

LEGAL NOTICE of DECISION
Record of Decision
for
Marsh Creek and Tarhead Allotment Management Plans
Lincoln Ranger District
Helena National Forest

On September 24, 2009, Forest Supervisor Kevin Riordan (Responsible Official) signed a Record of Decision (ROD) for the Marsh Creek and Tarhead Allotment Management Plans (AMP). These two cattle allotments are located east of the Continental Divide on the Lincoln Ranger District, in Lewis & Clark County, Montana. Marsh Creek Allotment (3,380 NFS acres) lies southeast of Granite Butte. Tarhead Allotment (4,675 NFS acres) is southeast of Lincoln, in portions of Tar Head, Trout, Weino, and Specimen Creeks.

In this ROD, the Forest Supervisor decided to implement Alternative 2 in the Marsh Creek and Tarhead AMP Environmental Impact Statement (EIS). The impacts of the selected alternative are described in the Final Environmental Impact Statement (FEIS) for the Marsh Creek and Tarhead Allotment Management Plans.

Alternative 2 proposes to reauthorize grazing of livestock on the Marsh Creek and Tarhead allotments using an adaptive management strategy that allows adjustment of current management and the implementation of additional improvements, as needed to: 1) protect localized areas of riparian impacts and: 2) to better facilitate livestock movement between pastures. Initial management, including grazing guidelines to be authorized at the beginning of the permit term and range improvements to be installed within the first or second grazing season, are identified.

The ROD displays the Forest Supervisor's conclusions and findings on how well Alternative 2 best meets the project's purpose and need and also how it best addresses issues raised during the analysis. The primary purposes were: to improve conditions on areas currently not meeting desired conditions, particularly within riparian areas; and, to comply with the "Rescissions Act" which requires scheduled completion of National Environmental Policy Act (NEPA) analysis for National Forest System grazing allotments, including the Marsh Creek and Tarhead Allotments.

This decision is subject to appeal pursuant to 36 CFR 251 Subpart C (36 CFR 251.82(3)). Appeal under 251 is limited to those who hold, or in certain instances, those who have applied for a written authorization to occupy and use National Forest System lands, if that authorization would be affected by this decision, 36 CFR 251.86. Appeals must meet the content requirements of 36 CFR 251.90. Eligible parties will be notified, by letter sent via certified mail, of appeal period and filing requirements.

This decision is subject to appeal pursuant to 36 CFR 215. Individuals or organizations that submitted comments during the comment period (36 CFR 215.13) may appeal this decision. It is the appellant's responsibility to provide sufficient project – or activity –specific evidence and rationale, focusing on the decision, to show why this decision should be reversed. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14. It is the appellant's responsibility to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the Helena Independent Record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source. An appeal, including any attachments, must be submitted (regular mail, fax, e-mail, hand delivery, express delivery, or messenger service) to the Appeal Deciding Officer within 45 days following the publication date of this legal notice of decision in the Helena Independent Record newspaper, Helena, MT. Paper appeals must be submitted, or delivered in person, to either of the following locations between 7:30 a.m. and 4:00 p.m.:

USDA Forest Service, Northern Region

Attn: Leslie Weldon, Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

USDA Forest Service, Northern Region
ATTN: Leslie Weldon, Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802

Electronic appeals must be submitted to appeals-northern-regional-office@fs.fed.us. In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS word, Word Perfect, or Rich Text Format (RTF). Facsimile appeals must be submitted to (406) 329-3411. If no appeal is received, implementation of this decision may occur on, but not before, five (5) business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

To obtain a copy of the ROD or FEIS, or If you need further Information concerning this project or additional requirements on the Forest Service appeal process, contact Jan FauntLeRoy, Acting Forest Planner at (406) 449-5201 or write to: Helena National Forest, Supervisors Office, 2880 Skyway Drive, Helena, MT 59602. The ROD and FEIS, along with additional Information about the project, are available on the web at: <http://www.fs.fed.us/r1/helena/projects/>.

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