

30-Day Scoping Period
and Concurrent 30 Day
Notice of Comment and Appeal
Procedures
USDA - FOREST SERVICE
Custer National Forest
Beartooth Ranger District
Stillwater and Carbon Counties,
Montana

The Forest Service, Custer National Forest, Beartooth Ranger District proposes to re-authorize ten projects or activities that are considered special uses of the National Forest System. Each of these ten activities is currently an existing use on the National Forest, but the permits authorizing these activities have expired or are about to expire. These projects/activities are:

1. Federal Land Policy and Management Act (FLPMA) Road Use, Special Use Permit to the Beartooth Mountain Christian Ranch that would authorize a 0.5 mile long by 33 ft. wide right-of-way necessary for the operation and maintenance of National Forest System Road (NFSR) 24147 to access private property owned by the Beartooth Mountain Christian Ranch. The NFSR 24147 is located in Section 15, T5S, R16E, PMM in Stillwater County, MT.

2. FLPMA Road Use, Special Use Permit to the Stillwater Mining Company that would authorize a 0.6 mile long by 33 ft. wide right-of-way necessary for the operation and maintenance of NFSR 24142 to access private property owned by the Stillwater Mining Company. NFSR 24142 is located in Section 16, T5S, R16E, PMM in Stillwater County, MT.

3. Power Transmission Line ROW, Special Use Permit to NorthWestern Corporation that would authorize three sections totaling approximately 3 miles of 50kV power transmission lines with 50 ft. wide right-of-way necessary to access power poles, transmissions lines and connections for maintenance crossing FS land. All of these power-line segments are located in Stillwater County, MT.

* One section of power line is located in Sections 27 & 28 of T6S, R18E; two sections totaling 1.25 miles in length.

* Another section of power line in Sections 21 & 15 of T5S, R15E; 1 mile in length.

* Another section of power line in Section 15 of T5S, R16E; 0.8 miles in length.

Power Transmission Line ROW, Special Use Permit to NorthWestern Corporation that would authorize a 0.9 mile long by 40 ft. wide right-of-way necessary to maintain the existing 7.2kV power transmission line crossing NFS lands, located in Section 25, T7S, R19E, PMM in Carbon County, MT.

4. FLPMA Gas Pipeline Permit, Special Use Permit to NorthWestern Corporation that would authorize 0.132 miles of 10 ft. right-of-way necessary to maintain a 2 inch gas main and 0.75 inch gas service line across NFS lands. The existing gas pipeline is located in Section 33, T7S, R20E, PMM in Carbon County MT.

5. Water transmission ROW, Special Use Permit to Patrick & Jean Rollwitz, which authorizes a 250 ft. by 10 ft. right-of-way necessary for operation and maintenance of a spring box and pipeline to supply water to their private residence. The existing right-of-way is located in NE, SE, Section 16, T5S, R15E, PMM in Stillwater County, MT.

6. FLPMA Road Use, Special Use Permit to Dorothy Hancock Hull that would authorize a 0.10 mile long by 33 ft. wide right-of-way necessary for the operation and maintenance of NFSR 24761 to access private property owned by Dorothy Hancock Hull. NFSR 24761 is located in Section 11, T8S, R19E, PMM in Carbon County MT.

7. FLPMA Road Use, Special Use Permit to Mary L. Ringer that would authorize a 0.07 mile long by 33 ft. wide right-of-way necessary for the operation and maintenance of NFSR 24762 to access private property owned by Mary L. Ringer. The NFSR 24762 is located in Section 11, T8S, R19E, PMM in Carbon County MT.

8. Water Transmission ROW, Special Use Permit to Key O, Inc. that would authorize 2.75 miles of 10 ft. right-of-way necessary for operation and maintenance of three spring head-works and 1.5-inch waterline to transmit water across National Forest System lands to Key O, Inc. adjacent private property. The existing pipeline is located in Sections 7, 8, 9, T5S, R15E, PMM in Stillwater County MT.

9. Water Transmission ROW, Special Use Permit to the East Rosebud Lake Association that would authorize a 1.3 mile long by 10 ft. right-of-way necessary to maintain four pipelines and intake devices for transmission of water across Forest Service land to residences of the East Rosebud Lake Association. The existing pipelines are located in Section 21, T7S, R17E, PMM in Carbon County MT.

10. Timbercrest Girl Scout Special Use Permit to the Girl Scouts of Montana and Wyoming for Timbercrest Girl Scout Organization Camp located in Sections 2 and 3, T8 S, R19E, PMM.

The purpose for action is to re-authorize these special uses of the Custer National Forest. The need for action is the Forest Service's responsibility to approve or require modifications to the permits issued for these special uses in accordance with laws, regulations, and policies applicable to the Forest Service.

Based on preliminary environmental analysis of this project and requirements of 36 CFR 220.6(e)(15) these are routine actions that fit within a category listed in 36 CFR 220.6 (e), Category 15: "Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are

not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization." The identified actions are within this category and will not have a cause-effect relationship or degree of potential effect that results in the existence of extraordinary circumstances that warrant further analysis and documentation in an EA or an EIS.

This is a concurrently running scoping period, as well as a notice for comment and appeal procedures. Written, facsimile, hand-delivered, oral, and electronic comments will be accepted for 30 calendar days following publication of this notice in the Billings Gazette, which is the exclusive means for calculating the comment period for this proposal. Only those who submit comments during the 30-day comment period will be eligible to appeal the project. For appeal eligibility each individual or representative from each organization submitting substantive comments must either sign the comments or verify identity upon request. Comments received, including the names, addresses, e-mail addresses, and phone numbers of those who comment, will be considered part of the public record and be available for public inspection.

These proposed actions are subject to notice, comment and appeal regulations (36 CFR 215) as a result of the March 19, 2012, judicial ruling in Sequoia ForestKeeper v. Tidwell. In that ruling, the U.S. District Court, Eastern District of California found that Forest Service (FS) regulations exempting project decisions from notice, comment, and appeal when categorically excluded (CE) from further analysis under the National Environmental Policy Act (NEPA) are in violation of the Appeals Reform Act (ARA) and enjoined the FS from following these regulations. The 36 CFR 215 notice, comment, and appeal procedures are posted on the Internet at: http://ecfr.gpoaccess.gov/cgi/t/text/textidx?c=ecfr&tpl=/ecfrbrowse/Title36/36cfr215_main_02.tpl.

Written, hand-delivered, or oral comments must be submitted to the Responsible Official: Mary Erickson, Forest Supervisor, Custer National Forest and Gallatin National Forest, 1310 Main Street, Billings, MT 59105, phone (406) 255-1400, fax (406) 255-1499. Office business hours for those submitting hand-delivered or oral comments are: 8:00 AM to 4:30 PM, Monday through Friday, excluding holidays.

Electronic comments must be in MS Word (.doc), Outlook Message Format (.msg), or RTF (.rtf) format and be sent to: comments-northern-custer-beartooth@fs.fed.us.

The subject line must contain "Special Uses Permits". For electronic comments, the sender should normally receive an automated electronic acknowledgement as confirmation of receipt. If the sender does not receive an automated receipt, it is the sender's responsibility to ensure timely receipt by other means.

For additional information about proposed actions 1 through 9, contact: Terry Jones, but for the Timbercrest Girl Scout Camp contact Jeff Gildehaus. Both Mr. Jones and Mr. Gildehaus can be reached at the Beartooth Ranger District, 6811 US Highway 212, Red Lodge, MT, 59068; Telephone: 406-446-2103.