitive Species, R2 supplement 2600-2006-1 states: “ For newly designated sensitive species, current or planned Forest Service actions that are well underway (or are completed) at the time an updated sensitive species list goes into effect are exempt from requirements to conduct a biological evaluation for that species. This exemption is intended to enable actions that have been planned using the previous sensitive species list to go forward...”. The Norwood project was well underway at the time the updated sensitive species list went into effect.

The Clean Water Act, 1982: The Selected Action will meet and conform to the Clean Water Act as amended in 1982. This act establishes a non-degradation policy for all federally proposed projects. The Selected Action 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 mitigations measures and design criteria of 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 and consistent 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 (FEIS, Chapter 1).
- I have reviewed the BHNF FY 2005 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 (FEIS, Chapter 2).

Consistency with the National Forest Management Act

The 1982 planning rule has been superseded and is no longer in effect, and a recent court ruling has enjoined the Forest Service from implementing the 2005 planning rule.

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, 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, I-11 (Objective 238). The Norwood project analyzed the following MIS species because habitat for these species is available in the project area; beaver, white-tailed deer, golden-crowned kinglet, black-backed woodpecker, brown creeper, ruffed grouse, song sparrow and mountain sucker.

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

- It meets objective 103, for maintaining and improving long-term stream health. Existing stream condition is discussed on pages 34 and 35 of the EIS. Direct and indirect effects are discussed on pages 39-55. Cumulative effects are discussed on pages 55-59. BMP effectiveness is discussed on pages 59-60. Design criteria which will be implemented to maintain and improve long-term stream health are listed in Appendix B under 'Soil and Water'.
- It moves toward meeting Objective 201, managing for a maximum of 92,000 acres of aspen. Alternative 3 would result in a 22% increase in aspen in the project area (page 76, EIS) and would maintain existing aspen stands by removing encroaching conifers. Post-harvest projects are included which will remove all non-commercial sized conifers from existing and converted aspen stands (page 16, EIS).
- It is consistent with Objective 238a to maintain or enhance habitat for ruffed grouse, beaver, song sparrow, white-tailed deer and brown creeper. Refer to discussion of Objective 201, above. Alternative 3 increases meadow acres (objective 205), see pages

15, Table 2.2 on page 23, and page 71 in the EIS for a discussion on meadows. The EIS discusses snags (objective 211) on pages 102 and 103 as well as design criteria in Appendix B under “Snags and Down Woody Material”. Spruce (objective 239-LVD) is discussed on pages 64, 72 and 76 of the EIS. Management area objective 5.1-204 is discussed on pages 65-66 and page 78 of the EIS for Alternative 3.

- It is consistent with objective 238b to maintain habitat for black-backed woodpecker. The EIS discusses the snag objective 211 and standard 2301 on pages 102 and 103 as well as design criteria in Appendix B under “Snags and Down Woody Material”. Management area objective 5.1-204 is discussed on pages 65-66 and page 78 of the EIS for Alternative 3.
- It is consistent with 238c to maintain habitat for golden crowned kinglets. Spruce (objective 239-LVD) is discussed on pages 64, 72 and 76 of the EIS.
- It is consistent with 238d to maintain or enhance habitat for mountain suckers. Mountain suckers are discussed on pages 125-126 of the EIS.
- 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 67 and 68 for existing condition of mountain pine beetle risk and pages 77 and 78 for the effects of alternative 3 on beetle risk acres.

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 39-55 of the EIS, as well as the Design Criteria listed under ‘Soil and Water’ in Appendix B.
- 2205, to remove all conifers from mixed conifer/hardwood stands treated to meet hardwood objective 201. See pages 16 and 76 in the EIS.
- 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”.

My decision also is based upon consideration of the best available science. I have reviewed the record which shows a thorough review of relevant scientific information; a consideration of responsible opposing views; and the acknowledgement of incomplete or unavailable information, scientific uncertainty and risk. Specifically, the record shows that extensive literature citations have been reviewed and considered by resource specialists in preparation of this EIS as evidenced by the literature cited sections in the specialist reports. In addition, the record shows that no literature was cited by the public during the scoping period and that all literature cited by the public during the comment period has been reviewed and considered by resource specialists on the Norwood IDT. Furthermore, additional references which have become available since specialist reports were completed for this project, such as the Regional conservation assessments for the beaver, leopard frog and ruffed grouse, have been reviewed and considered. Each resource specialist has prepared an addendum to their specialist report for the Norwood project which states that they have utilized the best science available to them in preparation of this EIS.

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 NFMA law, 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 timber harvesting will occur on lands not suited for timber production. No harvest will occur for timber production purposes on lands classified as unsuitable for timber harvest. (See Silviculture report in project file.)
- No created openings will be larger than 40 acres.
- Culmination of Mean Annual Increment (CMAI) requirements are met.

Other Laws

South Dakota and Wyoming State Best Management Practices (BMPs) have been incorporated into project design. See Appendix B of the FEIS: Design Criteria.

Consultation with the South Dakota and Wyoming State Historic Preservation Officers (SHPO): The SHPO offices have been consulted concerning the proposed activities in the Norwood Project Area. The SHPO concurred with our determination of “No Historic Properties Affected”. The Advisory Council on Historic Preservation (ACHP) will be consulted about measures to protect significant archeological sites from adverse affects, should any be identified.

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)).

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Michael D. Lloyd, District Ranger, Hell Canyon Ranger District, 330 Mount Rushmore Road, Custer, SD 57730 or Ed Fischer, Environmental Coordinator, Black Hills National Forest, 25041 N. Highway 16, Custer, SD 57730.

/s/ Michael D. Lloyd
MICHAEL D. LLOYD
District Ranger
Hell Canyon Ranger District
Black Hills National Forest

May 22, 2007
Date

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