



File Code: \*1950/2430

Date: \*March 20, 2006

Dear Interested Party,

The Big Timber Ranger District on the Gallatin National Forest is initiating a proposal for a vegetation treatment project on approximately 220 acres in Big Timber Canyon, which is located approximately twenty miles northwest of Big Timber, Montana on the eastern slopes of the Crazy Mountains near Crazy Peak. The legal description for the proposal is T3N, R12E, Sections 2 & 4, Sweet Grass County, MT.. The proposal includes approximately 190 acres in Section 2 (Unit 1), approximately 25-30 acres in Section 4 (Unit 2), and consists of thinning densely stocked stands of Douglas-fir, to increase the health and vigor of the remaining trees and make them less susceptible to future Douglas-fir bark beetle attacks.

Prior to a recent Federal District Court decision (described below) these types of actions have not been subject to the notice, comment and appeal procedures of 36 CFR 215 because they fall within categories of actions that do not individually or cumulatively have a significant effect on the human environment. See the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR 1500.5(k); 1508.4) and the Forest Service NEPA Handbook (FSH) (FSH 1909.15, Chapter 30). I now am providing you with the opportunity to comment on these activities pursuant to provisions at 36 CFR 215.5 and 215.6. This Draft Decision Memo also serves as an official scoping document for the project.

My preliminary determination is that the proposal falls within the categories of actions listed in the Forest Service NEPA Handbook (FSH) that are excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) [FSH 1909.15(31.2(10 & 12))]. I have also made the preliminary determination that there are no extraordinary circumstances that would preclude use of these categories for this proposal. I based this determination on the initial findings of the various resource specialists, whose reports are located in the Project File.

In a recent decision on the lawsuit *Earth Island Institute v. Ruthenbeck*, the Federal District Court for the Eastern District of California struck down the Forest Service provision at 36 CFR 215.4(a). That provision had excluded projects such as these from public notice, comment, and appeal. This comment period is intended to provide those interested in or affected by this proposal, an opportunity to make their concerns known prior to a decision being made. I would also like to make you aware that, based on the Court Order, any substantive concerns received on any of these actions will also likely make them subject to appeal under 36 CFR 215.



## **How to Comment and Timeframe**

Written, facsimile, hand-delivered, oral, and electronic comments will be accepted for 30 calendar days following publication of notice in the Bozeman Daily Chronicle. The publication date in the newspaper of record is the exclusive means for calculating the comment period for these proposals. You should not rely upon dates or timeframe information provided by any other source.

In submitting comments, please provide: (1) your name, address, telephone number, and organization represented, if any; (2) identification of the specific action from the attached list on which the comment is being submitted; (3) specific facts along with supporting reasons that you believe should be considered by me; and (4) your signature.

Those who do not submit timely and substantive comments will not be eligible for any appeal opportunity that may be provided under the 36 CFR 215 appeal rule. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record and will be available for public inspection.

Submit written comments to: Barbara Ping, Forest Ecology Group, Bozeman Ranger District, 3710 Fallon St., Suite C, Bozeman, MT. 59718. Phone (406)- 522-2558. The office business hours for those submitting hand-delivered comments are: 8:00 A.M. to 4:30 P.M. Monday through Friday, excluding holidays. Oral comments must be provided to Bill Avey, District Ranger for the Big Timber Ranger District Office during normal business hours via telephone (406)-932-5155 or in person at the Big Timber office. Electronic comments must be submitted in rich text format (.rtf), Word (.doc) or Word Perfect format to “comments-northern-gallatin@fs.fed.us”. The subject line must contain the name of the specific activity for which you are submitting comments. For electronically mailed comments, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of comments, it is the sender’s responsibility to ensure timely receipt by other means.

If you need additional information regarding these proposals, please contact Barbara Ping at (406)-522-2558.

Sincerely,

*/s/ Bill Avey*

**BILL AVEY**  
Big Timber District Ranger

Enclosure

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