

DECISION NOTICE  
NONSIGNIFICANT AMENDMENT TO THE  
CUSTER NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN  
CUSTER NATIONAL FOREST, MONTANA, NORTH DAKOTA, AND SOUTH DAKOTA

AMENDMENT NUMBER 13  
WOODY DRAWS, MANAGEMENT AREA N  
October 1991

DECISION NOTICE

**Decision:** It is my decision to amend the Custer National Forest Land and Resource Management Plan (Forest Plan) based on my decision on leasing stipulations for Management Area N in the Little Missouri National Grasslands.

On page 83 of the Forest Plan, under C. Management Standards, 1. Recreation, item f., I am deleting the first sentence that reads, *"Visual Quality Objectives of Retention will be met in this area except where crossed by roads."* The other change I am making is under Minerals and Geology (page 84). Item C states: *"When a lease application is received, or existing lease expire or terminate, a Limited Surface Use Stipulation will be applied to minimize surface disturbances"*. Based on the sites specific analysis included in the Northern Little Missouri National Grasslands FEIS I am requiring that these areas be protected by a *"No Surface Occupancy Stipulation"* (NSO). The NSO stipulation will protect the unique values of this management area and still provide for the development of the oil and gas resource in this area.

**Rationale for the Decision:** In the past maintaining a Visual Quality Objective of retention has complicated the interpretation of the intent of protection. The main consideration is to protect the integrity of these areas from ground disturbing activity. Visual quality objectives are written to protect the visual quality of an area. The intent of the Forest Plan is to protect the continuity of woody cover whenever possible. Roads, powerline, and pipelines are permitted under special use permit and the Forest Plan provides guidance on location of these facilities. The Forest Plan provides direction on allowing these crossings at right angles to minimize adverse impacts to the draws. The No Surface Occupancy stipulation does a better job of providing the needed guidance, and does not confuse the intent.

NONSIGNIFICANT NFMA AMENDMENT

This decision does not alter any of the long-term relationships between the level of good and services projected by the Forest Plan as disclosed in the Northern Little Missouri National Grasslands FEIS of September 1991. Therefore, this amendment is non-significant under NFMA (36 CFR 219.10(f)), and Forest Service Manual 1922.51, item 1 and 3.

IMPLEMENTATION

This decision will be implemented upon public notice. This Decision Notice is public notice and will be sent to all those who have requested notice of Forest Plan amendments and those who have participated in the amendment process. In addition, notice of this decision will be published in local newspapers.

- Appendix A

ADMINISTRATIVE APPEAL

This decision is subject to appeal pursuant to 36 CFR 217. Any written notice of appeal to this decision must be fully consistent with 36 CFR 217.9, "Content of Notice of Appeal". As a minimum, a written notice of appeal filed with the reviewing officer must: 1) List the name, address, and telephone number of the appellant; 2) Identify the decision about which the requester objects; 3) Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the Deciding Officer; 4) Identify specifically that portion of the decision or decision document to which the requester objects; 5) State the reasons for objecting, including issues of fact, law, regulation, or policy and if applicable specifically how the decision violates law, regulation, or policy, and; 6) Identify the specific change(s) in the decision that the appellant seeks. (36 CFR 217.9(b)). A written notice of appeal must be filed within 45 days of the date of this decision and sent to:

John Hughes, Acting Regional Forester  
Northern Region  
200 East Broadway  
PO Box 7669  
Missoula, MT 59801

Simultaneously a copy of the notice of appeal must be sent to the Deciding Officer, Forest Supervisor, Curtis W. Bates, PO Box 2556, Billings, MT 59103. The notice of appeal must be filed in compliance with the procedures identified in 36 CFR 217 (54 FR 3357).

CONTACT PERSON

Further information about this decision can be obtained from:

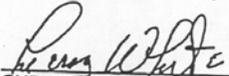
Leroy White, Planning Program Officer  
Custer National Forest  
PO Box 2556  
Billings, MT 59103  
(406) 657-6361

Forest Plan Amendment Number 13  
Custer National Forest  
Billings, Montana

The Custer National Forest Land and Resource Management Plan is amended as follows:

On page 83 of the Forest Plan, under C. Management Standards, 1. Recreation, item f. delete the sentence that reads, *"Visual Quality Objectives of Retention will be met in this area except where crossed by roads."*

The other change I am making is under Minerals and Geology (page 84). Item c, delete the sentence: *"When a lease application is received, or existing lease expire or terminate, a Limited Surface Use Stipulation will be applied to minimize surface disturbances"*, and replace it with: **When new leases are processed, this management area is to be leased with a No Surface Occupancy stipulation.**

*Ja*  
  
CURTIS W. BATES  
Forest Supervisor

*10/24/91*  
Date