



UNITED STATES
DEPARTMENT OF
AGRICULTURE
FOREST
SERVICE

NORTHERN
REGION
Lewis and Clark
National Forest
March 2008



Newlan Bugs Applied Silvicultural Assessment

Decision Memo

White Sulphur Springs Ranger
District
Meagher County, Montana

For Information Contact:

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/s/ *Carol Hatfield*

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DATE

Background

Some stands across the Lewis and Clark National Forest and adjoining National Forests, like those in Newlan Creek, are experiencing an outbreak of Douglas-fir bark beetles *Dendroctonus pseudotsugae* (DFB). The Lewis and Clark Forest Plan identifies most of the Newlan drainage as Management Area B (MA-B). MA-B emphasizes timber harvesting and grazing opportunities. A better understanding of how stocking levels and different site factors influence the biology and ecology of Douglas-fir bark beetles is key to effective treatments and to meeting Forest Plan objectives for timber production in these areas.

The Douglas-fir bark beetle is a bark beetle which utilizes Douglas-fir, (*Pseudotsugae menziesii*) as its primary host. The insect attacks trees by boring into the sub-cortical region (under the bark) where feeding and reproduction occur. Consumption of live phloem ultimately results in tree mortality.

Beetles are always present at low levels in Douglas-fir forests. At times populations erupt following disturbance events such as blowdown or fire. Stressors such as defoliation, drought, root disease and damage from fire, wind, snow or lightning increase the likelihood of attack.

Like other bark beetles, the DFB utilizes a very complex chemical communication system to regulate the colonization and attack of host trees. Options for mitigating tree mortality from DFB include the use of semiochemicals, which are compounds produced by the insects to reduce competition when too many beetles attack one tree. One such synthetically produced chemical product, MCH, is now available. While effective on selected trees or groups of trees, it is not practical to treat large areas over long time periods because of the labor and cost of replacing the chemical dispensers. Other options to control the spread of DFB include silvicultural treatments, such as thinning, to reduce competition and stress within a stand. Much of the information on DFB mortality is based on observations of stands of various densities following an outbreak. Rocky Mountain Research Station has identified the need to determine if tree thinning is effective at reducing DFB induced mortality and what stand densities are most effective. Potential project areas from three National Forests were reviewed by Region 1 entomologists and research personnel before selecting Newlan Creek as one of the sites for this study. While there are other sites across the Lewis and Clark National Forest with DFB mortality, the identified stands in the Newlan Creek drainage are more accessible, treatments to be tested are compatible with Forest Plan objectives and the stage of DFB outbreak is better for testing here than in other areas.

Purpose and Need for the Decision

The study performed by Rocky Mountain Research Station will examine the use of silvicultural thinning to reduce tree and stand susceptibility to DFB. Published findings will have application

throughout the western U.S. Silvicultural treatments may present the most long-term and sustainable approach to managing the effects of DFB, yet little to no data is available on silvicultural approaches to reduce susceptibility to DFB. Fortunately there is evidence in literature from research studies in other forests ecosystems such as ponderosa pine, lodgepole pine and spruce that provide insight into the reasons why silvicultural approaches may be effective in Douglas-fir forests as well. The Healthy Forest Restoration Act of 2003 has encouraged this type of cooperative research in section 404 that allows for Applied Silvicultural Assessments. Additional detailed information is contained in the peer-reviewed study plan in the project file (Project File #G-2). The purpose of the proposed treatments is to reduce stress on the remaining trees by increasing the spacing between trees and to create environmental conditions (increased light and bark temperature) less attractive to beetles.

Decision and Objectives

I have decided to implement the Newlan Bugs Applied Silvicultural Assessment and that this action is within the category of activities described in HFRA Section 404 – Applied Silvicultural Assessments. A peer-reviewed study plan, as required by the HFRA, has been prepared by Rocky Mountain Research Station (Project file; G-2). Aerial insect and disease surveys and ground investigation have identified this area as experiencing an outbreak of Douglas-fir bark beetles over the past 2 years.

A range of thinning treatments would be implemented in Douglas-fir and mixed-conifer stands in the Newlan Creek drainage of the Lewis and Clark National Forest in Sections 10-14, T11N, R7E. These thinning treatments will result in a range of residual stand densities. The objective of the treatments is to reduce the susceptibility of the remaining trees to attack from Douglas-fir bark beetles. The study associated with these treatments will evaluate the effectiveness of silvicultural thinning at meeting this objective. The following table displays for each treatment unit, the logging system, estimated temporary road needs and estimated acreage. I have decided to drop the northwest portion of unit 3 due to potential soils impacts. A map is located at the end of the document.

Unit #	Acres	Logging System	Temp road	Prescription
1	15	tractor	1000'	Thin from below, yard tops to landings, rehab temp road
2	42	skyline	none	Thin from below, yard tops to landings+jackpot burn
3	11	skyline	none	Thin from below, yard tops to landings+jackpot burn
4	28	skyline	none	Thin from below, yard tops to landings+jackpot burn
5	9	skyline	none	Thin from below, yard tops to landings

Unit #	Acres	Logging System	Temp road	Prescription
6	17	tractor	1200'	Thin from below, yard tops to landings, rehab temp road
7	24	tractor	Existing	Thin from below, yard tops to landings
8	50	skyline	1800'	Thin from below, yard tops to landings, rehab temp road
10	2	tractor	n/a	Thin from below, yard tops to landings
11	12	tractor	none	Thin from below, yard tops to landings+
12	107	tractor	3200'	Thin from below, yard tops to landings, rehab temp road. Close existing road after use.
13	28	skyline	none	Thin from below, yard tops to landing
Totals	345		1.4miles	

Harvesting would be accomplished with a mechanical feller/buncher or chainsaws felling the trees. Trees would be skidded to approved landing areas on approved routes with a rubber-tired skidder or crawler tractor. Tops would be piled at landings where they will be made available to firewood cutters or burned depending on access. These thinning treatments do not include the need for site preparation or planting. Trees to be harvested range in size from 7 inches to 18 inches. Generally one-third to two-thirds of the trees will remain following treatment, including some of the largest trees in the stand. Snags will be retained.

The treatments in this applied silvicultural assessment, include thinning from below to a specific stand density. The measure of stand density that will be used is Stand Density Index (SDI). There is a maximum SDI for each tree species. In general, stands growing at 25% of maximum SDI begin competing for resources (light, water and nutrients). The lower limit at which trees are capturing all the resources available on the site (full site occupancy) is about 35% of maximum SDI and the lower limit of self-thinning (where some trees begin to die from competition), is about 60% of maximum. Stands will be thinned to cover a range of SDI values for Douglas-fir from about 20%-45% of maximum. The Rocky Mountain Research Station will monitor plots to determine if treatments alter mortality from DFB compared to untreated "control" plots. The following table displays the changes in trees/acre, basal area and SDI values for a sample of the areas as a result of the proposed treatments. Table values serve as an example. All 12 treatment areas will be monitored. The actual density for any of the 12 treatment areas may vary, but will fall within the range displayed in the table.

Current Stand				
Unit	Trees/ac	Basal area	SDI	% of Max SDI
1	323	173	300	51
2	245	118	206	35
4	307	153	268	46
7	188	156	243	41
8	529	336	561	96
Residual Stand				
1	258	147	251	43
2	203	96	167	29
4	239	130	224	38
7	97	77	118	20
8	202	124	201	34

The following measures are a part of the decision and will ensure that adverse effects are limited.

Soil and water protection measures:

- Winter operations are recommended with 20 inches of snow or 4” of frozen soil where ground-based skidding is planned on Units 1, 6, 7, 10-12.
- The NW end of Unit 3, about one-half to one acre, will not be harvested to avoid additional soil impacts in that area.
- Units 1, 7 and 12, cross drains need to be placed no more than 50’ apart on temporary access roads, unless work is completed during winter conditions.
- Maintain a 100-foot Streamside Management Zone (SMZ) to protect riparian values and water quality. SMZs within units are to be marked on the ground prior to treatment.
- No trees will be harvested inside the SMZs except in the outer 50’ in units 2,4 and 13.
- Decommissioning and rehabilitation of non-system roads (Units 7 and 12), temporary roads, major skid trails will occur when activities are completed. Landings will be rehabilitated following burning. Rehabilitation consists of a combination of recontouring, ripping and spreading berms and woody debris across the surface as well as scarification and grass seeding. This activity may be completed under contract or separately with Knutson/Vandenberg, (KV) funds as needed. Prescribed burning is to be limited to conditions resulting in light to moderate severity burns such as early spring or late fall to limit loss of litter and duff. Piles are to be burned under winter conditions to minimize detrimental effects of burning. Slash is to remain on site for one winter prior to prescribed burning.
- 10 tons/acre of coarse woody debris larger than 4 inches is to remain on site following treatments.

- System roads are to be maintained to standard before, during and following the project including reestablishment of drainage features as needed including installation of 2 culverts on road 6483 near unit 8.

Cultural Resource protection measures:

- Cultural resources will be protected through fine-scale project design to avoid impact to known sites.
- The locations of cultural sites will be made available to project managers and contract administrators and avoidance areas stipulated in treatment plans, contracts, road maintenance plans and for other pre and post-project activities.
- Post-project, Forest Plan monitoring of cultural resources will be conducted by archaeologists for the Newlan Bugs project. Results will be reported to the Montana State Historic Preservation Office in the Forest's Annual Programmatic Report; they will also be included in the Forest Plan monitoring report(s).

Noxious weed prevention:

- All off-highway logging equipment will be cleaned to prevent transport of noxious weed seeds and will be inspected by the Forest Service before moving onto the project.
- Known noxious weed sources will be treated within the project area and monitoring will continue for 5 years following completion of the project. Any use of herbicides will be under the authority of and consistent with the Lewis and Clark National Forest Noxious Weed EIS. KV funding is appropriate for this activity.

Wildlife habitat protection measures:

- Road #2060, presently closed yearlong, will be open only to administrative and contract related traffic during this project. To reduce impacts to big game security and reduce user conflicts, no contract activity will be allowed on road #2060 during general big game hunting season.
- Temporary roads constructed on this project are to be open to administrative and contract-related traffic only.
- To retain habitat for cavity dependant wildlife species and to ensure meeting Forest Plan snag retention standards, all dead trees are to be retained except those that need to be felled for safety. Live trees may be killed as replacement snags if post treatment monitoring indicates this is necessary to meet Forest Plan standards.
- A 40 acre nesting buffer area and a 420 acre post-fledgling area, (PFA) will be established around any new northern goshawk nest sites. An assessment will determine if unit treatments should be modified to insure nesting success. Treatment modifications would include not allowing any vegetation alterations within 40 acre nest buffers, and may require modifications to proposed vegetation treatments within newly designated PFAs.
- To insure nesting success, no treatment activities will be allowed within any newly identified PFAs associated with active nests or nest active the previous year, during the period April 15th to August 15th.

Rationale for Categorical Exclusion under the National Environmental Policy Act (NEPA)

Based on my review of the analysis in the project file and the rationale described below, including mitigation measures, I have determined that this is an action with no associated extraordinary circumstances which will have a significant effect on the human environment.

My decision occurs under the authority of the Healthy Forest Restoration Act of 2003 (HFRA) – Section 404 applied silvicultural assessments. Section 404(a) authorizes conducting applied silvicultural assessments on Federal lands determined to be at risk of infestation by or infested with forest-damaging insects. The proposed actions would not occur in any areas excluded under the act such as wilderness study areas and is consistent with land and resource management plan direction provided in the Lewis and Clark Forest Plan... The proposed treatments will not be carried out in an area adjacent to another area that is being treated with similar methods under a categorical exclusion... Section 404(d)(1) of the Act provides for categorically excluding from documentation in an environmental impact statement or environmental assessment under NEPA, applied silvicultural assessments and research treatments of not more than 1000 acres under this section. Section 404(d)(2) states the environmental analysis is subject to the extraordinary circumstances review established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations. Section 404 (d)(3) states the total number of acres categorically excluded shall not exceed 250,000 acres (Nationally). Section 404(d)(4) states the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

I have considered the following resource conditions in my determination of the presence of extraordinary circumstances and whether the extraordinary circumstances related to the proposed action warrant further analysis and documentation in an environmental assessment or environmental impact statement.

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species.

Bald eagle (threatened), and gray wolf (non-essential, experimental), have been identified as potentially occurring in the Little Belt Mountains of the Lewis and Clark National Forest. A Biological Assessment conducted for threatened and endangered species concluded that implementation of the proposed action **would not be likely to jeopardize the continued existence** of the gray wolf and would have **no effect** on bald eagles (BA, Project File, F-11).

The US Fish and Wildlife Service recently removed Canada lynx (threatened) from their list of species that may be present in the Little Belt Mountains. The Forest Service and US Fish and Wildlife Service have jointly determined that the Little Belt Mountains are

not occupied by Canada lynx. Although consultation with the US Fish and Wildlife Service is not required for projects in unoccupied habitat, the project has been designed to be consistent with the Canada Lynx Conservation Assessment and Strategy by avoiding activities in potential Canada lynx habitat and is not expected to have any negative effect on Canada lynx.

Northern goshawk is listed as a sensitive species in Forest Service Region One and as a management indicator species under the Lewis and Clark Forest Plan. There are no known nest sites in the project area. If mitigation measures are incorporated as described above, the proposed project ***may impact northern goshawk individuals or habitat, but would not contribute to a trend towards federal listing or cause a loss of viability to the population or species*** because: 1) recent Region One goshawk surveys (Kowalski 2006) and a goshawk conservation assessment recently completed for the FS Northern Region (Samson 2006) both indicate that this species and its habitat appear abundant and well distributed across Region One of the Forest Service, and within the Lewis & Clark NF; 2) known and/or historic nest sites are not known to occur within the influence zone of the project; 3) 424 acres of goshawk habitat potentially suitable for nesting would be impacted, but 5,548 acres of potential nesting habitat would remain within the TC 707 analysis area post-treatment; and 4) the proposal would significantly reduce dense understories where they occur within the 350 acres of treatment area, and could improve hunting opportunities within goshawk foraging habitat; 5) during the life of this project, no treatment activities would be allowed from April 15 to August 15 within PFAs surrounding active nest sites or within PFAs surrounding nest sites that were known to be active during the previous year; and 6) sufficient snags and down wood (logs) would be retained to ensure prey abundance is maintained within PFAs for foraging goshawks.

The black-backed woodpecker is listed as a sensitive species in Forest Service Region One. If mitigation measures are incorporated to retain dead trees, project implementation ***may impact black-backed woodpecker individuals or habitat, but would not contribute to a trend towards federal listing or cause a loss of viability to the population or species*** because: 1) the Northern Region Conservation Assessment for BBWP indicates that habitat for the species is abundant and well distributed across the Northern Region and on the Lewis and Clark Forest and; 2) foraging and nesting habitat will be retained within the treatment areas though some dead trees may be lost to logging activities and to address safety concerns; 3) future foraging and nesting opportunities may be impacted in the treated stands if proposed treatments are successful in reducing future mortality; 4) detection surveys indicate untreated, beetle infested habitat remains available within the 89,492 acre assessment area. The potential loss of habitat through implementation would have an immeasurable impact on population viability or persistence within the assessment area (Wildlife Assessment, Project File; F-12, F-13).

The terrestrial species Biological Evaluation also concluded that this project would have ***no impact*** on the remaining Region One sensitive wildlife species known or suspected to occur on the Lewis and Clark NF, which includes the peregrine falcon, sage grouse,

flammulated owl, Townsend big-eared bat, wolverine, harlequin duck, fisher, and northern bog lemming.

The aquatic species Biological Evaluation indicates this project will have *no impact* on westslope cutthroat trout or northern leopard frog (sensitive species) due to their apparent absence in the project area. No breeding sites for western boreal toads (sensitive species) have been found in the project area; therefore, this project *may impact individuals or habitat but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species* (Project File, F-14).

According to the Biological Evaluation for sensitive plant species in the project file, the GIS probability/presence model, the Forest's sensitive plant atlas, and the Montana Natural Heritage Program element occurrence data, there are no known sensitive plant populations in the project area. Site specific field inventories did not locate any sensitive plants or suitable habitat in high or moderate probability areas. Additional surveys are planned for Units 2, 3 and 13 prior to implementation. The project will have *no impact* on Region One sensitive plant species (Project File; F-5).

- b. Flood plains, wetlands, or municipal watersheds
There are none within the treatment units. Treatment units were designed to avoid most treatments within streamside management zones (SMZs). Units 2, 4, and 13, conform to requirements for tree retention and equipment use. A hydrologist's evaluation and fisheries biologist's report are in the project file (Project File; F-9, F-14).
- c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.
There are no treatments planned in any of these areas.
- d. Inventoried roadless areas
There are no treatments planned in any inventoried roadless areas. The closest such area is the Smith Creek Roadless Area, about 7 miles east of the project.
- e. Research Natural Areas.
Project activities do not occur in any Research Natural Areas.
- f. American Indian and Alaska Native religious or cultural sites.
Notice was provided to Native American tribes who have expressed interest or have documented aboriginal territory in the Little Belt Mountains. There were no responses from the Tribal Historic Preservation Officers or Cultural Resource Coordinators. The Forest's Ethnographic Overview was reviewed. No sensitive site types, areas of traditional cultural use or tribal concern were documented. There are no existing treaty rights that overlap with the project area. No sites representative of those generally of concern to tribes were located during previous or current project surveys. A cultural resource specialist's report is in the project file.

g. Archaeological sites, or historic properties or areas

An archaeological survey has been performed for the treatment units and related activities. Prehistoric sites have been found within the project area and will be avoided during ground disturbing activity. The area potentially affected by project activities was compared to all identified historic sites within the project area and no adverse effects were identified or are anticipated. Final inventory, site investigation and evaluation or avoidance measures (flagging) are required prior to implementation. An archaeologist's report (Project File; F-3, F-4).

Public Involvement

Identification of this proposal first appeared to the public in the Schedule of Proposed Actions (SOPA) in October of 2004. A scoping letter was mailed October 6, 2005, to 14 Native American tribes, 5 environmental groups, 3 agencies and 9 interested individuals.

Scoping comments were received from 3 environmental groups. No new issues were identified during scoping.

The DRAFT Decision Memo was available for a 30-day comment period. This comment period was initiated with a legal notice in the Great Falls Tribune, newspaper of record, on March 1, 2007. I heard from 2 interested parties and MT Fish, Wildlife and Parks following the 30-day comment period. Additional information was requested and provided (Project File; D-3, D-6, D-7).

Findings Required by Other Laws

The proposed activity is consistent with the standards, goals, and objectives of Forest Plan Management Areas, as described in the Lewis and Clark Forest Plan, within which the project is located. The project is within Forest Plan Management Areas A and B.

Forest Plan Management Area goals and direction

	MA A	MA B
Goal	Protect, maintain and enhance the scenic values. Meet the visual quality objectives, usually retention or partial retention with all management activities. Provide moderate timber and range levels.	Emphasize timber management and provide moderate levels of livestock forage production while minimizing impacts to other resources.
Direction		
VQO	Retention or partial retention, but modification is acceptable when activities are not visible from an arterial road	Partial retention or modification. Retention may be appropriate if the activity is within the seen area of a sensitivity level 1 road, trail, or use area.
Timber	Harvest unprogrammed amounts of forest products including Christmas trees, firewood, ornamentals, and miscellaneous wood products through administrative use, free use, permits, salvage, and sanitation cutting. Natural regeneration is the primary objective.....harvest system will usually be clearcutting if VQOs are met. Other harvest systems may be prescribed to meet specific on-site constraints. Commercial thinning will be based the stands silvicultural prescription which considers size, site productivity, species, stocking, basal area, costs, and stand condition.	Similar to MA A.
Roads	Achieve moderate public access.....Moderate public access is defined as 1.5-3.0 miles of open road per square mile of area....	Similar to MA A.

	MA A	MA B
Wildlife	Maintain important identified wildlife habitat. Important identified habitat includes T&E species habitat. Big-game winter range, calving or lambing areas, migration routes, elk summer concentration areas and raptor nesting sites.	Minimize impacts on important identified wildlife habitat while achieving programmed harvest or range objectives. Important identified habitat same as MA A. Coordinate prescribed burning and revegetation projects with range management.
Protection	Aggressive control will normally be the appropriate fire suppression response in this management area. Prescribed fire with <u>planned</u> ignitions will be used in this management area for the enhancement and maintenance of resources. Fuels reduction methods for activity created fuels include burning, removing residue, or rearranging such as dozer trampling. Disposal activities will meet visual quality objectives.	The appropriate suppression response ranges from control to containment in this management area depending upon location, expected fire behavior and values at risk. Prescribed fire with <u>planned</u> ignitions will be used in this management area for the enhancement and maintenance of resources. Fuels reduction methods for activity created fuels include burning, removing residue, or rearranging such as dozer trampling. Disposal activities will meet visual quality objectives.
Treatment Units	6, 11 and a portion of 7	1-5, portion of 7, 8, 10, 12, 13

Consistency with Forest Plan

The proposed activities are consistent with the standards, goals, and objectives of Management areas A and B, described in the Lewis and Clark Forest Plan (USDA, 1986) including the following:

Management Standard A-8(2): A VQO (visual quality objective) is stated for each management area. If the VQO is in conflict with the management prescription, then the prescription will prevail, unless the area is within the seen areas of sensitivity level 1 roads and trails.

Consider areas adjacent to or seen from US Highway 89.

Unit treatments meet the standard for VQO because they are thinning treatments leaving a forested appearance and because treatments are either not visible or will meet a retention VQO from Hwy 89.

Management Standard C-2 (13): Assessments of suitable habitat for sensitive plants will be conducted before surface disturbing activities are permitted. This has been accomplished. There are no populations of sensitive plants in the treatment units and no suitable habitat. Additional surveys will be conducted outside treatment areas prior to implementation. A Sensitive Plants Biological Evaluation is in the project file.

Management Standard C-4 (1-8, & 11): Recommended sizes and numbers of hard snags by timber type. Douglas-fir – 10 inch plus dbh and 158 snags/100 acres; Mixed conifer – 10 inch plus dbh and 135 snags/100 acres. Keep all soft snags, which are not a safety or fire hazard. Locate wildlife trees adjacent to natural openings, near water, in valley bottoms, or in aspen groves. Cluster wildlife trees in important habitat, rather than spacing them uniformly in an area. Retain larger diameter wildlife trees wherever possible. Leave deformed, cull, and spike-topped trees during timber harvest for future wildlife trees. Use timber sale contract “C” clauses, as needed, to retain deadwood. Keep down trees for wildlife feeding sites. To reduce fire hazard, keep logs instead of windrows, slash piles, and root wads. It is preferable to have two logs with bark per acre and some deteriorated logs. Based on the silviculturist’s report (Project File; F-6) and aerial insect damage surveys, snags are abundant throughout the project area and are increasing due to insect mortality. Following recommendations in the wildlife biologist’s report, dead trees will be retained except where they are removed for safety reasons. Monitoring during layout will ensure stands are marked as prescribed. Post-treatment monitoring will confirm compliance with this standard.

Management Area Prescriptions for Management areas A and B: (Roads) Achieve a Moderate level of public access...defined as 1.5-3.0 miles of open road per square mile of area.... Exiting open road density in the project area is 1.8 miles per square mile. During operations, roads presently closed by gates and temporary roads will be closed to public use. Total amount of open road if all areas were active at one time (not likely) would be about 2.8 miles of open road per square mile, meeting these prescriptions.

Management Standard C-1(5): Require a big game cover analysis of projects involving significant cover removal to ensure that effective hiding cover is maintained...Drainages or elk herd units containing identified summer/fall range will be maintained at 30% or greater effective hiding cover. Based on the wildlife biologists report, existing hiding cover is estimated at 69% in the analysis area. If effective hiding cover is removed on all treated areas, effective hiding cover would be reduced to 66%. It is likely that the actual reduction would be less than this because the prescriptions to be applied will not remove all cover. The project meets this standard (Wildlife Assessment; F-12).

Management Standard E-4 (2-5 & 9): Protect streamside vegetation when its removal could result in detrimental effects to the aquatic habitat. Use all necessary measures to minimize soil damage and soil erosion on timber sale areas Best Management Practices (BMPs). SMZs will be marked prior to harvest or avoided through design. BMPs are included as part of the decision through reference to the watershed specialists report guiding project design and implementation (Project File; F9, F10, G-33).

Old Growth Forest Objective – C-1 (6): A minimum of 5 percent of the commercial forest land within a timber compartment should be maintained in an old growth forest condition.

Documentation in the wildlife biologists report in the project file shows that Forest Plan old growth objectives are met. About 554 acres of effective old growth on commercial forest land has been identified for retention in timber compartment 707. This is 7.1% of the commercial lands within the compartment. Additional stands have been identified for retention as replacement stands, for a total of 11.9%. One treatment area proposed as unit 9 was dropped from the project to avoid potential impacts associated with treating old growth. No harvest within designated old growth stands is planned as part of the project (Project File; F-13, F-13L).

Management Standard F-1 & 3: Require application of adequate soil and water conservation practices, including State-developed Best Management Practices, to project activities. ...All activities will be planned to sustain site productivity. ...Meet State Water Quality standards as required by the Clean Water Act. Soil and water conservation practices are specified to ensure the project meets State Water Quality standards. BMPs are included as part of the decision through reference to the watershed specialist's report and soil scientist's report guiding project design and implementation (Project File; F-8, F-9, G-33). These actions along with mitigation measures and with consideration of past soil impacts will not exceed Regional standards for soil protection and water quality.

Management Standard P-1 (1, 2 & 3): Emphasize harvest of stands that exhibit characteristics of high risk for mountain pine beetle attack. Locate timber sales in order to break-up continuous natural fuel accumulations. Systems will emphasize treatments that reduce losses to other insects and diseases by (a) improving species diversity, growth and vigor for stands, and (b) increasing the size diversity and class diversity between stands. During ongoing infestations, control insects and disease through silvicultural and biological practices. Use prescribed fire as appropriate to achieve land management goals, including improvement or maintenance of vegetation diversity.

The project applies silvicultural practices as described in this standard. Measures are prescribed to reduce Douglas-fir beetle mortality.

Management Standard P-2(4): Leave approximately 10 tons of fuel per acre, where available. This should be material over four inches in diameter, which is randomly scattered over the area. This is listed as one of the mitigation/design measures and is part of the decision and will be incorporated into treatment prescriptions and contract specifications.

Sensitive Species (Forest Service Manual 2670)

Biological Evaluations were completed for Northern Region sensitive species. The evaluations conclude this project ***may impact black-backed woodpecker, northern goshawk and boreal toad individuals or habitat, but would not contribute to a trend towards federal listing or cause a loss of viability to the population or species.*** This project will have ***no impact*** on any other

Region One sensitive animal or plant species. See previous discussion under “Rational for Categorical Exclusion under the National Environmental Policy Act (NEPA).”

The Endangered Species Act

A Biological Assessment concluded the project would have no effect on the threatened bald eagle and would not be likely to jeopardize the continued existence of non-essential, experimental population of gray wolves. See also discussion under “Rational for Categorical Exclusion under the National Environmental Policy Act (NEPA).”

The Clean Water Act and State Water Quality Standards

No Water Quality Limited Segments (WQLS) have been identified near the project area. Newlan Creek is water quality limited below Newlan Reservoir, about 7 miles downstream. BMPs and mitigation measures listed are adequate to ensure there will be no measurable effect to this segment. The Forest Hydrologist has determined that this project complies with the Clean Water Act and State Water Quality Standards (Project File; F-9, F-10, G-33).

Montana Streamside Management Zone Laws

SMZ rules apply to treatment units within streamside management zones meeting the definitions under the SMZ law and will be followed.

Clean Air Act

No Class I airsheds occur in or near the project area. Prescribed burning must be conducted according to Montana Airshed Group guidelines and are scheduled when atmospheric conditions are conducive to smoke dispersal. Compliance with the Clean Air Act is expected (Fuels Report, Project file; F-2).

The National Historic Preservation Act (NHPA)

Based on field surveys documented in cultural resource specialists report, no impacts to cultural resources are expected. The proposed action is consistent with Forest Plan direction and Section 106 of the NHPA (see also discussion under “Rational for Categorical Exclusion under the National Environmental Policy Act (NEPA)”).

Environmental Justice

The proposed action has been assessed to determine whether it would disproportionately impact minority or low-income populations, in accordance with Executive Order 12898. No impacts to minority or low-income populations were identified during scoping or effects analysis.

Native American Rights

Contact was made with tribes potentially affected by the project. No issues associated with Native American Rights were identified. The cultural resource specialists report is in the project file (Project File, F-4, B-4).

Other Laws or Requirements

The proposed action is consistent with other Federal, State, and local laws related to the protection of the environment.

Implementation Date

Implementation is planned in late 2008 and 2009

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215, as clarified in the court order dated October 19, 2005 by the U.S. District Court for the Eastern District of California in Case No. CIV F-03-6386JKS. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Great Falls Tribune, Great Falls, Montana. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of 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.

Paper appeals must be submitted to:

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

Or

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802
Office hours: 7:30 a.m. to 4:00 p.m.

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).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;

- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service:
[http://www.fs.fed.us/r1/projects/appeal_index.shtml.](http://www.fs.fed.us/r1/projects/appeal_index.shtml)”

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 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.

The responsible official is Carol Hatfield, White Sulphur Springs District Ranger, 204 W. Folsom Box A, White Sulphur Springs, MT 59645, phone at 406-547-3361.

CONTACT PERSON

Additional information concerning this project and the project file contents are available at the Musselshell Ranger District, Box 1906, Harlowton, MT 59036, phone (406) 632-4391. Questions regarding this decision should be sent to Steven J. Martin at the above address and phone number.

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References

Kowalski, S. 2006. Frequency of northern goshawk presence in the Northern Region 2005 Survey. Unpublished report on file in USDA Forest Service, Region 1, Missoula, MT.

Samson, F. B. 2006. A conservation assessment of the northern goshawk, black-backed woodpecker, flammulated owl, and pileated woodpecker in the Northern Region, USDA Forest Service. Unpublished report on file, Northern Region, Missoula, MT

Samson, F. B. 2006b. Habitat estimates for maintaining viable populations of the northern goshawk, black-backed woodpecker, flammulated owl, pileated woodpecker, American marten and fisher. Unpublished report on file, Northern Region, Missoula, MT. Available at: www.fs.fed.us/r1/projects/wlfecology.

USDA, Lewis and Clark National Forest. 1986. Lewis and Clark National Forest Plan.