

## DECISION SUMMARY

This Decision Notice documents my decision involving the proposed timber harvest, road closures, and post-harvest activities for the Darroch-Eagle Creek Timber Sale. After careful consideration of the analysis documented in the January 2004 Environmental Assessment (EA), I have selected Alternative D-Modified (the Preferred Alternative) to implement. I have also considered the original public comments and responses in Appendix F of the EA, information in the project record, the new public comments and responses to the January 2004 EA (enclosed with this document), as well as the attached Appendix J to the EA, which is a supplemental effects disclosure of "unroaded areas" within the analysis area.

In summary, this alternative would harvest approximately 1.5 million board feet (MMBF) of live and insect-killed or damaged trees on about 195 acres on the Gallatin National Forest. This includes construction of about 0.9 miles of new temporary road, and reconstruction of 3.6 miles of existing road to access the forested stands to be harvested. See the Attached Selected Alternative Map 3.

I have decided that whitebark pine will not be harvested in Units # 9 and #14 due to the proximity of the whitebark pine zone to these units. These two units will be leave tree marked to ensure that whitebark pine will not be accidentally harvested.

My decision also includes partial implementation of Option #1 of the Alternative Road Closure Mitigation. This decision will seasonally close (October 15th to June 30) to motorized traffic, 6.6 miles of currently open road. The roads to be closed seasonally include three miles of the Bear Fork Road #6961 in the Upper Bear Creek HAU, and 3.6 miles of the Bald Mountain Road #6945 in the Palmer Mountain HAU. Closures in the Eagle Creek HAU will remain the same as they are currently. See the attached Selected Alternative Map 3. Gates will be installed this summer with implementation to begin in fall of 2004. These closures will be sufficient to meet the Forest Plan HEI standards of 70% during the general hunting season in the Upper Bear Creek HAU, but HEI would remain below standard in the Eagle Creek HAU and the Palmer Mountain HAU. It is not possible to meet HEI in the Palmer Mountain HAU due to the amount of existing open county and private road that is not within Forest Service jurisdiction to close. Note that there are no harvest activities proposed within the Palmer Mountain HAU, but it lies within the project analysis area boundary so must be considered. Although this decision will bring HEI closer to Forest Plan Standards, a project specific amendment for HEI will still be necessary.

The proposed project is located within the Bear Creek watershed and is about 4-6 miles northeast of Gardiner, Montana, in T8S, R9E, Sections 25-27, 31, 32, 34, and 35, P.M., MT. Refer to Map 1. See the attached Map 1 General Vicinity Map

## PROJECT BACKGROUND

In May of 1999, Gallatin National Forest Supervisor David P. Garber signed a "Decision Notice (DN) and Finding Of No Significant Impact (FONSI)" to harvest an estimated 2.1 million board feet (MMBF) of timber from about 266 acres on national forest lands within the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages located in the Absaroka Mountain Range near Gardiner, Montana. Timber harvest would occur on forested land classified as suitable for timber management by the Gallatin National Forest Land and Resource Management Plan (Forest Plan, 1987).

In July of 1999, the decision for the Darroch-Eagle Creek Timber Sale was appealed. Bear Creek Council and Native Ecosystems Council (plaintiffs) subsequently filed suit in November of 1999 with the United States District Court, Montana (Cause No. CV 99-160-BLG-JDS) alleging violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the Endangered Species Act (ESA). In July of 2001; the District Court found in favor of the Forest Service. Upon the decision of the District Court, the Darroch-Eagle Timber Sale was subsequently advertised and awarded on August 29, 2001.

In August of 2001, plaintiffs filed a notice of appeal to the 9<sup>th</sup> Circuit Court of Appeals in San Francisco.

On September 16, 2002, the 9<sup>th</sup> Circuit Court issued its opinion in favor of plaintiffs thus reversing the District Court's grant of summary judgment to the Forest Service. Timber harvest and road construction associated with the Darroch-Eagle Creek Timber Sale was enjoined until the Forest Service remedied two deficiencies the court found in complying with NEPA and ESA.

- 1) The environmental analysis conducted for the timber sale did not fully comply with NEPA because the Forest Service did not analyze what, if any, environmental impacts the Darroch-Eagle road density amendment to the Forest Plan might have in combination with contemplated road density amendments for other Gallatin Land Consolidation Act timber sales (Opinion at page 13951).
- 2) The biological assessment (BA) prepared did not fully comply with ESA because the BA and administrative record did not provide adequate support for selecting the bear management subunit as the appropriate analysis area to address the potential effects to the threatened grizzly bear (Opinion at 13962).

A revised EA and amended Biological Assessment was submitted for public comment in November of 2002. Upon receiving comments from the public on the revision of the EA, the need to update the entire analysis, which was completed in 1999, became apparent and a subsequent decision was deferred. In order to assure the public that we considered current resource conditions, current status of sensitive and T&E species, and the cumulative effects of implementing the project at this time a decision was made to revise the entire EA, Biological Assessment (BA), and Biological Evaluation (BE).

In January of 2004 the newly revised Environmental Assessment (EA) was made available to the public for 30 days for review and comment. The decision described in this Decision Notice was made following a thorough review of the EA and the public comments that were received.

As of April 2004 the original purchaser of the Darroch-Eagle Creek Timber Sale (RY Timber, Inc.) still has monetary value in this sale and has chosen, as of this time to retain the rights of purchase. The Forest Service or the Purchaser has the ability to terminate the timber sale contract at any time. Alternative D-Modified is the alternative that is currently under contract. The exclusion of whitebark pine harvest in Units #9 and #14 would be added to the contract provisions, if the existing contract is retained. The Forest Service beginning in fall of 2004 would implement the new seasonal road closures.

For a more detailed project background see Chapter 1-1 of the EA.

## **PURPOSE AND NEED**

The Forest Service proposes to harvest timber and conduct other associated activities on suitable National Forest lands in the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages, Gardiner Ranger District, Park County, Montana. The Purpose and Need of the Darroch-Eagle Creek Timber Sale is to:

- 1) Contribute to the repayment of borrowed funds that were needed to complete the acquisition of the two remaining sections of private inholdings in the Taylor Fork area within the Gallatin National Forest (GNF) previously owned by Big Sky Lumber Company (BSL) by using timber receipts.
- 2) Contribute toward providing a supply of wood products from the National Forest on suitable lands.

Value from the Darroch-Eagle Creek Timber Sale will contribute toward repayment of borrowed LWCF funds that were previously allocated for a purchase project on another National Forest in Montana. It was necessary to borrow these funds in order to achieve full implementation of the Gallatin Land Consolidation Act of 1998 ("Gallatin II"). Congress recently passed the Appropriations Act of 2004 (PL 101-108) with a Section 333- Rider "Implementation of Gallatin Land Consolidation Act" allowing for the Gallatin National Forest to borrow the remaining outstanding funds to complete this land exchange and allow for a five-year repayment time (December 2008) via timber receipts from the Gallatin and other Eastside Forests in Montana, the sale of

Gallatin National Forest Lands, and/or the use of excess NFF receipts from any National Forest in Montana. The acquisition of the final two BSL sections was completed on December 15, 2003.

## **PROPOSED ACTION**

### **Timber Harvest and Reforestation**

Timber harvest and reforestation is proposed on approximately 449 acres of forestland classified as suitable for timber management by the Gallatin Forest Plan (1987). This proposal would produce as much as 3.4 million board feet (MMBF) of timber from live and insect-killed or damaged timber within the Bear Creek drainage. Harvest prescriptions for the identified cutting units include silvicultural treatments that remove approximately 60% to 80% of the mature and overmature lodgepole pine, Douglas-fir, spruce, or subalpine fir (depending on the forest type) from the identified cutting units. Methods used to remove the timber include tractor and cable systems.

Slash treatment and mechanical site preparation for reforestation of the harvested stands would be conducted after the harvest operation, as needed. Methods would include lopping, slashing, and mechanical trampling and piling on the gentler slopes (tractor ground) and lopping and yarding entire trees to landings on the steeper slopes (cable ground). Slash piles would be burned. Some areas would allow for the public gathering of firewood prior to the burning of piles. Natural regeneration is planned for up to 339 acres and artificial regeneration (planting of nursery tree stock - a diversity of native species) would occur on up to 110 acres

### **Road Construction**

Road construction activity related to the timber harvest includes constructing approximately 2.0 miles of new roads and reconstructing or reconditioning up to 4.4 miles of existing roads. After the sale is completed, any newly constructed roads would be closed according to a set of guidelines described in *Chapter 2-23 Features Common To All Action Alternatives, Including Mitigation and Monitoring*.

The purpose of constructing and reconditioning roads is to access forest stands that are to be harvested. Although there is an existing road system in the project area, some stands or portions of stands proposed for harvest are currently not adjacent to existing roads and some existing roads do not meet standards or conditions necessary to safely haul timber. The purpose of closing any new roads after harvest is to reduce future maintenance costs, reduce sediment delivery to water courses, and to regulate overall open road density in order to maintain or improve grizzly bear and big game habitat quality.

## **SCOPE OF THE DECISION**

The scope of actions addressed in my decision is limited to harvest and reforestation of timber stands in the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages, northeast of Gardiner, Montana, including new road construction and reconditioning, slash treatment and site preparation in support of the proposed timber harvest and reforestation, the use of mitigation measures deemed necessary to reduce the environmental effects of the project, the use of seasonal road closures for big game security during the general hunting season, and the use temporary project-specific amendments to exempt this project from certain Forest Plan standards. These activities are connected actions and, therefore, are considered together in accordance with CEQ regulations.

My decision reflects the results of the analysis of site-specific, on-the-ground activities. It is not a general management plan for the Bear Creek watershed. While environmental effects were disclosed in the EA for other past, present, and reasonably foreseeable actions, the scope of this decision is the limit for this project.

## **PUBLIC INVOLVEMENT**

In late 1996 and early 1997, a set of "planning criteria" was developed to identify and design timber sale opportunities to assist with the Big Sky Lumber Co./U.S. Forest Service timber-for-land exchange (becoming known as the "BSL timber sales"), a key component of the Gallatin Range Consolidation and Protection Act of 1993. The Darroch-Eagle Creek Timber Sale (originally the "Jardine" Timber Sale) was initially listed in January 1997 as an opportunity that may contribute revenue to the exchange and also meet the planning criteria.

A series of formal and informal public meetings were held throughout the month of May 1997 (Schedule of Public Meetings document May 5, 1997) to discuss various aspects of the land-for-timber exchange. Many of these meetings touched on some of the specifics for the exchange such as the Darroch-Eagle Creek Timber Sale. Additional meetings with key interests were also held since then.

The Darroch-Eagle Creek Timber Sale Position Statement (proposal) was prepared on 4/28/98. On 5/20/98, a scoping letter was sent to 146 interested groups and individuals describing five proposed BSL timber sales, including the Darroch-Eagle Creek sale proposal. In response to this invitation to comment, 17 letters were received from agencies, groups, and individuals. Of these, 14 letters contained comments and issues relevant to the Darroch-Eagle Creek proposal.

In March of 1999 the initial Darroch-Eagle Creek Environmental Assessment was released and allowed for a 30 day public comment period on the proposal. The EA was mailed out to 19 interested parties. Eleven letters of comment were received regarding the project.

A decision notice, FONSI and Appendix titled Response to Comments were mailed to the eleven commenters in May of 1999, thus beginning the 45-day appeal period.

Subsequently the project was appealed and litigated. Court findings required additional information to be provided leading to a Revised Environmental Assessment and Amended Biological Assessment being released to the public in November of 2002, again with a 30 day comment period. Copies of the Revised EA were mailed to 24 interested parties.

Comments on the revision were such to lead us to a decision to do a complete revision of the Environmental Assessment due to changing conditions, laws, species listings, etc. from the time the original EA was published for comment in March of 1999. Comments on the original EA were included as Appendix F, and comments on the first revision of the EA were incorporated into this second Revision of the EA.

In December of 2003, a letter was sent to 26 interested parties (the Revised EA mailing list and additional commentors) explaining the Forest Service's intention to release a second revision of the Darroch-Eagle Creek EA in January of 2004.

The second revision of the Darroch-Eagle Creek Timber Sale EA was released in January of 2004 and allowed for an additional 30-day public comment period. This revised EA was mailed to the 26 interested parties who received or commented on the first revision of the EA, other individuals and groups who requested a copy, and was available on the Gallatin National Forest website at <http://www.fs.fed.us/r1/gallatin>. Sixty two letters of comment were received, (22 by mail or fax, 40 electronically) regarding the project containing 238 total comments. These comments, the agency's responses, and other additional information are included in Appendix I of this document.

## DETAILED DESCRIPTION OF THE DECISION

### Alternative D – Modified (Selected Alternative)

As described above, it is my decision to proceed with timber harvest and associated activities in the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages as described for Alternative D-Modified on pp. 2-17 to 2-19 of the EA. I have also decided to partially implement Option #1 of the Alternative Road Closure Mitigation as fully described in Chapter 2-19 to 2-20 of the EA and exclude whitebark pine from harvest in Units #9 and #14. See the attached Selected Alternative Map 3. The timing of activities will follow the estimated activity schedule displayed in Table 1 below.

**Table 1. Activity schedule (estimated) for the Darroch-Eagle Creek Timber Sale (all alternatives).**

Activity	2004	2005	2006	2007	2008
Road construction and reconstruction					
Harvest and hauling					
Slash treatment and site prep <sup>1</sup>					
Firewood removal (personal use minor)					
Close new roads (minor)					

<sup>1</sup> Slash treatment and site preparation will occur concurrently with or immediately after harvesting. For example, yarding tops will occur during harvest operations, when a yarder is on site.

Specifically my decision includes the following components:

**1. Timber Harvest and Reforestation:** The selected alternative includes harvest of an estimated 1.5 million board feet (MMBF) of timber from about 195 acres on suitable MA13 National Forest lands within the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages. Most of the trees to be harvested include lodgepole pine and Douglas-fir with a smaller amount of Engelmann spruce and subalpine fir. Of the 195 acres planned for harvest, the silvicultural prescriptions involve cutting 60% while leaving 40% of the present stand on 20 acres; cutting 70% and leaving 30% on 31 acres; and cutting 80% and leaving 20% on the remaining 144 acres. Of the 195 acres, 164 acres will be tractor logged and the remaining 31 acres logged with cable systems. A unit-by-unit description of the harvest can be found in Table 2 below. The attached Selected Alternative Map 3 shows unit locations. This alternative would not create openings greater than 40 acres.

As per the Timber Sale Contract Provision (CT6.316# Limited Operating Period), no contract related activities would be permitted in the Darroch Creek subdivision of the sale from December 1 to May 1 of each year. In the Eagle Creek subdivision, contract related activities would be prohibited from October 15 to June 30 of each year (units #14 and #15). Harvest related activities would continue for up to three years. For units #9 and #14 all timber harvest is to be concluded prior to August 30<sup>th</sup> of any given year as a mitigation measure for grizzly bear foraging due to the proximity of the whitebark pine zone to these units. Whitebark pine will not be harvested in these units and will be leave tree marked to ensure that it is not accidentally harvested. The harvest operations would be authorized and controlled via a standard Forest Service timber sale contract administered by the Forest Service

Reforestation and associated activities will occur on the harvested acres. Slash treatment and site preparation for reforestation of the harvested stands will be conducted after the harvest operation, as needed. Methods include lopping slash and mechanical trampling and piling on the tractor ground and lopping and yarding entire trees to landings on the cable ground. Natural regeneration is planned for 169 acres and planting will occur on 26 acres. If monitoring indicates natural regeneration is not meeting stocking standards and legal requirements, then additional planting will be conducted to augment natural methods. Units requiring planting for reforestation success will be planted with a mixture of lodgepole pine, Douglas-fir and Engelmann spruce seedlings as soon as possible after the

harvest is completed. Regeneration progress for the planted areas will be monitored in the first, third, and fifth year after harvest to determine success. If unsuccessful, the understocked areas will be replanted.

**Table 2-. Alternative D-Modified (Selected Alternative) - Harvest Unit Summary.**

Unit No.	Acres	Treatment Method <sup>1</sup>	Volume (MBF)	Logging System	Reforestation	Fuels/Site Prep
1	16	Cut 70%, Leave 30%	123	Tractor	Natural 16 ac	Entire tree yard (ETY) 50%, lop 50%
1A	5	Cut 70%, Leave 30%	39	Cable	Natural 10 ac	Entire tree yard (ETY) 50%, lop 50%
1B	4	Cut 70%, Leave 30%	31	Tractor	Natural 10 ac	Entire tree yard (ETY) 50%, lop 50%
1C	6	Cut 70%, Leave 30%	46	Cable	Plant 6 ac	Entire tree yard (ETY) 50%, lop 50%
3	20	Cut 80%, Leave 20%	200	Cable	Natural 20 ac	Lop and scatter tops Dozer Pile >20 t/a
3A	5	Cut 80%, Leave 20%	50	Tractor	Natural 5 ac	Lop/trample tops Dozer Pile >20 t/a
4A	2	Cut 80%, Leave 20%	20	Tractor	Natural 2 ac	Lop/trample tops Entire tree yard >20 t/a
4B	16	Cut 80%, Leave 20%	160	Tractor	Natural 16 ac	Lop/trample tops Entire tree yard >20t/a
4C	1	Cut 80%, Leave 20%	10	Tractor	Natural 1 ac	Lop/trample tops Entire tree yard >20 t/a
8	18	Cut 80%, Leave 20%	126	Tractor	Natural 18 ac	Lop/trample tops Dozer pile >20 t/a
9	15	Cut 80%, Leave 20%	150	Tractor	Natural 15 ac	Lop/trample tops Dozer pile >20 t/a
12	3	Cut 80%, Leave 20%	30	Tractor	Natural 3 ac	Lop/trample tops Dozer Pile >20 t/a
13	26	Cut 60%, Leave 40% 20 ac Cut 80%, Leave 20% 6 ac	78	Tractor	Plant 20 ac Natural 6 ac	Lop/trample tops Dozer Pile >20 t/a
14	21	Cut 80%, Leave 20%	168	Tractor	Natural 21 ac	Lop/trample tops Dozer pile >20 t/a
15	37	Cut 80%, Leave 20%	296	Tractor	Natural 37 ac	Lop/trample tops Dozer Pile >20 t/a
<b>Total</b>	<b>195</b>		<b>1527</b>			

**2. Road Construction and Reconstruction:** Harvest operations would require construction of approximately 0.9 miles of temporary road and reconstruction of 3.6 miles of existing system roads. No new "specified" road construction would be required for this alternative. Reconstruction of segments of existing roads can include shaping of the road prism, improvement of water drainage facilities, realignment of road junctions to reduce erosion and provide public safety where needed and other work that protects and improves Capital Investments. The purchaser will be required to close the road and burn dozer piles along the temporary road constructed to access the north end of Unit #14 upon completion of harvest activities. After the sale is completed and the landings have been opened to firewood gathering for about two seasons (see *Mitigation EA Chapter 2-25*), the remaining newly constructed temporary roads would be closed according to guidelines described in the section *Features Common To All Action Alternatives, Including Mitigation and Monitoring, EA Chapter 2-23*. The Gardiner Ranger District will be responsible for re-bunching piles and closing these temporary roads. Brush Disposal (BD) collections will be made from the sale to allow FS to burn landing piles after firewood use. Either road maintenance dollars as part of the forest firewood program or

watershed improvement dollars would be used for the road closures. Additional information on road construction/reconstruction activities is available in the project file.

**3. Road Closures:** In order to bring the project area closer to meeting the Forest Plan Elk Effective Cover standard during the general hunting season, the Forest Service will be seasonally closing (October 15 to June 30) an additional 3.0 miles of existing open road in the Upper Bear Creek HAU, and 3.6 miles of road in the Palmer Mountain HAU (See attached Selected Alternative Map 3). These additional closures would be sufficient to meet an HEI of 70% in the Upper Bear Creek HAU during the general hunting season, but HEI would remain below the standard in the Eagle Creek and the Palmer Mountain HAUs. It is not possible to meet HEI in the Palmer Mountain HAU due the amount of existing open county and private road that is not within Forest Service jurisdiction to close. Note that there are no harvest activities proposed within the Palmer Mountain HAU, but this HAU lies within the analysis area boundary so must be considered.

The road closure options are displayed on the attached Selected Alternative Map 3. Roads with seasonal closures include:

1. **Eagle Creek HAU** - 5.5 miles currently have gated seasonal closure. (No additional closures would be enacted in this HAU). After sale activities are completed and new temp roads are closed HEI during the general hunting season would be 67%.
2. **Upper Bear Creek HAU** - Close an additional 3.0 miles of road:  
These roads (3.0 miles) are under Forest jurisdiction.  
Bear Fork Road #6961 – Close the road to wheeled motorized travel at the junction with road #6961A, about ½ mile from the Bear Creek Road (#493). After sale activities are completed and new temp roads are closed HEI during the general hunting season would be 72%.
3. **Palmer Mountain HAU** - Close an additional 3.6 miles of road<sup>2</sup>:  
These roads (3.6 miles) are under Forest jurisdiction.  
Bald Mountain Road #6945 – Close to wheeled motorized travel at the Crevice Mountain Road. Close Forest roads at the east end of the Crevice Mountain Road beyond the private land. After sale activities are completed and new temp roads are closed HEI during the general hunting season would be 51%.

Roads will be closed to motorized travel by gating from October 15<sup>th</sup> to June 30<sup>th</sup> of each year, during the general hunting season, as specified by the Forest Plan standard. Implementation of these closures will begin in fall of 2004. The purpose of the additional seasonal road closures is to bring the area as close to meeting the Forest Plan standard of a 70% elk effective cover rating during the general hunting season as possible, thus improving elk habitat security within the project area over existing levels. See attached Appendix K for HEI calculations.

**4. Mitigation:** My decision incorporates mitigation measures identified in Chapter 2, pp. 25- 29 of the EA for the protection of cultural resources, grizzly bears, spread of noxious weeds, recreation, public safety, snag habitat and down woody debris, soils, water quality, and scenery. These measures will also minimize the spread of noxious weeds and reduce effects on firewood availability for the Gardiner community. For example, the timber sale contract will contain provisions to ensure erosion is minimized and State of Montana water quality standards Best Management Practices (BMPs) are met. The project will also comply with the State of Montana Streamside Management Zone (SMZ) law and rules.

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<sup>2</sup> The Palmer Mountain Road #3232 and Sin Nombre Road #3234 (3.6 miles) provide private land access and can't reasonably be closed or restricted during summer or fall seasons. In order to meet HEI in the Palmer HAU the balance of the road closures (7.1 miles) would have to be on private or county roads.

I have decided to incorporate additional mitigation into the sale for Units #9 and #14. All timber harvest activity is to be concluded prior to August 30<sup>th</sup> of any given year as a mitigation measure for grizzly bear foraging due to the proximity of the whitebark pine zone to these units. Whitebark pine will not be harvested in these units and they will be leave tree marked to ensure that it is not accidentally harvested.

## Site-Specific Amendments To The Gallatin Forest Plan

To the extent practicable, my decision is consistent with Forest Plan direction for the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages. However, as is the case with harvest entries into most roaded areas of the Gallatin National Forest, an amendment for specific road density and vegetative diversity standards is required in order for this project to proceed.

**1. Habitat Effectiveness Index:** Existing road density in the affected drainages does not provide an effective cover rating (HEI) of 70%, the Forest Plan standard (FP, p. II-18). An HEI of 70% equates to a road density of about 3/4 mile per square mile. After the harvest, closure and obliteration of new roads, and the additional seasonal road closures to be implemented with this project are completed, the road density and management rating during the general hunting season in the Upper Bear Creek HAU will be 72%, the Eagle HAU will be 67%, and the Palmer Mtn. HAU will be 51%. This will improve the HEI ratings over the existing conditions during the general hunting season, but in order to bring the drainages into full compliance with the Forest Plan standard in all three HAUs, about 24 miles of existing road would have to be closed to motorized use during the general hunting season. I have considered the public comments received, as well as the projected benefits for wildlife and the projected consequences to public/administrative access and recreation opportunity as described in Chapter 2-20 of the EA and don't believe the benefits of this level of closure outweigh the consequences, nor is it a reasonable requirement for a single timber sale entry. Therefore, I have decided to amend the Forest Plan to exempt this timber harvest project from having to achieve an Elk Effective Cover Standard (HEI) rating of 70%. See Appendix G of the EA regarding Cumulative Effects of Elk Effective Cover Amendments on the Gallatin National Forest and attached Appendix K for HEI calculations.

**2. Vegetative Diversity:** The Forest Plan contains a standard (FP, pp. II-19 and 20) stating that the Forest will strive to develop a minimum of 10% of a timber compartment in each of the following structural stages: grass/forb, seedlings, saplings, pole, mature and old growth. Presently, the area has a structural stage composition of 25.2% grass/forb-natural, <1% grass/forb-harvested, <1% seedling, 3.4% sapling, <1% pole, 23.4% mature, 38.5% old growth (EA, Chapter 2, p. 34). Attempting to comply with this Forest Plan standard would require the burning or cutting of over 3,100 acres within the next few years to generate a steady stream of young age classes for years to come.

Attempting to design harvest entries over time to attain a vegetative structure with a minimum of 10% of the area in each of six successional stages is currently viewed as undesirable because of the high level of logging necessary to create grass/forb stands. Achieving this level of disturbance may be undesirable because it is likely some Forest Plan standards would be exceeded. This standard was developed based on objectives of long-term sustained yield for wood production and reducing the risk of insect and disease infestations. This standard does not account for varying periods of time a stand exists in any one structural stage and might lead to a landscape vegetative pattern similar to the present patchwork quilt of 20 to 40 acre stands of various sizes and ages with miles of new road. It is reasonably foreseeable that the Vegetative Diversity Standard will change with the Forest Plan Revision process that is scheduled to begin in 2006. In the interim, I have chosen to amend this standard on a case-by-case basis. Therefore, it is my decision to amend the Forest Plan to exempt this timber harvest project from having to meet the Vegetative Diversity Standard.

## Monitoring

My decision incorporates the monitoring activities described in the EA, pp. 2-29 and 2-30. They encompass a wide range of issues including: project implementation and assurance that mitigation measures are implemented for firewood availability, grizzly bears, noxious weeds, recreation, visual quality, and water quality. In addition, the Gardiner Ranger District personnel will monitor closed roads for closure effectiveness. District personnel will be responsible for ensuring that the seasonal closures are enacted according to the specified dates. Periodic gate and closure inspections will occur by district personnel, and violations will be reported to and handled by the law enforcement person assigned to the district. To assure satisfactory compliance while harvest operations are occurring, the BMP and sale contract provisions will be monitored by forest sale administration personnel.

## DECISION CRITERIA

I have selected Alternative D-Modified with some additional modifications based on the following decision criteria. These include:

- 1) Achievement of the project's Purpose and Need to generate revenue and contribute toward providing a supply of wood product from suitable National Forest Lands (EA, pp. 1-1 to 1-5).
- 2) Responsiveness to the key environmental issues (significant factors) as described in the EA (Chapter 2-1 to 2-4) and consideration of public comments (EA Appendix F and Appendix I (enclosed)
- 3) Consistency with laws, regulations, and policy (EA pp. 3-29 to 3-31)

In general, I found this to be a well-designed timber sale with minimal environmental effects. Receipts from my selected alternative will help pay back funds borrowed from the LWCF that were needed in order to complete the acquisition of private lands in the Taylor Fork drainage, as prescribed in the Gallatin Land Consolidation Act of 1998 (P.L. 105-267), and will also contribute a supply of wood products to local industry. The EA addresses the potential effects of harvest on a variety of National Forest resources. I have concluded from this information that the predicted effects are well within acceptable limits. Where the analysis demonstrates that environmental effects are acceptable, I believe it is important to pursue this harvest opportunity to meet the project's objectives. Although some members of the local Gardiner community may feel they are disproportionately shouldering the burden of impacts from the timber sale and not directly benefiting from acquisition of the Taylor Fork properties, I strongly believe that Alternative D-Modified best meets the overall public interest.

### 1) Achievement of the Purpose and Need

Alternative D-Modified will contribute timber sale receipts towards paying back the funds borrowed to complete the purchase of private lands in the Taylor Fork drainage. This alternative will also contribute toward providing a flow of wood products from National Forest lands designated as suitable for timber production. Alternative D-Modified is the most cost effective alternative and it demonstrates the greatest likelihood of realizing a bid value greater than the market value predicted using the TE equation. Alternative D- Modified is expected to generate approximately \$ 175,668 in timber sale receipts to contribute toward payback of the land acquisition. Actual receipts may be lower or higher depending on market conditions, bidding competition and other variables. Alternatives B, C, and D would be expected to generate greater timber receipts and provide more wood products than my selected alternative; however, the cost to the government per dollar in receipt is greater with these alternatives than with Alternative D-Modified. Alternative A would not contribute any funds towards repayment of the Taylor Fork land exchange nor would it generate wood products.

## 2) Responsiveness to Environmental Issues and Public Comments

In making my decision, I considered internally generated issues, public issues, and the comments submitted during the scoping phase of this analysis (EA, pp. 2-1 to 2-4) and those submitted during the EA review periods (EA Appendix F and Appendix I enclosed with this document). The ID team thoroughly studied the issues and developed a full range of alternatives and mitigation measures that addressed the most critical issues (EA, Chapter 2). A request was made by the public to consider an alternative that harvests less volume and I believe Alternative D-Modified is responsive to that suggestion. The public comments and agency responses in the EA, Appendix F and Appendix I add greatly to clarify and elaborate on the analysis and relevant information upon which I based my decision. In summary, I took a hard look at the key environmental issues and how they were addressed by each alternative.

**Grizzly Bears:** The issues I considered in this decision are described in the EA, pp.3-3 to 3-12. I feel that the impacts to grizzly bears regarding this project, were the most important environmental issue and these potential impacts were very important to numerous commenters as well. Therefore, I selected Alternative D-Modified over the other action alternatives (Alternatives B, C, and D) because it best complies with grizzly bear habitat requirements while also contributing timber sale receipts for repayment toward the Taylor Fork sections. Specifically, Alternative D-Modified complies with the 600-foot distance-to-hiding-cover standard and the requirement that created openings not exceed 40 acres in size. Alternatives B and C do not meet these two requirements

As stated above under Item 3. Mitigation, I have decided to reduce the chance of displacing grizzly bears foraging in whitebark pine stands by requiring timber harvesting to be conducted prior to August 30 in Units #9 and #14, which are the closest to the whitebark pine zone. In addition, I have decided not to allow harvesting of any whitebark pine in these units. These units will be leave tree marked to assure that the whitebark pine is not accidentally harvested. This is in response to several of the public comments.

Also, the public concern expressed about ineffective road closures has prompted me to add a monitoring item that closed roads will be monitored for closure effectiveness. If any closures are breached, then corrective action will be taken to re-close those roads as soon as possible.

**Ungulates:** The ungulate issues that I considered in this decision are described in detail in the EA, pp 3-12 to 3-16. I chose Alternative D-Modified over the other action alternatives because it would reduce the least amount of hiding cover (175 acres or 0.8%), as well as the least amount of thermal cover (20 acres or 0.3%). Potential foraging habitat would increase 1% and post-harvest conditions would result in a cover/forage ratio of 58:42.

Moose winter range would also be affected to a smaller extent by implementation of Alternative D-Modified compared with the other action alternatives. Early winter range would decrease by 1.1%, mid-winter decrease by 1.2%, and late winter decrease by 1.8%.

The selected alternative with additional seasonal closures will provide the greatest benefit to the HEI rating and elk security during the general hunting season than any of the alternatives considered in detail. Even though improvements will be made over the current conditions with the implementation of Alternative D-Modified and additional seasonal road closures, it is still necessary to approve a temporary project-specific exemption to the HEI Forest Plan standard of 70%. Upon completion of the implementation of this decision, HEI during the general hunting season will be at 72% in the Upper Bear Creek HAU, 67% in the Eagle Creek HAU, and 51% in the Palmer Mountain HAU..

Impacts to big game and ungulate populations as a result of my decision are acceptable.

**Economics:** This issue relates to the overall economic feasibility and relative efficiency of the alternatives. I used this issue as a coarse filter to identify alternatives that would warrant further consideration because of feasibility or efficiency in meeting the purpose and need. All the action alternatives described in detail were economically feasible. That is, they would all generate revenue toward the repayment of the Taylor Fork land purchase. Although Alternative B would generate the most dollars in estimated timber receipts, Alternative D-Modified is the most economically efficient (as measured by the benefit/cost ratios). Alternative A is null regarding this issue. See pp. 3-17 to 3-21 of the EA for detailed comparisons of the alternatives

**Vegetative Diversity:** Regarding the non-significant Forest Plan Amendment for Vegetative Diversity, I considered what it would take to avoid approving this amendment. This standard is not realistically achievable with either the No Action or any of the alternatives analyzed in detail and would go counter to addressing many issues of concern to the public and the Forest Service. Please consult the EA (pp. 3-21 to 3-22 and Chapter 1-5) for more details regarding the comparison of the alternatives regarding vegetative diversity.

**Firewood Availability:** I have approved mitigation measures aimed at minimizing the impact my decision may have on availability of personal-use firewood (EA, pp. 3-23 and 3-24). I believe this issue is important enough to keep the new roads open for two seasons following harvest in order to provide additional fuel wood gathering opportunities for the residents of the Gardiner area.

**Small Timber Operations:** I have also carefully considered the impact my decision would have on local small timber sale operations. I reviewed the analysis in the EA (pp. 3-24 to 3-26) and the additional comments and responses in Appendix F of the EA and Appendix I, which is enclosed with this document. Because the demand for small timber sale products has been minor in recent years in the Gardiner area, (and I believe the District will continue to make all efforts to satisfy the local demand within its available budget), I believe any impacts to small timber operations would be minor or nonexistent. There are no individuals in the Gardiner community whose sole or primary source of income or livelihood is dependent upon these local small sales.

**Purpose and Need:** Several comments indicated a desire for the Forest Service to "go find the timber elsewhere" or to use other funding sources for the repayment of the LWCF funds needed to complete the Taylor Fork acquisitions. I understand the concern here, but believe the relatively minor environmental effects of my decision are an acceptable trade-off for the benefits gained by the public acquisition of the Taylor Fork tracts. As a rider to the Appropriations Act of 2004 the outstanding funds needed or the completion of the land exchange were allowed to be borrowed from LWCF, allowing for a five-year repayment timeframe (December 2008) via timber receipts from the Gallatin and other Eastside Forests in Montana, the sale of Gallatin National Forest Lands, and/or excess NFF receipts from any Montana National Forest. With my decision, timber harvest will occur on National Forest lands that are classified as suitable for timber management by the Gallatin National Forest Land and Resource Management Plan (Forest Plan 1987) and the value generated will contribute to the repayment of those borrowed funds.

### 3). Consistency with Laws, Regulations, and Policy

**Laws and Regulations:** Alternative D-Modified is consistent with the National Forest Management Act of 1976 (NFMA), the Gallatin Forest Plan, Endangered Species Act, Clean Water Act, and others. More details are located later in the section titled *Findings Required By Other Laws And Regulations*.

**Consistency With Ecosystem Management Policy:** All actions proposed for Alternative D-Modified are consistent with national policy regarding ecosystem management. An integral concept in the ecosystem management approach is consideration of the inherent processes and historic conditions that have shaped the landscape being managed. Much of the area around the proposed harvest units is covered with lodgepole pine, subalpine fir and Douglas-fir. Lodgepole pine is a relatively short-lived conifer species that was replaced on a fairly regular basis by fires about every 110-140 years before European settlement. The harvesting proposed in the lodgepole pine/subalpine fir or pure lodgepole pine stands is consistent with historic patterns of stand initiation and how these species regenerated after high levels of disturbance. Where Douglas-fir stands are being harvested, types of disturbance will closely follow historic patterns where light to moderate fires killed some trees (often the smaller sized trees) and left others only slightly damaged.

## ALTERNATIVES CONSIDERED IN DETAIL

I examined five alternatives in detail -- four action alternatives (Alternative B, C, D, and D-Modified) and the No Action alternative (Alternative A). I determined that these five alternatives provide a full range of reasonable alternatives that sharply define the issues. In addition, five other alternatives (Alternatives E through I) were considered but not studied in detail (EA, Chapter 2-35 to 2-37). The following discussion summarizes the five alternatives considered in detail. Alternative D-Modified (the Selected Alternative) is described in further detail on page 1 of this document. Chapter 2 of the EA contains a complete description of the alternatives (including mitigation) and the process used to develop them.

### Alternative A - No Action

The NEPA requires the consideration of a "no action" alternative (40 CFR 1502.14d) where none of the proposed actions identified in Chapter 1 would occur. This alternative provides a baseline of comparison to aid in determining the significance of issues and effects of the proposed action. Under this alternative, no timber harvest, reforestation, road construction, or reconstruction would occur. No site-specific Forest Plan amendments would need to be approved, although conditions are currently outside of Forest Plan Standards for HEI and Vegetative Diversity. This alternative responds to concerns that oppose any additional vegetation manipulation or road construction in the project area. The No Action Alternative does not respond to the Purpose and Need of this project as no value would be generated to contribute toward repayment of LWCF and no wood products would be supplied from National Forest lands.

### Alternative B - Proposed Action

This alternative is the proposed action described in Chapter 1 of the EA. It is the agency's initial proposal developed to meet the project purpose and need. The ID team originally believed that this proposal would satisfy the "Planning Criteria for All Timber Harvest Rights Identified for Exchange" as outlined in the *Report to the Montana Congressional Delegation, Proposed Gallatin Land Consolidation*, September 1997. However, Alternative B does not meet all of them.

Alternative B would require the most specified road construction of all of the action alternatives. This alternative would create openings greater than 40 acres in size and would require Regional Forester approval to implement. The analysis shows (by comparing effects of alternatives) there is no apparent biological reason that would support creating openings over 40 acres in size. Exceeding the 40-acre limit would maximize timber receipts. However, I believe that maximizing timber receipts alone would not meet with Regional Forester approval, as required. Also, the conditions required for an exception to obtaining her approval are not present (FP, pp. II-22 and A-11).

Alternative B would also require a Forest Plan Amendment in order to exempt it from meeting grizzly bear – distance to hiding cover requirements (EA p. 1-9). Because I am concerned about the

potential impacts to grizzly bears, I am not willing to look at a project-specific amendment for this standard.

I did not select Alternative B (the Proposed Action) for the reasons above.

Alternative B included the following six components:

**Timber Harvest and Reforestation:** Timber harvest and reforestation would occur on a maximum of about 449 acres of forestland classified as suitable for timber management by the Gallatin Forest Plan. This alternative would produce approximately 3.4 MMBF of timber from live and insect-killed or damaged timber within the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages. Because this alternative would create openings greater than 40 acres, it would require Regional Forester approval to implement.

**Road Construction and Reconstruction:** Harvest operations would require construction of approximately 2.0 miles of "specified" road and reconstruction of 4.4 miles of existing system roads.

**Habitat Effectiveness Index (HEI) Amendment:** Approve a site-specific Forest Plan amendment to exempt this alternative from the Forest Plan standard of 70% HEI (FP, p. II-18) for the Eagle Creek HAU, the Upper Bear Creek HAU, and the Palmer Mtn. HAU (portions of Compartments 305 and 306).

**Vegetative Diversity Amendment:** Approve a site-specific Forest Plan amendment to exempt the project from the Forest Plan standard for vegetative diversity.

**Grizzly Bear - Distance to Hiding Cover:** Alternative B would require a site-specific amendment to exempt the project from the Forest Plan standard for meeting distance-to-hiding-cover requirements defined in Appendix G of the Forest Plan (Appendix G standard 4.A(3), FP, p. G-11). The standard states, "Regeneration harvest units should be irregular in shape and have no point more than 600 feet from cover." Alternative B cutting units 1, 3, 8, 9, and 13 would have small portions further than 600 feet to hiding cover.

## Alternative C

Alternative C was developed to better meet the project Purpose and Need and economic feasibility than Alternative B. It decreases net revenue from Alternative B. Alternative C generates revenue at less cost to the government by eliminating: a) harvest units that would have yielded relatively low volumes of timber and b) the associated 1.1 mile of road construction to access those units.

Alternative C would create openings greater than 40 acres and would require Regional Forester approval to that would support creating openings over 40 acres in size. Exceeding the 40-acre limit generates more timber receipts than are expected with Alternative D. However, I believe that an advantage of greater timber receipts alone would not meet with Regional Forester approval, as required. Also, the conditions required for an exception to obtaining her approval are not present (FP, pp. II-22 and A-11).

As with Alternative B, this alternative would also require a Forest Plan Amendment in order to exempt it from meeting grizzly bear – distance to hiding cover requirements (EA p. 1-9). Because I am concerned about potential impacts to grizzly bears, I am not willing to approve a project-specific amendment for this standard.

I did not select Alternative C for the reasons above.

Alternative C included the following six components:

**Timber Harvest and Reforestation:** Timber harvest and reforestation would occur on approximately 373 acres. This alternative would produce approximately 2.9 MMBF of timber from live and insect-killed or damaged timber within the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages. Because this alternative would create openings greater than 40 acres, it would require Regional Forester approval to implement.

**Road Construction and Reconstruction:** Harvest operations would require construction of approximately 0.9 miles of "specified" road and reconstruction of 4.4 miles of existing system roads.

**Habitat Effectiveness Index (HEI) Amendment:** Approve a site-specific Forest Plan amendment to exempt this alternative from the Forest Plan standard of 70% HEI (FP, p. II-18) for the Eagle Creek HAU, the Upper Bear Creek HAU, and the Palmer Mtn. HAU.

**Vegetative Diversity Amendment:** Approve a site-specific Forest Plan amendment to exempt the project from the Forest Plan standard for vegetative diversity.

**Grizzly Bear - Distance to Hiding Cover:** Alternative C would require a site-specific amendment to exempt the project from the Forest Plan standard for meeting distance-to-hiding-cover requirements defined in Appendix G of the Forest Plan. The standard states, "Regeneration harvest units should be irregular in shape and have no point more than 600 feet from cover." Units 1, 3, 9, and 13 would have small portions further than 600 feet to hiding cover.

## Alternative D

This alternative was developed to economically fulfill the purpose and need while avoiding creating openings greater than 40 acres in size. Alternative D meets the Forest Plan grizzly bear-distance to hiding cover standards. Units associated with this alternative were developed with estimates of acres taken from various tools such as aerial photos, topographic maps, and stand information from the Timber Stand Management Recordkeeping System (TSMRS) as is typical in the planning process. Although this alternative fully meets the Purpose and Need for this project, it is not as environmentally sensitive as Alternative D-Modified, which was developed utilizing GPS techniques to attain more accurate acreages, actual on the ground conditions, and extensive field reconnaissance techniques. Alternative D-Modified is a refined version of this alternative.

The level of timber receipts anticipated with Alternative D is less than with Alternatives B and C. However, the cost to the government to generate each dollar of return is also less, indicating that Alternative D and likewise, Alternative D-Modified is more efficient than either B or C.

I have decided to select Alternative D-Modified, which is a refined version of Alternative D.

Alternative D includes the following five components:

**Timber Harvest and Reforestation:** Timber harvest and reforestation would occur on approximately 266 acres. This alternative would produce approximately 2.1 MMBF of timber from live and insect-killed or damaged timber within the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages. Because this alternative would not create openings greater than 40 acres, it would not require Regional Forester approval to implement.

**Road Construction and Reconstruction:** Harvest operations would require construction of approximately 0.6 miles of "specified" road and reconstruction of 4.4 miles of existing system roads.

**Habitat Effectiveness Index (HEI) Amendment:** Approve a site-specific Forest Plan amendment to exempt this alternative from the Forest Plan standard of 70% HEI (FP, p. II-18) for the Eagle Creek HAU, the Upper Bear Creek HAU, and the Palmer Mtn. HAU.

**Vegetative Diversity Amendment:** Approve a site-specific Forest Plan amendment to exempt the project from the Forest Plan standard for vegetative diversity.

## **Alternative D-Modified**

This alternative was developed to economically fulfill the Purpose and Need while avoiding creating openings greater than 40 acres in size. The assessment of environmental effects of Alternative D-modified benefits from unit-specific information that was developed utilizing GPS techniques to attain more accurate acreages, using actual on the ground conditions and topographic features, and extensive field reconnaissance techniques. It does not contain any specified road construction, requiring only up to 0.9 miles of short temporary spur roads for harvest activities. Although it does not generate the greatest amount of timber receipts, Alternative D-Modified is the most economically efficient action alternative (as measured by the benefit cost ratios) and it is the most likely to realize a bid value greater than the predicted market value.

I have selected Alternative D- Modified as previously described in detail in this document. To my thinking, Alternative D-modified does not differ in any meaningful way from Alternative D, which was the alternative selected for implementation in the original decision. The environmental effects of either alternative are acceptable to me. The only difference that matters in my decision is that Alternative D-modified is supported by a more accurate assessment of what are, in any case, similar environmental effects. The better information does not disclose any new effect nor does it show that a previously acceptable effect is unacceptable. By selecting Alternative D-Modified, I am repeating the original decision while taking advantage of better information that shows it to have been valid.

Alternative D-Modified includes the following five components:

**Timber Harvest and Reforestation:** Timber harvest and reforestation would occur on approximately 195 acres. This alternative would produce approximately 1.5 MMBF of timber from live and insect-killed or damaged timber within the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages. Because this alternative would not create openings greater than 40 acres, it would not require Regional Forester approval to implement.

**Road Construction and Reconstruction:** Harvest operations would require construction of approximately 0.9 miles of temporary road and reconstruction of 3.6 miles of existing system roads.

**Habitat Effectiveness Index (HEI) Amendment:** Approve a site-specific Forest Plan amendment to exempt this alternative from the Forest Plan standard of 70% HEI (FP, p. II-18) for the Eagle Creek HAU and the Palmer Mtn. HAU.

**Vegetative Diversity Amendment:** Approve a site-specific Forest Plan amendment to exempt the project from the Forest Plan standard for vegetative diversity.

## COMPARISON OF THE ALTERNATIVES

The following table briefly compares the five alternatives considered in detail as they relate to project components, objectives (purpose and need), and the issues. Also each alternative is rated as to whether it complies with Forest Plan Standards.

**Table 3 Comparisons of Effects to Significant Issues, by Alternative.**

Item	Alternative A (No Action)	Alternative B (Proposal)	Alternative C	Alternative D	Alternative D modified (Selected)
<b>Timber Harvest:</b>					
Area Treated (acres)	0	449	383	266	195
Cut 60%/Leave 40%	0	33	33	35	20
Cut 70%/Leave 30%	0	108	70	35	31
Cut 80%/Leave 20%	0	308	280	196	144
Tractor Logging (acres)	0	285	318	178	164
Cable Logging (acres)	0	164	65	88	31
No. of Cutting Units	0	16	13	10	15
Volume, Gross (MMBF)	0	3.4	2.9	2.1	1.5
<b>Reforestation:</b>					
Natural (ac):	0	339	314	189	169
Planted (ac):	0	110	69	77	26
<b>Road Work:</b>					
Pre-Sale Road Closure (mi)	0	(1.4) <sup>1</sup>	(1.4)	(1.4)	(1.4)
Pre-Sale Road Closure Maintenance (mi)	0	(0.4)	(0.4)	(0.4)	(0.4)
Road Reconstruction (mi)	0	4.4	4.4	4.4	3.6
New Road Construction (mi)	0	2.0 specified	0.9 specified	0.6 specified	0.9 temp.
New Roads Closed (mi)	0	(2.0)	(0.9)	(0.6)	(0.9)
Open Roads - Effective Net Change During Project (mi)	0	3.6	2.5	2.1	2.7
Open Roads - Effective Net Change Long-Term (mi)	0	0	0	0	0

<sup>1</sup> Figures in ( ) denote negative values for purposes of determining net change in open roads.

**Table 3 Comparisons of Effects to Significant Issues, by Alternative.**

Issue	Alternative A (No Action)	Alternative B (Proposal)	Alternative C	Alternative D	Alternative D modified (Selected)
<b>Grizzly Bear</b>					
<b>Foraging Habitat:</b>					
Amount of foraging habitat modified (acres harvested):	0	449	383	266	195
Old growth harvested (ac):	0	352	312	231	173
Percent of forested acres that are old growth (post- project):	58.4%	57.4% (-1.0)	57.5% (-0.9)	57.8% (-0.6)	57.9% (-0.5)
FP, MA 13 old growth standard met? (>30% of forested acres must be old growth)	Yes	Yes	Yes	Yes	Yes
<b>Forest Plan amendment needed?</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
<b>Hiding and Thermal Cover:</b>					
<b>Hiding Cover</b> (% of forested compartment):	62.9%	62.0%	62.1%	62.3%	62.4%
<b>Thermal Cover</b> (% of forested compartment):	19.7%	19.3%	19.3%	19.5%	19.7%
<b>Hiding and Thermal Cover (cont):</b>					
FP, Appendix G standards met? % cover: minimum of 20% hiding, 10% thermal, and 10% hiding or thermal.	Yes	Yes	Yes	Yes	Yes
Distance to hiding cover (600') met?	Yes	No	No	Yes	Yes
<b>Forest Plan amendment needed?</b>	<i>No</i>	<i>Yes</i>	<i>Yes</i>	<i>No</i>	<i>No</i>
<b>Duration/Reentry:</b>					
USFWS Biological Opinion standards met? (Duration standard: Sale activities <3 consecutive years) (Reentry: one entry/decade)	Yes	Yes	Yes	Yes	Yes
<b>Security Habitat:</b> (during project, with pre-sale road closure mitigation applied)					
<b>Secure (Core) Habitat</b> , (% of bear subunit and change +/- from existing):					
Season 1 Secure Habitat:	75%	75% (0)	75% (0)	75% (0)	75% (0)
Season 2 Secure Habitat:	69%	70% (+1)	70% (+1)	70% (+1)	70% (+1)

**Table 3 Comparisons of Effects to Significant Issues, by Alternative**

<b>Issue</b>	<b>Alternative A No Action</b>	<b>Alternative B (Proposal)</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>Alternative D modified (Selected)</b>
<b>Open Road Density</b> (% of bear subunit and change +/- from existing):					
Season 1:					
0.0 mi/mi <sup>2</sup>	68%	68 (0)	68% (0)	68% (0)	68% (0)
0.0-1.0 mi/mi <sup>2</sup>	12%	12% (0)	13% (+1)	13% (+1)	13% (+1)
1.1-2.0 mi/mi <sup>2</sup>	8%	8% (0)	8% (0)	8% (0)	8% (0)
>2.0 mi/mi <sup>2</sup>	12%	11% (-1)	11% (-1)	12% (0)	12% (0)
Season 2:					
0.0 mi/mi <sup>2</sup>	67%	67% (0)	67% (0)	67% (0)	67% (0)
0.0-1.0 mi/mi <sup>2</sup>	13%	13% (0)	13% (0)	13% (0)	13% (0)
1.1-2.0 mi/mi <sup>2</sup>	8%	8% (0)	8% (0)	8% (0)	8% (0)
>2.0 mi/mi <sup>2</sup>	12%	12% (0)	12% (0)	12% (0)	12% (0)
<b>Total Road Density</b> (% of subunit and change +/- from existing):					
0.0 mi/mi <sup>2</sup>	67%	67% (0)	67% (0)	67% (0)	67% (0)
0.0-1.0 mi/mi <sup>2</sup>	13%	13% (0)	13% (0)	13% (0)	13% (0)
1.1-2.0 mi/mi <sup>2</sup>	8%	8% (0)	8% (0)	8% (0)	8% (0)
>2.0 mi/mi <sup>2</sup>	12%	12% (0)	12% (0)	12% (0)	12% (0)
FP Amendment 19 standards met? (no reduction in % secure habitat and no increase in road density)	Yes	Yes	Yes	Yes	Yes
<b>Forest Plan amendment needed?</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Are Planning Criteria 1, 10, and 11 met?	Yes	No	No	Yes	Yes
<b>Ungulates Yearlong Security Habitat (HEI)<sup>1</sup>:</b>					
Eagle Creek HAU	58%	58%	58%	58%	58%
Upper Bear Creek HAU:	62%	59%	60%	60%	60%
Palmer Mtn. HAU	49%	49%	49%	49%	49%
Forest Plan standard met? (HEI minimum is 70%)	No	No	No	No	No
<b>FP amendment needed?</b>	<i>No</i>	<i>Yes *</i>	<i>Yes *</i>	<i>Yes *</i>	<i>Yes *</i>
<b>Hiding and Thermal Cover:</b>					
Hiding cover (ac) (% change):	21,796	21,481 (-1.4%)	21,525 (-1.2%)	21,597 (-0.9%)	21,621 (-0.87%)
Thermal cover (ac) (% change):	6,820	6,686 (-2.0%)	6,708 (-1.6%)	6,753 (-1.0%)	6,800 (-0.3%)?

<sup>1</sup> These figures represent HEI during a yearlong timeframe. HEI during the general hunting season would be significantly higher for my selected alternative due to existing and additional seasonal road closures. The HEI rating during the general hunting season for the Selected Alternative after implementation and completion of road closures is 72% in the Upper Bear Creek HAU, 67% in the Eagle Creek HAU, and 51% in the Palmer Mtn. HAU.

**Table 3 Comparisons of Effects to Significant Issues, by Alternative**

Issue	Alternative A (No Action)	Alternative B (Proposal)	Alternative C	Alternative D	Alternative D modified (Selected)
<b>Forage:</b>					
<b>Elk Forage</b> (ac) (% change):	19,346	19,795 (+2.3%)	19,729 (+2.0%)	19,612 (+1.4%)	19,541 (+1%)
<b>Moose Winter Forage</b> (ac) (% change):					
Early Winter:	17,021	16,584 (-2.6%)	16,638 (-2.2%)	16,755 (- 1.6%)	16,826 (-1.1%)
Mid-Winter:	16,562	16,149 (-2.5%)	16,184 (-2.3%)	16,304 (-1.6%)	16,367 (-1.2%)
Late Winter:	10,975	10,657 (-2.9%)	10,684 (-2.6%)	10,709 (-2.4%)	10,780 (-1.8%)
<b>Cover/Forage Ratio</b> (Elk):	60:40	59:41	59:41	58.42	58.42
Is Planning Criterion 13 met?	Yes	Yes	Yes	Yes	Yes
<b>Economics</b>					
Total benefits discounted (\$)	0	\$512,652.41	\$448,841.08	\$327,366.94	\$238,824.50
Total costs discounted (\$)	0	\$387,350.23	\$327,680.76	\$260,477.54	\$172,136.87
Benefit/Cost Ratio	0	1.323	1.370	1.257	1.387
Present Net Value (\$)	0	\$125,302.18	\$121,160.32	\$66,889.41	\$66,687.63
Is Planning Criterion 15 met?	Yes	Yes	Yes	Yes	Yes
<b>Vegetative Diversity</b>					
Figures are acres and % of total compartment acres (52,608) after implementation of the alternative):					
Grass/Forb (natural)	13,278 (25.2%)	13,278 (25.24%)	13,278 (25.24%)	13,278 (25.24%)	13,278 (25.24%)
Grass/Forb (harvested)	39 (<1%)	488 (0.92%)	422 (0.80%)	305 (0.58%)	214 (0.44%)
Seedling	73 (<1%)	73 (0.14%)	73 (0.14%)	73 (0.14%)	73 (0.14%)
Sapling	1,804 (3.4%)	1,804 (3.4%)	1,804 (3.43%)	1,804 (3.43%)	1,804 (3.43%)
Pole	168 (0.32%)	168 (0.32%)	168 (0.32%)	168 (0.32%)	168 (0.32%)
Mature	12,333 (23.4%)	12,266 (23.32%)	12,272 (23.33%)	12,308 (23.40%)	12,331 (23.42%)
Old Growth	20,255 (38.5%)	19,903 (37.83%)	19,943 (37.93%)	20,024 (38.07%)	20,082 (38.17%)
FP standards met? (FP standard is 10% grass/forb, 10% seedling, 10% sapling, 10% pole, 10% mature, 10% old growth.)	No	No	No	No	No
<b>FP amendment needed?</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

**\*Note: Alternative A (No Action) requires no amendment for HEI or Vegetative Diversity, however it does not meet Forest Plan Standards for either due to existing conditions.**

**Table 3. Comparison of Effects to Significant Issues, by Alternative (cont).**

Issue	Alternative A (No Action)	Alternative B (Proposal)	Alternative C	Alternative D	Alternative D modified (Selected)
<b>Firewood Availability</b>	No effect	Removes 3.4 MMBF but most of this timber is green and not accessible to firewood cutters. New roads are left open for 2 years.	Same as Alt. B but removes 2.9 MMBF.	Same as Alt. B but removes 2.1 MMBF.	Same as Alt. B but removes 1.5 MMBF.
<b>Small Timber Operations</b>	No effect	Removes 3.4 MMBF but most is green timber...not in demand locally. Not all is accessible to local timber operators due to equipment limitations.	Same as Alt. B but removes 2.9 MMBF.	Same as Alt. B but removes 2.1 MMBF.	Same as Alt. B but removes 1.5 MMBF.
<b>40-Acre Opening Limit</b> Do any created openings exceed the 40-acre limit?	No	Yes	Yes	No	No

## **ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY**

Throughout the analysis process, a wide variety of alternatives were presented and explored to address certain issues. However, for one reason or another, many of these alternatives did not merit detailed analysis or further consideration in the process. These five alternatives are listed below and described in detail in the EA (pp. 2-35 to 2-37).

**Alternative E:** Manage vegetation to avoid a site-specific vegetation diversity Forest Plan amendment

**Alternative F:** No harvest of old growth.

**Alternative G:** Maximize biodiversity and wildlife habitat

**Alternative H:** Harvest other timber stands within project area.

**Alternative I:** No new road construction

## **FINDING OF NONSIGNIFICANT AMENDMENTS**

Based on the pertinent discussions in the environmental assessment, I have determined that with the project related improvements made to the effective cover rating (HEI) during the general hunting season, to allow for the post activity level of 67% in the Eagle Creek HAU, 72% in the Upper Bear Creek HAU, and 51% in the Palmer Mtn. HAU, and also to allow the vegetative diversity standards to fall below certain levels in some age classes for this proposal do not result in a significant change in the Gallatin National Forest Plan. This determination is made in accordance with the requirements of 16 U.S.C. 1640(f), 36 CFR 219.10(e) and (f), 36 CFR 219.12(k), and Forest Service Manual 1920 - Land and Resource Management Planning. Improving the HEI rating for the Upper Bear Creek HAU and Palmer Mtn. HAU portions of Compartments 305 and 306 and continuing with essentially the same vegetative diversity levels after Alternative D-Modified is accomplished does not alter multiple-use goals or objectives for long-term land and resource management, nor significantly change the planned annual outputs for the forest.

## **CONSISTENCY WITH OTHER LAWS, REGULATIONS AND POLICIES**

### **Federal Laws**

Based on the issues identified in Chapter 2 of the EA, the key federal laws applicable to my decision include the: Gallatin Range Consolidation and Protection Act of 1993, Gallatin Land Consolidation Act of 1998 (P.L. 105-267), National Forest Management Act of 1976, Endangered Species Act of 1973, National Historic Preservation Act (as amended 1992), American Indian Religious Freedom Act, and Native American Graves and Repatriation Act; and Executive Order 12898.

### **Gallatin Range Consolidation and Protection Act of 1993 and Gallatin Land Consolidation Act of 1998**

The Gallatin Range Consolidation and Protection Act of 1993 provided for Federal acquisition of over 83,000 acres, in a series of exchanges and purchases, of Big Sky Lumber Company Lands (BSL) inholdings within the Gallatin National Forest. The Gallatin Land Consolidation Act of 1998 provided further direction to complete the project. The Timber Sale Program component involves a timber-for-land exchange. This part of the Act required the Forest Service to generate revenue from the sale of national forest timber and to deposit the revenue into a special account by 12/31/03 to complete the

purchase of four sections of BSL lands in the Taylor Fork drainage. For several reasons, the Forest Service did not have sufficient timber receipts generated to meet this requirement. Therefore with the help of the Montana Delegation, legislation was passed by Congress "Department of Interior and Related Agencies Appropriations Act of 2004" (PL 101-108) including a key rider Section 333-"Implementation of Gallatin Land Consolidation Act", authorizing the borrowing of Land and Water Conservation Funds (LCWF) in order to complete the final transaction of this land acquisition in a timely manner. The purchase was completed on December 15, 2003 with the Forest Service borrowing funds from the LWCF, which congress mandated must be payed back within a five year timeframe (EA, pp. 1-3). The Darroch-Eagle Creek Timber Sale is a proposal intended to help achieve that objective. The project complies with the relevant direction in these two laws.

#### **National Forest Management Act of 1976**

The National Forest Management Act (NFMA), and implementing regulations require the following findings to be made when making project-level decisions involving timber harvest.

**Consistency With the Forest Plan:** A review of the Forest Plan direction applicable to this project indicates that Alternative D-Modified (with the site-specific temporary Forest Plan amendments for addressing HEI and vegetative diversity) is consistent with that direction (Forest Plan, pp. II-14 to 29; III-40 to 43; Appendices A, C, and G; and Forest Plan Amendments 14, 15, 17, and 19. The EA also discusses the applicable direction at pp. 31, 41, 43, 44-46, and 48; Appendix A; Appendix B, p. B-1; Appendix C, pp. C-2 through C-4. Alternative D-Modified is consistent with Management Area 13 direction associated with timber management within grizzly bear habitat. The project design determining the silvicultural treatment of these stands is consistent with timber-related Forest Plan forest-wide standards (Forest Plan, pp. II-20 to 23) and vegetative management practices (Forest Plan, Appendix A).

**Vegetative Manipulation 36 CFR 219.27(b):** Planned harvesting meets the requirements for manipulation of tree cover. Of the action alternatives, Alternative D-Modified is best suited for the multiple-use goals of the area and the seven requirements listed under 36 CFR 219.27(b).

**Silvicultural Practices 36 CFR 219.27(c):** Timber harvest cuts designed to regenerate even-aged stands of timber shall be determined to be appropriate and consistent with the protection of other resources. When timber is to be harvested using an even-aged management system a determination that the system is appropriate to meet the objectives and requirements of the Gallatin Forest Plan must be made. Where harvests remove over 80% of the existing stand, it must be determined to be the optimum method.

The proposed activities meet the requirements for harvesting timber on lands to meet the objectives of the Forest Plan. The proposed harvest treatments will remove 60% to 80% of the overstory trees and have been determined to be the optimum method for regeneration of the stands. Based on the objectives and requirements of the Gallatin Forest Plan for management of the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages and the silvicultural stand diagnoses for this project, I have decided that the timber harvest treatments designed to regenerate even-aged stands of timber under Alternative D-Modified can be accomplished while protecting other resources and are the optimum silvicultural treatments to be used. Applying a range of partial cuts to address a diversity of stand conditions will provide the flexibility needed to meet silvicultural objectives of protecting young, healthy seedlings from disease (dwarf mistletoe is found in many of the overstory lodgepole pine) and allowing for optimum growth for the next generation forest (lodgepole pine is a seral species requiring relatively high amounts of sunlight for rapid growth).

Reforestation objectives are reflected in stocking guides that establish ranges of stocking densities by habitat type and species. Minimum stocking levels range from 200 to 300 trees per acre, depending on the habitat type and site conditions. Densities below these in immature stands will neither produce the maximum per acre volume possible over a rotation nor provide adequate hiding cover for wildlife.

Depending on the management objective, stands with more than 600 to 700 trees per acre may need thinning to reduce competition and maintain the growth rates expected in a young, managed stand.

Regeneration can be assured on any unit proposed for harvest in the action alternatives. The knowledge, technology, and expertise exist to adequately restock the lands managed for even-aged forests within five years after final harvest. The requirements for successful regeneration include: identification of site conditions, knowledge of the species requirements, knowledge of management implications of various site conditions and the proper application of appropriate harvest systems and post harvest cultural treatments.

Lodgepole pine stands proposed for silvicultural treatment would be partially stocked at completion of harvest activities due to the seedling, sapling, and intermediate size trees remaining on site. Natural regeneration of lodgepole pine has been relatively successful following regeneration harvest treatments.

Douglas-fir stands proposed for silvicultural treatment will be planted with three-year-old nursery seedling stock. Due to persistent feeding on cones and seeds by spruce budworm and warm to hot dry slopes, natural regeneration of Douglas-fir is often unpredictable.

Regeneration progress would be monitored in the first, third, and fifth years after planting and the second, fourth and fifth year for natural regeneration to determine if additional planting or cultural treatments would be necessary to achieve NFMA goals.

***Suitability for Timber Production 36 CFR 219.14 and 219.27(c)(1):*** All timber harvesting would occur on lands classified as suitable for timber production (MA 13). This determination is based on field verification by a certified silviculturist.

***Even-aged Management 36 CFR 219.27(d):*** Harvest blocks under even-aged silviculture shall not exceed 40 acres except that this limit shall not apply to the size of areas harvested as result of natural catastrophic condition such as fire, insect attack or windstorm. There are no even-aged harvest units over 40 acres in Alternative D-Modified.

### **Endangered Species Act of 1973**

Under Section 7 of the Endangered Species Act, each Federal agency must ensure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any threatened or endangered species. If a threatened or endangered species, or species proposed for listing occurs in an area where a project is proposed, a Biological Assessment (BA) must be conducted. If the action will result in a "may affect" determination for the species, formal consultation with the U.S. Fish and Wildlife Service must occur and they will issue a Biological Opinion. If the action results in a "not likely to adversely affect" or "beneficial effect" conclusion, formal consultation is not necessary (Canada lynx is the exception and requires formal consultation for a "not likely to adversely effect") but informal consultation and a letter of concurrence must be obtained from the U.S. Fish and Wildlife Service. If a "no effect" results, no consultation is necessary. To reduce effects of an action to an acceptable level, mitigation (coordination measures) may be necessary.

This project complies with the Endangered Species Act, Section 7, in the completion of a BA for the preferred alternative (Refer to Appendix C). The findings in the BA for Alternative D are that the project is "not likely to adversely affect" the threatened grizzly bear or the threatened Canada lynx and it will have "no effect" on the threatened bald eagle. It is "not likely to jeopardize the continued existence" of the nonessential/experimental population of gray wolves. Formal consultation was completed with the U.S. Fish and Wildlife Service as a result of the Canada lynx and grizzly bear determinations. In a letter dated March 19, 2004, the USFWS concurred with these determinations. By implementing parts of the Alternative Road Closure Option 1, my decision to implement Alternative

D-Modified provides additional mitigation to offset potential effects to grizzly bears and furthers meeting the conservation purposes of the Endangered Species Act.

### **Heritage Program Laws**

Several Federal laws provide for preservation of historic, prehistoric, and other cultural resources. These include the National Historic Preservation Act (NHPA), the American Indian Religious Freedom Act (AIRFA), and the Native American Graves Protection and Repatriation Act (NAGPRA). These laws essentially require that adequate and extensive review of these undertakings be conducted in order to assess the possible effects of these activities upon cultural resources. They also provide that Federal agencies conduct adequate consultation with pertinent tribes in order to be informed of any possible conflicts an undertaking would have on their ability to conduct traditional religious practices.

The project area has been surveyed several times over the years for the presence of cultural resources. These surveys have not found any cultural resources. The project area has supported timber harvesting during the past few decades. Mitigation measures to protect cultural resources will be incorporated into the timber sale contract (EA, p. 20). The likelihood of harming cultural resources by implementing this project is remote. The pertinent tribes were contacted during the scoping stage for the project and they did not express any concerns to the Forest Service. Therefore, my decision to harvest timber in this area is consistent with these laws (EA, pp. A-16 and A-17).

### **Executive Order 12898 - Environmental Justice**

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and Departmental Regulation 5600-2 direct federal agencies to integrate environmental justice considerations into federal programs and activities. Environmental justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or the environment. My decision is consistent with this Order. My decision sought and incorporated public involvement. My decision will not have a discernible effect on minorities, American Indians, or women, or the civil rights of any United States citizen. Nor will it have a disproportionate adverse impact on minorities or low-income individuals (EA, pp. 47 and A-18).

## **State Laws**

### **Clean Air Act**

The activities authorized by my decision will comply with Montana air quality standards.

### **Clean Water Act**

Montana State Water Quality Standards assign an A-1 classification to streams supporting pure Yellowstone cutthroat trout (Darroch Creek). Bear Creek below the AB Wilderness boundary is classified as a B-1 stream. The A-1 designation has strict non-degradation constraints while B-1 waters must be suitable for drinking, culinary, and processing purposes after conventional treatment. Beneficial uses must be maintained, the most limiting of which is the trout fishery in Bear Creek and tributaries. The analysis for this proposal found that Alternatives B, C, and D would be in compliance with State Water Quality Standards.

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI 40 CFR 1508.27)**

I have determined through the Darroch-Eagle Creek Timber Sale Environmental Assessment and project record that this is not a major federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not needed. This determination is based upon review of the following criteria:

### **1. Impacts that may be both beneficial and adverse.**

Direct, indirect, and cumulative effects of project activities on resources are discussed in Chapter 3 and Appendix A, B, C, F, and I (enclosed) of the EA. Alternative D-Modified with additional seasonal road closures will have no significant adverse affect on old growth, big game habitat, threatened and endangered species, sensitive wildlife, sensitive plants, fisheries, water quality, soil productivity, noxious weeds, recreation, cultural resources, scenery, firewood availability, small timber sale operations, or social and economic conditions. Wildlife habitat will be modified to a small extent. Activities associated with harvesting and hauling logs will cause minor temporary displacement of wildlife and possibly recreationists using the drainages. Mitigation measures and other project requirements (EA, pp. 2-25 to 2-30) will ensure that little to no effect to the above resources occurs. After thorough examination of the EA and supplemental information, I conclude that no significant adverse or beneficial effects will occur due to the implementation of this action.

### **2. The degree to which the proposed action affects public health or safety.**

Impacts of harvesting and hauling trees in the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages to public health and safety are minimal. Public health and safety issues consist mainly of potential encounters between log trucks and public vehicle traffic during the summer and fall. Reconstruction of roads for mixed traffic has objectives aimed at ensuring traffic safety (constructing turnouts, etc.). Restrictions and guidelines on log hauling will be specified in the timber sale contract. These include installing warning signs to alert the public that log trucks are in the area and restricting log hauling on weekends and holidays, when recreational traffic would be highest (EA, pp. 2-23 to 2-26).

Harvest of timber itself poses some hazard to those that log, but I conclude that the required and normal safety practices for timber harvest operations reduce this hazard and will not likely have any significant impact on public health or safety.

### **3. Unique characteristics of the geographic area.**

The project area will not affect any unique areas (EA, pp. 3-27). The harvest units and roads are not within designated or proposed wild and scenic rivers, wilderness, wilderness study areas, or research natural areas (Gallatin National Forest Plan). No unique wildlife species, unique plants, or plant communities occur in the project area. The project does not contain any floodplains, wetlands, or prime farmlands, rangelands, or prime forestlands. Cultural surveys have been completed and the project is consistent with heritage program laws. None of the harvest units are located within the Jardine unit of the North Absaroka Roadless Area (#1371) (Forest Plan Final EIS, Appendix C, pp. C-4 through C-16). After the release of the January 2004 EA, I was made aware of a new issue of "unroaded" areas. Appendix J (enclosed) addresses the potential effects of this project to "unroaded" areas. Findings indicate that there would be no significant effects to "unroaded" areas.

### **4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The effects of this action on the quality of the human environment are not highly controversial. The effects of this decision are predictable and consistent with the conclusions reached in the EA. Past monitoring has

determined that actual effects of similar projects are consistent with estimated effects of the proposed activities. There is no professional or scientific disagreement on the scope and effects of these actions on various resources (EA, Chapter 3 and Appendices A, B, C, and F).

**5. The degree to which the effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.**

Timber harvest has occurred on the Gallatin National Forest for over 90 years and in this specific project area for over 45 years. This timber sale involves common logging practices and contractual requirements. There are no unique or unusual characteristics about the area, which have not been previously encountered. I conclude that this decision will not have effects that are highly uncertain or which involve unique or unknown risks.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The objectives of this timber sale are to recover merchantable timber products from the Darroch Creek, Bear Creek, and North Fork Bear Creek drainages. Effects of the sale are minor and short-term in nature. Public timber harvest has occurred periodically in this area for about 50 years. I conclude that this decision will not require future undisclosed actions with significant effects, nor does it set a precedent for future management of the area.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

Chapter 3 and Appendices A, B, C, F, and I (attached) of the Darroch-Eagle Creek Timber Sale EA discuss the combined effects of timber harvest with other past, present, and reasonably foreseeable future actions for specific resource issues. My review of the EA and supporting documents indicates that an adequate analysis of cumulative effects within and outside of the project area has been done. Based on the discussion in the EA, I conclude that there will be no cumulative significant impacts created by my decision.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant, scientific, cultural, or historical resources.**

The project area has been surveyed for cultural resources several times over the past 20 years. The most recent survey was conducted during the summer of 1998 specific to this sale. No cultural resources were found as a result of these surveys. These surveys did not reveal any sites, which were deemed significant or eligible for the National Register of Historic Places. The potential for impacting yet undiscovered sites would be adequately mitigated by providing for cessation or modification of the timber sale contract should a site be located during implementation (EA, pp. 20, A-16, and A-17).

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

My decision will not result in significant effects to any threatened or endangered species. The potential effects of this timber sale have been analyzed in the Biological Assessment (EA, Appendix C) and in Chapter 3 of the EA. In summary, the BA concluded that the action is "not likely to adversely affect" the threatened grizzly bear, is "not likely to adversely affect" the threatened Canada lynx, is "not likely to jeopardize the continued existence" of the nonessential experimental gray wolf, and will have "no effect" on the threatened bald eagle. Formal consultation was obtained from the United States Fish and Wildlife Service (USFWS). In a letter dated March 19, 2004, the USFWS concurred with these determinations. The USFWS also stated in their letter that the project is in compliance with its January 31, 1995, incidental take statement in the Forest Plan, related to roads and grizzly bears.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment (EA, pp. III-25 to III-27)**

I have concluded that the proposal meets federal, state and local laws for air and water quality, streamside management, riparian areas, cultural resources, and threatened and endangered species and meets National Environmental Policy Act disclosure requirements. Other applicable laws and regulations related to my decision are discussed in the EA (pp. 3-29 to 3-31). My decision is consistent with the Gallatin Forest Plan (EA, Chapter 3 and Appendix A).

**APPEAL RIGHTS**

36 CFR 215.13 – Who may appeal.

(a) Individuals and organizations who submit substantive written or oral comments during the 30-day comment period for an environmental assessment, or 45-day comment period for a draft environmental impact statement, may file an appeal. Comments received from an authorized representative(s) of an organization are considered those of the organization only; individual members of that organization do not meet appeal eligibility solely on the basis of membership in an organization; the member(s) must submit substantive comments as an individual in order to meet appeal eligibility.

**REVIEW AND APPEAL OPPORTUNITIES**

This decision is subject to appeal pursuant to 36 CFR 215.14. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Bozeman Daily Chronicle, Bozeman, 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. I am the responsible official.

Paper appeals must be submitted to:

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

Electronic appeals must be submitted to:

[appeals-northern-regional-office@fs.fed.us](mailto: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).

Appeal contents must meet the requirements of 36 CFR 215.14

If no appeal is received, implementation of this project may begin on, but not before, five business days from the close of the appeal-filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition.

## IMPLEMENTATION DATE

Implementation of the Darroch-Eagle Creek Timber Sale Alternative D-Modified will begin as early as summer of 2004 and is projected to continue for up to three years. See the estimated activity schedule on page 2 of this document.

## FURTHER INFORMATION AND CONTACT PERSON

Copies of the Darroch-Eagle Creek Timber Sale EA and Decision Notice are available at the Gardiner Ranger District Office in Gardiner, Montana and the Bozeman Ranger District in Bozeman Montana. Copies are also available on the Internet at <http://www.fs.fed.us/r1/gallatin> in the Project and Plans area. For additional information or questions concerning this decision or appeal process, please contact Barbara Ping, ID Team Leader at 406/522-2570 or Ken Britton, Gardiner District Ranger at (406)-848-7375.

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REBECCA HEATH

Date

4/12/2004

Forest Supervisor

cc. Ken Britton