



United States  
Department of  
Agriculture

Forest  
Service

Flathead  
National  
Forest

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**File Code:** 1950

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Recently, the Ninth Circuit Court of Appeals in *Swan View Coalition Inc. v. Barbouletos* (No. 07-35065 (January 6, 2009)) issued a decision requiring the United States District Court for the District of Montana to remand the Moose Post-Fire Record of Decision (ROD) to the Forest Service to "establish and apply a standard for evaluating when land use values 'compete' with grizzly bears' needs within the meaning of the Forest Plan" for the Flathead National Forest.

Enclosed with this letter is an amended Record of Decision (ROD) that responds to the court's decision and addresses information demonstrating that the Moose Project complies with the applicable Forest Plan requirements. In this amended ROD, I made the decision to continue to implement the travel management actions associated with the original Moose Post-Fire Project Record of Decision (2002).

During the intervening years from 2002 to present, most of the travel management actions which included implementing wheeled motorized restrictions on 11 miles of open road and decommissioning of 56 miles of road have been completed. There are only a few more travel management actions which remain to be implemented (these are described in the attached ROD). I expect these actions to start this summer.

In accordance with 36 CFR 215.11(b) the reaffirmation of the original ROD (November 2002) is not subject to administrative appeal. This direction specifies only the portions of a decision that are changed are subject to appeal. After reviewing the original ROD in conjunction with information provided in the amended ROD, I have determined the original decision will remain in effect and unchanged. The analysis and determination in this amended ROD do not alter the environmental impacts assessed in the EIS, and therefore additional or supplemental NEPA analysis is not necessary or required.

Sincerely,

CATHY BARBOULETOS  
Forest Supervisor

Enclosure

