



File Code: 1950-1

Date: November 20, 2008

Dear Interested Party;

Enclosed is a copy of the November 2008 Supplemental Environmental Assessment (EA) for the Smith Creek Vegetation Treatment Project for your review and comment. This supplement incorporates by reference the entire August 2007 EA, supplementing the elk habitat component analysis for the project.

The Smith Creek Vegetation Treatment Project EA addresses the direct, indirect, and cumulative effects of treating up to approximately 810 acres of vegetation by thinning forested areas and up to 300 acres of prescribed burning within the Smith Creek wildland-urban interface (WUI). The analysis area is located in the Crazy Mountains along the northwest corner of the Livingston Ranger District, approximately 35 miles north of Livingston, Montana. The Project Area, located in T5N, R9E, Section 1 & T5N, R10E, Sections 4, 6, & 8, consists of the portions of the Smith Creek WUI (National Forest System Lands) that are in close proximity to residences, other structures, and primary transportation routes. The Park County Community Wildfire Protection Plan (CWPP 2006) identified the Smith Creek area as a "WUI area at risk" from wildfires and a priority for fuels reduction projects.

A lawsuit challenging the project was filed on July 18, 2008 in the United States District Court for the District of Montana, Missoula Division. Judge Molloy reviewed the case and on October 30, 2008 issued an order (CV 08-92-M-DWM) enjoining the project and remanded the matter to the Forest Service to conduct mapping of key habitat components for elk. Hiding cover was mapped through Timber Stand Management Record System (TSMRS) and this information was presented in the Smith Creek Vegetation Treatment EA (USDA 2007). According to the EA (USDA 2007), hiding cover is not limiting in the Smith Creek watershed. According to the EA (USDA 2007), key components such as cover, security areas, and road densities would remain unchanged with the proposed action or any of the alternatives. Judge Molloy's order states "The EA does not comply with mapping requirements for elk, but does comply with hiding cover and security cover requirements." The order also states "The Forest Service has complied with the limited part of the Forest Plan's requirement to maintain two-thirds elk hiding cover. Therefore the agency's determination that the project would not violate standards for elk security is not in error. While the Forest Service has complied with the law for the most part, it is deficient regarding mapping of key habitat components for elk. Consequently, in the absence of that mapping, it is impossible to fashion a remedy that could permit the project to go forward." The order requires the FS to map key habitat components per Forest Plan Standard 6.a.5. (p. II-18, Gallatin FP). Those habitat components include moist areas, foraging areas, critical hiding cover, thermal cover, migration routes, staging areas

Comments regarding the Supplemental Smith Creek Vegetation Treatment EA are requested from you and other reviewers and should be limited to the contents of this supplement. The Forest Service will consider all public comments before making a decision as to whether the previous decision for the project should remain valid, whether a revised decision is more



appropriate, or whether there are significant impacts that would require the preparation of an EIS.

In submitting comments, please provide specific facts relevant to this supplement only, along with supporting reasons you believe should be considered by the Responsible Official. Comments may be submitted in writing, orally, or through electronic means. If it is determined that the additional elk habitat component analysis shows no reason to modify the original decision, a revised FONSI would be prepared and mailed to commenters. The original decision would not be subject to additional appeals. If it is determined that the decision should be modified, then a new decision would be written and it would be subject to a 45-day appeal period.

In order to retain administrative appeal rights under CFR 215 if the original decision is modified, you must provide written, oral, or electronic comments during this 30-day comment period. A legal notice will be published in the Bozeman Daily Chronicle and the comment period will start on the day following publication of the legal notice and ends 30 days following the date of publication. Your comments must be postmarked by the end of the 30-day comment period. 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.

This supplement, as well as the complete EA with maps, is available for viewing and downloading on the Gallatin NF website at:<http://www.fs.fed.us/r1/gallatin>. To request a paper copy of the EA contact Barbara Ping by phone at (406) 522-2558, or by mail at the Bozeman Ranger District, 3710 Fallon Street, Suite C; Bozeman, MT 59718, or by email to Barbara Ping at bping@fs.fed.us.

Send written comments to:

Barbara Ping, East Zone ID Team Leader
Smith Creek Vegetation Project
Forest Ecology Group, Bozeman Ranger District
3710 Fallon Street, Suite C; Bozeman, MT 59718
Business hours are Mon- Fri, 0800-1630

Written comments must be postmarked by the Postal Service, emailed, faxed, or otherwise submitted by 11:59 p.m. on the 30th calendar day following publication of the legal notice. Hand delivered comments must be time and date imprinted at the correct Responsible Official's office by the close of business on the 30th calendar day following publication of the legal notice.

Sincerely,

/S/ RON J. ARCHULETA

RON J. ARCHULETA
District Ranger

