Rattlesnake
Forest Management Project

*Excluding Sand Creek Inventoried Roadless Area*

Record of Decision

Bearlodge Ranger District, Black Hills National Forest
Crook County, Wyoming
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Rattlesnake Forest Management Project
Black Hills National Forest
Record of Decision
Crook County, Wyoming

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1 Introduction

1.1 Project Location

The Rattlesnake project area is in eastern Crook County, Wyoming, approximately 10 miles east of Sundance. The project area contains approximately 42,171 acres of National Forest System (NFS) lands and 3,935 acres under other ownership. Landmarks in the project area include Cement Ridge, Sand Creek, Boundary Gulch, Rattlesnake Canyon, and Cold Springs Creek. Elevation ranges from 3,920 feet at the north end of Sand Creek to 6,647 feet at Cement Ridge. The northern two-thirds of the project area are characterized by steep canyons and flat ridgetops, with valley-to-ridge elevation change of up to 750 feet. The southern third is more gently rolling with hills around 300 feet high. Legal description is shown in table 1.

<table>
<thead>
<tr>
<th>Township</th>
<th>Range</th>
<th>Section/s</th>
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</thead>
<tbody>
<tr>
<td>50 North</td>
<td>60 West</td>
<td>4-9, 16-18</td>
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<tr>
<td>50 North</td>
<td>61 West</td>
<td>1-4, 9-16, 21, 24, 26, 27</td>
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<td>51 North</td>
<td>60 West</td>
<td>4-9, 16-21, 28-33</td>
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<td>51 North</td>
<td>61 West</td>
<td>1-3, 10-15, 21-28, 33-36</td>
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<tr>
<td>52 North</td>
<td>60 West</td>
<td>19, 20, 28-33</td>
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<tr>
<td>52 North</td>
<td>61 West</td>
<td>24-26, 35, 36</td>
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</table>

Sixth Principal Meridian

Towns within 10 miles of the project area include Sundance and Beulah, Wyoming, and Spearfish, South Dakota. There are two seasonal residences in the project area. Adjacent populated areas include the Red Canyon subdivision, Sand Creek Country Club, Ranch A, the Riflepit Road area, and Tinton.

Approximately 241 miles of road, including 181 miles of NFS and 60 miles of non-system roads, have been mapped in the project area. There are no paved roads, and most gravel roads are closed in winter by gates or snow. The primary travel route through the area is NFS road (NFSR) 863. The 6.6-mile Dugout Gulch non-motorized trail is located on NFS lands near Ranch A. There are approximately 4 miles of designated snowmobile trails, which are managed in conjunction with the state of Wyoming. Cement Ridge Lookout is a popular recreational destination.

Chapter 3 of the Forest Plan sets management allocations for specific uses of management areas (MAs) within the forest to meet multiple-use objectives. This area covered by this decision includes the following MAs: 3.1 (botanical areas), 3.7 (late successional forest landscapes), 4.1 (limited motorized use and forest product emphasis), 5.1 (resource production emphasis), 5.4 (big game winter range emphasis), and 5.6 (forest products, recreation, and big game emphasis).

1.2 Purpose of and Need for Action

The purpose of and need for action in the Rattlesnake project area is to provide biologically diverse ecosystems, protect basic resources, and provide for sustained commodity uses by reducing crown fire hazard and wildfire threats to private property, reducing risk of mountain pine beetle infestation, producing commercial timber now and creating conditions for future timber production, conserving and enhancing big game winter range, enhancing forest structural/compositional diversity, and conserving and enhancing late successional landscapes. More information is found on FEIS pages 8-15.
2 Decision and Rationale

2.1 My Decision

This decision applies to the 34,227 NFS acres in the project area outside the Sand Creek Inventoried Roadless Area (IRA; see figure 1). I am excluding the IRA from this decision because management of IRAs is influenced by specific nationwide direction and legal rulings that do not apply to the rest of the project area. I expect to make a decision on the Sand Creek IRA by mid-2010.

Outside the IRA, I have decided to implement alternative B with modifications (figure 2; attachment 2). The modifications to alternative B reflect public response to the DEIS and further environmental analysis. My decision incorporates components of all action alternatives analyzed in detail (page 13; FEIS pages 24-48). Planned actions are defined on FEIS pages 24-30, 38, and 40. The selected alternative’s components and their magnitude are within the range of the components and magnitude of the action alternatives (see table 3 on page 14). The effects of alternative B as modified are within the range of effects described in chapter 3 of the FEIS. In summary, I am authorizing the actions described below.

<table>
<thead>
<tr>
<th>Table 2. Summary of Planned Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Activity</strong></td>
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<tr>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Commercial thin</td>
</tr>
<tr>
<td>Group selection</td>
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<tr>
<td>Individual tree selection (uneven-age)</td>
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<tr>
<td>Overstory removal</td>
</tr>
<tr>
<td>Seedcut</td>
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<tr>
<td>Shaded fuel break</td>
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<tr>
<td><strong>Total commercial</strong></td>
</tr>
<tr>
<td>Cable yarding</td>
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<tr>
<td>Whole-tree yarding prohibited</td>
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<tr>
<td>Non-commercial</td>
</tr>
<tr>
<td>Precommercial thin</td>
</tr>
<tr>
<td>Pine from meadow</td>
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<tr>
<td>Pine from montane grassland (cut/pile fuels)</td>
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<tr>
<td>Pine from aspen</td>
</tr>
<tr>
<td>Pine from oak</td>
</tr>
<tr>
<td>Thin understory (vista)</td>
</tr>
<tr>
<td>Mechanical fuel treatment</td>
</tr>
<tr>
<td>Thin/hand-pile fuels</td>
</tr>
<tr>
<td>Thin fuels in wildland-urban interface (Ranch A area)</td>
</tr>
<tr>
<td>Log pile disposal</td>
</tr>
<tr>
<td><strong>Total non-commercial</strong></td>
</tr>
<tr>
<td>Prescribed broadcast burns</td>
</tr>
<tr>
<td>Boundary fire area</td>
</tr>
<tr>
<td>Other areas</td>
</tr>
<tr>
<td><strong>Total prescribed broadcast burn</strong></td>
</tr>
<tr>
<td>Total treated area</td>
</tr>
<tr>
<td>Connected activities</td>
</tr>
<tr>
<td>Road construction</td>
</tr>
<tr>
<td>Conversion of existing non-system roads to NFS roads</td>
</tr>
<tr>
<td>Road reconstruction (major)</td>
</tr>
</tbody>
</table>
Road reconstruction (minor)  
Road maintenance  
Temporary roads  
Noxious weed control  
Release and weed thinning  
Prescribed fire control line construction and rehabilitation  
Easement acquisition  
Treatment of fuels resulting from timber harvest (see FEIS pages 29-30)

I am authorizing watershed improvement projects at the following locations (FEIS pages 145-146).

NFSR 801.2A (East Fork Boundary Gulch)  
NFSR 801.3A (Rena Gulch)  
NFSR 802.1 (Pole Cabin Gulch and upper Sand Creek)  
NFSR 802.2A (Washington Gulch)  
NFSR 829.1D (Upper Shepherd Gulch)  
NFSR 863.2C (Thompson Gulch)  
NFSR 864.1B (Dugout Gulch)  
NFSR 864.2A (East Fork Dugout Gulch)

NFSR 864.2B (East Fork Dugout Gulch)  
U650017 (Hospital Gulch)  
U660001 (Lower Sand Creek)  
U710001 (Pole Cabin Gulch)  
U710002 (Spottedtail Gulch)  
Guidinger Spring  
Upper Sand Creek at Welcome

All planned and connected activities are subject to design criteria, mitigation measures, and monitoring requirements (attachment 1; FEIS pages 30-36 and appendix A). These measures represent all practicable means to avoid or minimize environmental harm.

Alternative B modifications, which are reflected in table 2, include the following.

1. Addition of 959 acres of commercial timber harvest in the southern part of the project area as proposed under alternative E.
2. Addition of 170 acres of fuel treatment in the northern part of the project area as proposed under alternative D.
3. Addition of 113 acres of cutting non-commercial pine encroaching on meadows as proposed under alternative C.
4. Addition of 39 acres of cutting non-commercial pine encroaching on aspen stands as proposed under alternative D.
5. Addition of 15 acres of understory thinning to provide vistas as proposed under alternatives C and D.
6. Elimination of 55 acres of commercial timber harvest and the associated 0.7 mile of cable road construction.
7. Elimination of 395 acres of prescribed broadcast burning south of Rattlesnake Canyon in stands with advanced pine regeneration.
Figure 2. Selected Alternative Summary
Detailed Maps Located in Attachment 2

- Commercial Timber Harvest (Even-Age)
- Commercial Timber Harvest (Uneven-Age)
- Non-Commercial Vegetation Treatments
- Fuel Treatments (Mechanical)
- Fuel Treatments (Manual)
- Prescribed Broadcast Burn
- Precommercial Thin
- Road Construction
- Road Reconstruction (major)
- Road Conversion
- Temporary Road
- Other Road
- Project Area Boundary
- Non-NFS Land Within National Forest Boundary
- Inventoried Roadless Area Boundary

Sand Creek Inventoried Roadless Area (excluded from this decision)
2.2 Rationale for My Decision

I am selecting alternative B as modified because it meets the purpose and need, addresses the significant issues, and represents the best balance of environmental effects. I will explain my rationale for the selected alternative as a whole and for the component parts in the following sections.

2.2.1 How the Selected Alternative Meets the Purpose and Need

The selected alternative responds well to each element of the purpose of and need for action, as described below.

*Reduce crown fire hazard and wildfire threats to private property:* The area covered by this decision includes 4,116 acres of wildland-urban interface (WUI, FEIS pages 90-91). Sixty-three percent of the WUI has a high, very high, or extreme hazard of crown fire. Outside the WUI, 40 percent of the area is in this condition. The selected alternative will reduce these figures to 48 and 19 percent, respectively. It will reduce fire hazard in the parts of the WUI closest to inhabited areas, including Red Canyon and Ranch A (figure 2). It will also reduce the probability of a large, stand-replacing fire by reducing fuels outside the WUI (figure 3).

![Figure 2. Planned WUI Treatments](image)

Public comments on this project regarding fire were in two distinct groups. One group expressed the belief that more should be done to reduce fire hazard. To address these concerns, I modified alternative B to include fuel reduction treatments in wildland-urban interface areas as proposed under alternatives D and E. With these additions, the selected alternative will reduce fire hazard as much as I believe can realistically be done at this time without adversely affecting other resources. Other commenting parties
felt that fuel reduction should occur only adjacent to developed land, with fire allowed to play its natural role elsewhere. I am not limiting treatments to areas adjacent to developed land because most of the project area is currently in a condition where wildfires may result in uncharacteristically severe effects, as discussed on FEIS pages 88-90 and appendix D page 46. Fuel loading and arrangement are such that wildfires burning during typical summer conditions are likely to burn into tree crowns and spread through the crowns, with the potential to become large and very difficult to control. Planned vegetation treatments, including prescribed broadcast burning during favorable weather conditions, will move the area toward conditions under which wildfires are less likely to spread quickly, cause widespread stand mortality, and reach other ownerships.

Some public comments contested the effectiveness of vegetation management in reducing fire hazard. FEIS conclusions regarding effects on fire hazard are based on published research. I believe that the selected alternative, with planned disposal of logging slash, will reduce the hazard of crown fire and the likelihood of fire crossing ownership boundaries. Further details and the scientific basis for these conclusions are found on FEIS pages 92-100 and appendix D pages 40-47 and 106-109.

As figure 3 indicates, alternative B as modified will not reduce fire hazard in every stand. Fire hazard will remain very high in areas along Sand Creek canyon north of the IRA and in smaller areas along Idol Gulch and Hospital Gulch. I considered actions that would reduce crown fire risk in these stands. All are on very steep slopes with limited or no road access. Most have cliffs, rock outcrops, or other

![Figure 3. Effects on Crown Fire Hazard](image-url)
topographical features that would complicate or prevent cable yarding. The planning team examined the feasibility of helicopter yarding and determined that the relatively low value of the timber on these slopes and the distance to suitable helicopter landing sites would make a timber sale unlikely to sell. Because the selected alternative will create a buffer between these stands and developed land and will substantially reduce the size and connectivity of areas with elevated crown fire hazard, I believe treatment of the stands would ultimately have little effect on spread or severity of a potential wildfire. Furthermore, I believe these actions and the associated road construction would cause unnecessary effects on resources such as erosive soils, big game security, recreation, and sensitive species.

Reduce risk of mountain pine beetle infestation: The area covered by this decision includes 28,504 acres of stands dominated by ponderosa pine. Aspen, birch, and other species found in the area are not susceptible to mountain pine beetle infestation. Sixty percent of the pine acres are at high risk of infestation and 38 percent are at medium risk. The selected alternative will reduce these figures to 35 and 25 percent, respectively. This will decrease the risk of widespread infestation in the area covered by this decision (figure 4).

Beetle infestation levels have been increasing southeast of the project area for the last several years. In 2009, pockets of infestation and pine mortality were observed in the project area south of Rattlesnake Canyon and near Cement Ridge. This influenced my decision to modify alternative B by adding treatments in this area from alternative E. While we cannot predict the course of beetle infestation with certainty, existing conditions are conducive to new infestations and expansion of existing populations.
Widespread beetle infestation would not contribute toward achievement of Forest Plan objectives in this area.

The selected alternative would not reduce risk of infestation in every stand. I am choosing not to treat some high-risk stands because they are in management area 3.1 or 3.7, where resource specialists determined that reducing stand density enough to meaningfully decrease risk of infestation was not consistent with other aspects of management area direction, or because the treatment would require substantial road construction in management area 5.4 (winter range). Other stands are closed-canopy structural stage 5 (late succession) or documented sensitive species habitat. Public comment on this project expressed concern that, if stands such as these become infested, managed stands in the project area would need to be designated to replace them and taken out of timber production. I acknowledge that untreated dense, mature pine stands will remain at high risk of infestation and could be killed by beetles. Infestation in these stands could also be limited to small patches or scattered trees. If beetles kill most or all of the trees in stands that are documented habitat for sensitive species such as northern goshawk, current direction does not call for the Forest Service to designate replacement stands unless the species is known to inhabit that location. Structural stage objectives apply across the national forest, and loss of a current or potential future late succession stand in the project area would not require designating a replacement in the project area.

Other public comments stated that infestation should be allowed to run its course. I recognize the ecological role of mountain pine beetle, and the selected alternative will not eliminate beetles from the project area. Management direction, however, requires reduction of infestation risk where infestation could make it difficult to meet other objectives. Widespread infestation in the project area would not contribute toward achievement of various Forest Plan objectives and would increase the risk of infestation on other ownerships. Further discussion is found on FEIS pages 5-6, 12, 61, 67-69, and 76, and appendix D pages 104-105 and 109.

**Produce commercial timber now and create conditions for future timber production:** Alternative B as modified will produce an estimated 47 million board feet (9.4 million cubic feet) of sawtimber. It will regenerate pine on 2,210 acres and improve pine growing conditions through commercial thinning on 6,083 acres and precommercial thinning on 2,686 acres. In addition to producing timber now, these actions will initiate and develop pine stands that could provide timber in the future. Alternative E would have produced more timber (FEIS page 71) but I do not believe that the environmental effects would be offset by the additional output.

**Conserve and enhance big game winter range:** The selected alternative will conserve and enhance winter range by increasing foraging opportunities and maintaining habitat security. Planned activities in winter range (management area 5.4) include 1,757 acres of commercial timber harvest, 455 acres of precommercial thinning, 144 acres of cutting non-commercial pine encroaching on meadows, 1,619 acres of prescribed burning, and 243 acres of other fuel reduction. Timber harvest will include 819 acres of uneven-age management. These activities will reduce density of pine stands, allowing growth of understory species that provide forage. Prescribed burning within the Boundary fire perimeter will rejuvenate forage species, and burning adjacent areas to the north will reduce the need for constructed fire control lines and diversify understory composition. Other burns will occur on historically open south aspects used by big game in winter. Together, these activities will provide improved foraging opportunities for big game.

These activities will require construction of up to 0.8 mile of new road in the northeastern corner of the project area, conversion of 0.8 mile of existing two-track road to NFS road, use of 1.9 miles of temporary road, and minor reconstruction of approximately 22 miles of road. All new roads would be closed following use. Management of other roads would be in accordance with the Black Hills travel management plan. Open road density in winter would remain at the current level of 0.7 mile per square mile of NFS land (less during most winters due to snow). One reason I did not select alternative E was its construction of an additional 6.6 miles of road in winter range. Because of their location, some of these
roads may have been difficult to close completely, and continuing motorized traffic on these roads would have had negative effects on wintering deer and elk. The single road planned for construction under the selected alternative is in an area where unauthorized use is less likely to occur due to topography and ownership patterns.

**Enhance forest structural/compositional diversity:** The selected alternative will diversify forest structure and composition by removing pine encroaching on 779 acres of meadows and 402 acres of aspen, regenerating pine on 2,210 acres, burning 3,215 acres, and moving 1,858 acres of forest toward uneven-age structure (figure 5).

Some of those who commented on the DEIS expressed the belief that all the action alternatives would retain too many stands of mature, open-canopy pine (structural stage 4A) and not produce enough stands of young pine trees. The selected alternative will create small patches of grass-forb stage (structural stage 1) through group selection harvest. It will increase young pine forest (structural stage 3) from the current 5 percent of the pine acres to 14 percent as a result of overstory removal harvest. At this time, further increases in young forest would require additional overstory removal or clearcutting. There are few other areas where overstory removal would be silviculturally appropriate and other objectives would be met, and clearcutting was not considered. Structural stage 4A will increase as a result of thinning and regeneration harvest, which will provide future opportunities to create younger forest.

*Figure 5. Effects on Forest Structure and Composition*

**Conserve and enhance late successional landscapes:** Alternative B as modified will conserve the 736 acres of existing structural stage 5 (late succession) in the area covered by this decision. It will retain late-succession characteristics in 2,554 acres of stands that are close to meeting the SS 5 definition.
Public comments indicated two strongly held opinions on this subject. One is that there are too few stands of large, older pine on the national forest as a whole and, since this area has more than some others, more of them should be preserved. The other is that because dense, mature pine stands are at high risk of beetle infestation and fire, they should be managed to decrease this risk. It is true that management areas across the national forest fall short of Forest Plan objectives for SS 5, and that dense, mature pine stands are more susceptible to beetles and fire than open-canopy stands. Not all SS 5 stands are dense; those in the northwestern part of the project area are examples of open-canopy, fire-maintained late succession. I believe that the selected alternative balances these factors by retaining many old stands while reducing the likelihood of widespread beetle infestation or fire in the area as a whole.

2.2.2 How Environmental Issues Were Considered and Addressed

Mountain pine beetle infestation: In making my decision, I considered the level of mountain pine beetle infestation in and near the Rattlesnake project area. Infestations appear to be spreading from adjacent parts of the forest into the project area, where many pine stands are highly susceptible to beetle attack. There is potential for widespread infestation, which generally would not contribute toward achievement of Forest Plan objectives for the area. I addressed this issue by including certain treatments from alternative E in the selected alternative, as discussed starting on page 7.

Effects on Sand Creek IRA and recreational experience in the project area: This decision does not include the Sand Creek IRA but may indirectly affect it. Alternative B as modified will not affect fire hazard or risk of beetle infestation in the IRA but may decrease the likelihood of a wildfire spreading into it. Additionally, if the selected alternative prevents development of epidemic beetle populations surrounding the IRA, it may reduce the chance of widespread infestation in the IRA. These would be positive effects from the standpoint of maintaining mature forest and existing recreational values in the IRA.

In the area covered by this decision, I considered the effects of timber harvest and road work on recreational experiences. As disclosed in the EIS (pages 156-158, 162-167), these activities may temporarily displace recreational use and change the appearance of affected areas. Reconstruction of rough roads may allow more motorized use of these roads. I addressed this issue by foregoing most road construction, including the most uneven-age management among the alternatives, and applying design criteria such as varying the spacing of remaining trees in treated stands. These factors will allow treatments to more effectively blend into the landscape.

Placement of fuel reduction treatments: Several areas of developed non-NFS land are adjacent to the northern part of the project area. As a result of topography, past management, and other factors, there are fewer opportunities to reduce fuels using commercial timber harvest in the northern part of the project area as compared to the southern part. As discussed above, I elected not to approve certain commercial treatments in this area because of erosive soils and winter range concerns. Nevertheless, I believe strategically located fuel reduction could help protect developments on non-NFS lands, and my decision therefore includes non-commercial fuel reduction proposed under alternatives D and E.

Fire hazard across the project area landscape: The selected alternative will not reduce fire hazard on every acre. In particular, no activities will take place in MA 3.1 (botanical areas) or in parts of MA 5.4 (winter range), and no commercial harvest will occur in MA 3.7 (late succession). I considered the risks posed by conditions in these areas and concluded that taking no action at this time is acceptable because the selected alternative will result in a matrix of reduced fire hazard surrounding these areas, and because timber harvest and associated activities would not have contributed toward achievement of Forest Plan objectives for other resources (see page 6).

Prescribed burning without prior mechanical treatment: Alternative B as modified includes 3,215 acres of prescribed broadcast burning, including 732 acres after timber harvest, 116 acres after non-commercial treatment, 227 acres adjacent to fuel treatments, 402 acres in the old Boundary burn, and 1,738 acres (54 percent) without prior treatment or recent fire. Considering the existing conditions in the latter group and
the detailed planning and preparation that will take place prior to burning (FEIS pages 27-28), I consider the risk of excessive damage to live trees to be insignificant.

2.2.4 Environmental Documents Considered in Making the Decision

A number of other documents were specifically incorporated by reference into the analysis in the EIS for this project. Some of these documents include the 1997 revised Land and Resource Management Plan for the Black Hills National Forest (the Forest Plan) and the associated EIS and ROD; the revised Forest Plan as amended by the Phase 2 Amendment, and the associated EIS and ROD; annual national forest monitoring reports; and resource reports and other supporting information and analysis.

2.2.5 Best Available Science

My decision is based on consideration of the best available science. The record contains a thorough review of relevant scientific information and responsible opposing views, and, where appropriate, acknowledges incomplete or unavailable information, scientific uncertainty, and risk. Specifically, the extensive literature cited by specialists, listed in EIS chapter 5 and appendix C, shows that relevant literature has been reviewed and considered in preparing the EIS. In addition, appendix D and the record show that literature cited by the public during the comment period has been reviewed and considered as appropriate. Resource specialists have acknowledged their use of the best science available to them in preparation of the EIS.

2.2.6 Applicable Laws, Regulations, and Policies

For a complete discussion of how this decision complies with laws, regulations and policy, see section 6 starting on page 16.

3 Public Involvement

3.1 Project Scoping

The Forest Service solicited comments on the proposed action, potential concerns, and opportunities for managing the Rattlesnake project area from members of the public, other public agencies, tribal governments, adjacent property owners, interest groups, and agency specialists. Various methods were used to request comments, as described below.

- A scoping letter was mailed on October 22, 2008 to approximately 483 interested parties, including adjacent property owners, American Indian tribal representatives, state and Federal agencies, and other organizations. This letter included a description of the project area, an overview of the planning process, a general explanation of the proposed actions, and an invitation to comment.
- The Forest Service submitted a news release to local news media on October 28, 2008. The release was published by at least 5 media outlets. This release introduced the project to the public by providing a description of the project area and an explanation of the proposal. The release also solicited public comment on the project.
- The Federal Register published a notice of intent (NOI) to prepare the EIS on November 3, 2008. The NOI asked for public comment on the proposal by December 3, 2008. The publisher printed part of the notice incorrectly, so a revised NOI was published on November 25, 2008, requesting comments by December 22, 2008.
- A public open house was held at the Bearlodge Ranger District office in Sundance, Wyoming, on November 13, 2008. The meeting was attended by 11 interested parties who met with Forest Service officials to review maps of the project area and discuss the proposed actions. Attendees were encouraged to submit comments on the proposed actions or to document their concerns
3.2 Draft EIS

The Forest Service solicited comments on the DEIS from interested parties, including members of the public, other public agencies, tribal governments, adjacent property owners, interest groups, and agency specialists. The following notification methods were used.

- The Federal Register published a notice of availability (NOA) of the DEIS on October 9, 2009. The NOA announced the availability of the DEIS to interested parties and initiated the 45-day comment period, which ended on November 23, 2009.
- The Rapid City Journal published a legal notice announcing the availability of the DEIS on October 14, 2009. This notice solicited comments from interested parties.
- The Forest Service submitted a news release to local news media on October 7, 2009. The release announced availability of the DEIS and solicited comments. It was published by at least 3 media outlets.
- A public open house was held at the Bearlodge Ranger District office in Sundance, Wyoming, on October 22, 2009. The meeting was attended by 10 interested parties who met with Forest Service officials to review maps of the project area and discuss the alternatives.

The Forest Service received 57 comment letters on the DEIS. Comments and Forest Service responses are presented in FEIS appendix D. Comments prompted additional analysis and several clarifications in the FEIS.

3.3 Other Public Involvement

Other information sharing, communication, and interaction with interested parties, agencies, and individuals have occurred on a continuing basis during project planning. The interdisciplinary team considered information shared by such parties in the development of the EIS.

3.4 Response to DEIS and Changes from Draft to Final

I read all of the comments submitted in response to the DEIS. The comments provided a framework for further analysis and contributed to my decision. FEIS appendix D contains the comments and agency disposition and responses.

The main changes between the draft and final EISs include expanded description of prescribed fire proposals, strengthening of analysis, and incorporation of the 2010 Black Hills National Forest travel management decision.

4 Alternatives Considered

4.1 Alternatives Analyzed in Detail

Alternative A was the no-action alternative (FEIS page 23). It assumed that none of the elements of the proposed action or other action alternatives would take place in the Rattlesnake project area in the next 10 to 15 years. This alternative did not meet the purpose of and need for action. Public comments indicated both support for and objection to alternative A. Because of clear, existing needs in the project area, I am unwilling to delay action.

Alternative B was the proposed action (FEIS pages 24-36). It was designed to respond to the purpose of and need for action and to move conditions in the project area toward the desired conditions described in
the Forest Plan. I did not select this alternative because modifications could be made to better respond to public comments, wildfire hazard in wildland-urban interface, and the developing beetle infestation.

Alternative C (FEIS pages 36-39) emphasized the purpose and need elements of fire hazard, beetle infestation risk, vegetation diversity, and winter range by adding or expanding treatments in certain areas and eliminating road construction. I did not select alternative C because modifications could be made to better respond to public comments and developing beetle infestation.

Alternative D (FEIS pages 39-43) responded to public comments requesting minimal disturbance to the area in conjunction with targeted treatments to address fire hazard and risk of beetle infestation. It emphasized the purpose and need elements of vegetation diversity and late-succession landscapes by eliminating commercial timber harvest in certain areas, adding meadow and aspen enhancement treatments, and reducing fuels adjacent to non-NFS lands. Alternative D addressed the issue of beetle infestation risk by focusing treatments in the southeastern part of the project area, closest to existing infestations. I did not select alternative D because it would have left an unacceptably high proportion of the project area susceptible to crown fire and beetle infestation. I incorporated in the selected alternative elements of alternative D that were designed to reduce fire hazard adjacent to non-NFS lands, but it did not include enough actions to reduce fire risk across the landscape. In addition, it included the fewest acres of prescribed burning, which I believe is an important management tool for decreasing wildfire hazard, improving habitat, and reducing departure from historical fire regime.

Alternative E (FEIS pages 43-47) responded to public comments requesting additional treatments to further reduce fire hazard and the risk of beetle infestation. It emphasized the purpose and need elements of fire hazard, beetle infestation, commercial timber production, and vegetation diversity by adding timber harvest in certain areas. I did not select alternative E because the analysis demonstrated that some of the road construction associated with proposed commercial timber harvest could have had unacceptable effects on soils and winter range habitat. This alternative also included the fewest acres of uneven-age management, which I believe is important for diversifying stand structure, habitat, and scenery.

Alternative B as modified is my selection. Its intent is similar to that of alternative B but it was modified in response to public comment and the developing beetle infestation. This alternative protects key resources while addressing project area needs. Components and features of my decision are described in section 2.2, starting on page 6.

Table 3 summarizes these alternatives.

<table>
<thead>
<tr>
<th>Treatment (acres)</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>B modified (selected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial thin</td>
<td>4,238</td>
<td>4,002</td>
<td>1,903</td>
<td>5,758</td>
<td>4,596</td>
</tr>
<tr>
<td>Diameter limit cut</td>
<td>0</td>
<td>0</td>
<td>436</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Group selection</td>
<td>384</td>
<td>384</td>
<td>399</td>
<td>141</td>
<td>384</td>
</tr>
<tr>
<td>Individual tree selection (uneven-age)</td>
<td>1,400</td>
<td>1,286</td>
<td>243</td>
<td>200</td>
<td>1,400</td>
</tr>
<tr>
<td>Overstory removal</td>
<td>2,302</td>
<td>2,233</td>
<td>0</td>
<td>2,492</td>
<td>2,437</td>
</tr>
<tr>
<td>Seedcut</td>
<td>1,567</td>
<td>1,151</td>
<td>0</td>
<td>3,591</td>
<td>1,742</td>
</tr>
<tr>
<td>Shaded fuel break</td>
<td>288</td>
<td>288</td>
<td>288</td>
<td>0</td>
<td>288</td>
</tr>
<tr>
<td>Total commercial</td>
<td>10,179</td>
<td>9,344</td>
<td>3,269</td>
<td>12,182</td>
<td>10,847</td>
</tr>
<tr>
<td>Non-commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Precommercial thin</td>
<td>3,951</td>
<td>4,003</td>
<td>3,328</td>
<td>4,087</td>
<td>3,951</td>
</tr>
<tr>
<td>Pine from meadow</td>
<td>615</td>
<td>728</td>
<td>724</td>
<td>615</td>
<td>728</td>
</tr>
<tr>
<td>Pine from montane grassland (cut/pile fuels)</td>
<td>51</td>
<td>51</td>
<td>88</td>
<td>0</td>
<td>51</td>
</tr>
</tbody>
</table>
### Table

<table>
<thead>
<tr>
<th>Treatment (acres)</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>B modified (selected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pine from aspen</td>
<td>363</td>
<td>386</td>
<td>402</td>
<td>384</td>
<td>402</td>
</tr>
<tr>
<td>Pine from oak</td>
<td>62</td>
<td>62</td>
<td>62</td>
<td>0</td>
<td>62</td>
</tr>
<tr>
<td>Thin understory (vista)</td>
<td>0</td>
<td>19</td>
<td>19</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Mechanical fuel treatment</td>
<td>176</td>
<td>324</td>
<td>0</td>
<td>1,117</td>
<td>176</td>
</tr>
<tr>
<td>Thin/hand-pile fuels</td>
<td>31</td>
<td>31</td>
<td>13</td>
<td>74</td>
<td>31</td>
</tr>
<tr>
<td>Thin fuels in WUI (Ranch A area)</td>
<td>0</td>
<td>0</td>
<td>170</td>
<td>0</td>
<td>170</td>
</tr>
<tr>
<td><strong>Total non-commercial</strong></td>
<td>5,249</td>
<td>5,604</td>
<td>4,806</td>
<td>6,277</td>
<td>5,586</td>
</tr>
</tbody>
</table>

**Prescribed broadcast burns**

| Boundary fire area                                    | 1,051| 1,051| 1,051| 1,051| 1,051                |
| MA 3.7/Sand Creek inventoried Roadless Area          | 2,584| 854  | 0    | 2,584| n/a                  |
| Other areas                                           | 2,507| 2,113| 214  | 1,907| 2,164                |
| **Total prescribed broadcast burn**                   | 6,142| 4,018| 1,265| 5,542| 3,215                |

<table>
<thead>
<tr>
<th>Road work (miles)</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>B modified (selected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>1.5</td>
<td>0</td>
<td>0</td>
<td>9.0</td>
<td>0.8</td>
</tr>
<tr>
<td>Convert to system</td>
<td>8.7</td>
<td>7.2</td>
<td>2.0</td>
<td>9.5</td>
<td>8.7</td>
</tr>
<tr>
<td>Major reconstruction</td>
<td>3.1</td>
<td>2.7</td>
<td>0</td>
<td>4.2</td>
<td>3.1</td>
</tr>
<tr>
<td>Minor reconstruction</td>
<td>98.6</td>
<td>98.4</td>
<td>51.1</td>
<td>100.5</td>
<td>100.1</td>
</tr>
<tr>
<td>Maintenance</td>
<td>11.1</td>
<td>11.1</td>
<td>10.7</td>
<td>11.1</td>
<td>11.1</td>
</tr>
<tr>
<td>Temporary</td>
<td>8.0</td>
<td>7.8</td>
<td>1.9</td>
<td>9.8</td>
<td>8.8</td>
</tr>
<tr>
<td>Number of roads needing easement</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>1</td>
</tr>
</tbody>
</table>

### 4.2 Alternatives Not Analyzed in Detail

The interdisciplinary team considered 9 additional alternatives that were not carried forward for detailed analysis in the EIS. Descriptions of these alternatives and reasons for their elimination from detailed analysis are located on FEIS pages 48-49.

### 4.3 Environmentally Preferable Alternative(s)

NEPA implementing regulations at 40 CFR §1505.2 require that the decision document identify the alternative(s) that best promote national environmental policy as expressed in NEPA §101. This is ordinarily “the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources” (FSH 1909.15, 05).

I believe that alternatives B and C are environmentally preferable. These alternatives would begin to reduce the degree of departure from historical fire regimes. As a result, the potential for widespread, uncharacteristically intense wildfire and attendant severe effects on historical, cultural, and natural resources would decrease. Big game winter range conditions would also improve under these alternatives. While these alternatives have the potential to cause direct damage to the environment, the analysis shows that they are unlikely to do so. Alternative E would decrease fire hazard further but has higher potential to negatively affect soils and winter range through road construction.
5  Findings Required by Laws and Regulations

The EIS was prepared in accordance with the following laws and regulations.

5.1  Clean Air Act

The Clean Air Act of 1970 and its amendments protect and enhance the nation’s air resources. Federal and state ambient air quality standards are not expected to be exceeded as a result of implementing the selected alternative (FEIS pages 96-97). This action is consistent with the Clean Air Act.

5.2  Clean Water Act

The Clean Water Act, as amended, regulates dredging and filling freshwater and coastal wetlands. Section 404 (33 USC 1344) of the Clean Water Act prohibits discharging dredged or fill material into waters (including wetlands) of the United States without first obtaining a permit from the U.S. Army Corps of Engineers. Wetlands are regulated in accordance with federal Non- Tidal Wetlands Regulations (Sections 401 and 404). Any permits required for watershed improvement activities will be acquired prior to implementation. My decision will improve watershed condition (FEIS pages 147-149). This project is consistent with the Clean Water Act.

5.3  Endangered Species Act

The Endangered Species Act (ESA, 16 USC 1531 et seq.) requires that any action authorized by a federal agency not be likely to jeopardize the continued existence of a threatened or endangered species or result in the destruction or adverse modification of the critical habitat of such species. No threatened, endangered, or proposed wildlife or plant species or their critical habitat are known to occur in the Rattlesnake project area. Therefore, the analysis concluded that the Rattlesnake project would have no effect on listed or proposed species and no impact on critical habitat (FEIS pages 102 and 111).

5.4  National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal agencies to complete detailed analyses of proposed actions that significantly affect the quality of the human environment. The Act’s requirement to prepare an environmental impact statement is designed to provide decision makers with a detailed accounting of the likely environmental effects of a proposed action prior to adoption and to inform the public of (and encourage their comments on) such effects. The FEIS analyses the alternatives and displays the environmental effects in conformance with NEPA standards. The procedural requirements of the NEPA have been followed.

5.5  National Forest Management Act

The 1982 regulations for implementing the National Forest Management Act (NFMA, 16 U.S.C. 1604(i)) have been superseded and are no longer in effect. The scope of analysis for a Forest Plan’s management indicator species (MIS) is determined by the Forest Plan’s management direction, specifically its standards and guidelines (Forest Plan chapter II) and monitoring direction (chapter IV). The Forest Plan contains no obligation to conduct project-specific monitoring or surveying for MIS (Phase 2 ROD, pages 8 and 20; Forest Plan as amended, page I-11, objective 238). The Forest Plan establishes monitoring and evaluation requirements that do not require population monitoring for MIS, but rather employ habitat capability relationships (Phase 2 ROD, page 20; Forest Plan as amended, page I-11, objective 238). The Rattlesnake project analyzed the following MIS because habitat for these species is found in the project area: black-backed woodpecker, brown creeper, golden-crowned kinglet, ruffed grouse, song sparrow, beaver, and white-tailed deer.
Consistency with the Land and Resource Management Plan, as Amended (Forest Plan)
NFMA requires me to ensure that permits, contracts, cooperative agreements, and other activities carried out on the Black Hills National Forest are consistent with the Forest Plan. My decision is consistent with this direction in that:

- Planned activities will contribute to Forest Plan goals and objectives (FEIS chapter 1).
- I have reviewed the Black Hills National Forest FY 2008 Monitoring and Evaluation Report and Region 2 Management Indicator Species (MIS) guidance for projects. The effects of planned activities on MIS are consistent with the Forest Plan (FEIS chapter 3 and appendix C).
- Planned activities are consistent with management area direction (FEIS chapter 3).
- Planned activities comply with Forest Plan standards (FEIS chapter 3).

Specifically, the selected alternative would contribute toward achievement of the following Forest Plan objectives.

- **103** (maintain and improve long-term stream health): Existing stream condition is discussed on FEIS pages 142-145. Direct, indirect, and cumulative effects are discussed on pages 146-152. BMP effectiveness is discussed on page 149. Design features intended to maintain and improve long-term stream health are listed on FEIS pages 34-35 and in appendix A.
- **201** (manage for aspen): Alternative B as modified includes 402 acres of non-commercial removal of encroaching pine from aspen stands, which will maintain existing aspen acreage (FEIS page 27).
- **204** (conservate and enhance birch/hazelnut…): Design features intended to maintain birch stands and inclusions are found on FEIS pages 30-31. Effects are disclosed on pages 78-80.
- **205** (manage for meadows): Alternative B as modified includes 729 acres of non-commercial removal of encroaching pine from meadows and 51 acres of the same treatment in a montane grassland. These activities will maintain existing meadow acreage.
- **211** (provide snags): Design features intended to maintain snag availability are found on FEIS page 33. Effects are disclosed on pages 81-82.
- **213** (maintain or enhance riparian areas): Alternative B as modified includes watershed improvement projects and non-commercial removal of encroaching pine from riparian areas. Effects are discussed on FEIS pages 150-151 and in appendix C.
- **217** (maintain habitat for game and fish populations): The selected alternative will maintain or improve game and fish habitat as discussed in FEIS appendix C, pages 49-51 and 74-78.
- **218** (conservate or enhance habitat for non-game wildlife): Effects on non-game wildlife are summarized on FEIS pages 103-109, with full analyses in FEIS appendix C.
- **221** (conservate or enhance habitat for R2 sensitive species and species of local concern): Effects on these species are summarized on FEIS pages 103-105, 107-108, and 111-113, with full analyses in FEIS appendix C.
- **234** (reduce fire hazard adjacent to rare plant occurrences and botanical areas): Effects on rare plants and botanical areas are disclosed on FEIS pages 111-115 and in appendix C.
- **238a** (maintain or enhance habitat for ruffed grouse, beaver, song sparrow, white-tailed deer, and brown creeper): See objectives 201, 205, 211, 213, 217, 218, and 221 above.
- **238b** (maintain habitat for black-backed woodpecker): See objective 211 above and management area structural stage objectives below.
- **238c** (maintain habitat for golden-crowned kinglet): See FEIS appendix C.
- **303** (provide for sustained commodity uses in an environmentally acceptable manner): Alternative B as modified will produce approximately 47 million board feet (9.4 million cubic feet) while creating conditions for increased growth and continuing availability of forest products.
- **10-01** (reduce fire hazard): See page 6 of this document and FEIS pages 92-96.
Resource Management Requirements
NFMA directs the Secretary of Agriculture to establish certain resource management guidelines in the agency directives system. I find that the activities in this project decision comply with NFMA as follows:

- Irreversible resource damage will not occur. The project will not cause irreversible resource damage, such as to soil productivity or watershed condition (FEIS page 178).
- Adequate restocking is assured (see silviculture report in project file).
- No timber harvest will occur on lands classified as unsuitable for timber production (see silviculture report in project file).
- No created openings will be larger than 40 acres.
- Culmination of mean annual increment (CMAI) requirements are met. NFMA at 16 U.S.C. 1604(m)(2) allows exceptions to the general prohibition on harvesting trees prior to CMAI in a given even-age timber stand. This decision will create exceptions consistent with part (m)(2) of the law with the following treatments: commercial thin, precommercial thin, group selection, individual tree selection, shaded fuel break, mechanical and manual fuel reduction, removal of small pine from meadows, aspen stands, and oak stands, and vista thinning. These treatments are more fully described in the FEIS at pages 24-27. The public was advised of these exceptions to the law during the notice and comment period for this project.

5.6 National Historic Preservation Act
The National Historic Preservation Act (NHPA) provides comprehensive direction to federal agencies to identify, evaluate, treat, protect, and manage historic properties. It expands the National Register of Historic Places (NRHP) and establishes the Advisory Council on Historic Preservation (ACPH) and State Historic Preservation Offices (SHPOs). NHPA Section 106 directs all federal agencies to take into account effects of their undertakings (actions, financial support, and authorizations) on properties included in or eligible for the NRHP. Section 106 is implemented by ACHP regulations (36 CFR §800).

In accordance with programmatic agreement #09-MU-1102000-003 among the Forest Service, Wyoming SHPO, and the ACPH, the Forest Service will complete NRHP evaluations for all unevaluated cultural sites located in the area of potential effect prior to project implementation. The effects analysis will be submitted to the Wyoming SHPO, pursuant to stipulations in the programmatic agreement, after the NRHP evaluations have been completed but prior to project implementation. This commitment under the programmatic agreement satisfies legal requirements for this decision.

5.7 Other Laws and Executive Orders
Executive Order 11593
Executive Order 11593, Protection and Enhancement of the Cultural Environment, also includes direction about the identification and consideration of historic properties in federal land management decisions. The order, issued May 13, 1971, directs federal agencies to inventory cultural resources under their jurisdiction, to nominate to the NRHP all federally owned properties that meet the criteria, to use due caution until the inventory and nomination processes are completed, and to assure that federal plans and programs contribute to preservation and enhancement of properties not federally owned. This project satisfies the requirements of E.O. 11593 (FEIS page 168).
Executive Order 11988
This order requires that federal activities generally avoid occupancy and modification of floodplains. The selected alternative will not change floodplain function or value and complies with E.O. 11988 (FEIS page 150).

Executive Order 11990
Executive Order 11990, Protection of Wetlands, requires that federal activities generally avoid modification or destruction of wetlands. The selected alternative complies with E.O. 11990 and will not negatively affect wetlands (FEIS pages 150-151).

Executive Order 12898
A specific consideration of equity and fairness in resource decision-making is encompassed in the issue of environmental justice. E.O. 12898 provides that “each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” No adverse effects from the selected alternative have been identified on minority or low-income populations (FEIS page 172).

Executive Order 13112
This order requires federal agencies to avoid actions that will spread invasive species unless the benefits of the actions clearly outweigh the potential harm and all feasible and prudent measures to minimize risk of harm will be taken. The analysis shows that the selected alternative will comply with this order (FEIS page 119).

6 Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR Part 215 (June 2003). Written appeals must be submitted within 45 days following the publication date of the legal notice of this decision in the Rapid City Journal, Rapid City, South Dakota. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

Black Hills National Forest Supervisor’s Office
Appeal Deciding Officer
Attn: Ed Fischer
1019 North Fifth Street
Custer, SD 57730

Phone: (605) 673-9200
Fax: (605) 673-9350

Electronic mail: appeals-rocky-mountain-black-hills@fs.fed.us

Appeals may be hand-delivered to the office address above between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Federal holidays.

In electronic appeals, the subject line should contain the name of the project being appealed. Electronic appeals must be submitted and readable in Microsoft Word, Rich Text or PDF format. When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgement confirming agency receipt. If the appellant does not receive an automated acknowledgement of the receipt
of the appeal, it is the appellant’s responsibility to ensure timely receipt by other means (36 CFR 215.15(c)(3)).

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

1. the appellant’s name and address, with a telephone number, if available;
2. a signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
3. when multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
4. the name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. the regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
6. any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
8. why the appellant believes the Responsible Official’s decision failed to consider substantive comments; and
9. how the appellant believes the decision specifically violates law, regulation, or policy.

Notices of appeal that do not meet the requirements of 36 CFR 215.14 may be dismissed.

7 Implementation

Pursuant to 36 CFR 215.9(a), if no appeal is filed within the 45-day time period, implementation of this decision may occur on the 5th business day following the close of the appeal filing period. If an appeal is received, implementation may occur on the 15th business day following the date of the appeal disposition (36 CFR 215.9(b)).

8 Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Elizabeth Krueger, Bearlodge District Resource Planner, PO Box 680, 101 South 21st Street, Sundance, Wyoming 82729, (307) 283-1361.

9 Signature and Date

[Signature]
STEVEN J. KOZEL
District Ranger

[Date]

Rattlesnake Forest Management Project
Record of Decision—Excluding Sand Creek IRA
Attachments

1) Design Criteria and Monitoring
2) Detailed Maps