



**File Code:** 1950-Mystic Range Project

**Date:** October 13, 2010

Greetings from the Black Hills National Forest:

Black Hills National Forest (BHNF) personnel recently completed a Final Environmental Impact Statement (FEIS) for the Mystic Range Project. The Mystic Range Project generally lies within the central portion of the Mystic Ranger District, which is located in western South Dakota. The project area encompasses eight grazing allotments: Bald Horse (27,828 acres), Deerfield (7,874 acres), Palmer Gulch (14,190 acres), Porcupine (9,858 acres), Redfern (11,573 acres), Rimmer (2,011 acres), Slate Prairie (5,896 acres), and Tigerville (5,825 acres). The project area consists of approximately 85,055 acres of National Forest System lands.

This FEIS covers the analysis for two separate decisions. The first Record of Decision considers seven of the eight allotments covered in the Mystic Range Project FEIS: Bald Horse, Deerfield, Porcupine, Redfern, Rimmer, Slate Prairie, and Tigerville Allotments. The second Record of Decision considers the eighth allotment – Palmer Gulch. The Palmer Gulch allotment is the subject of a separate Record of Decision because of unique issues regarding the Norbeck Wildlife Preserve that do not affect the other seven allotments.

The project's main focus was to determine whether or not livestock grazing should continue on the eight allotments and, if so, whether any changes may be needed to meet the Black Hills National Forest Land and Resource Management Plan, as amended (Forest Plan).

The proposed action is to reauthorize grazing of domestic livestock on eight grazing allotments and improve livestock management as needed. The purpose of and need for the Mystic Range Project is to:

- Improve livestock management so that it is consistent with the goals, objectives, standards, and guidelines of the Forest Plan, as amended.
- Improve species composition of upland vegetation.
- Improve streambank stability.
- Improve riparian vegetation diversity and abundance.
- Reduce the risk of livestock-vehicle collisions.

I have enclosed a copy of the Mystic Range Project Final EIS and Record of Decisions. Chapters 1 and 2 provide background and comparison of alternatives for many readers to judge the relative merits of the various alternative approaches to reducing the rapidly expanding mountain pine beetle epidemic and the potential for severe wildfire, and other issues. More detail on the effects of alternatives is presented in Chapter 3.

The decisions are to implement Alternative C, as presented in the FEIS, with some modifications. The general rationale for this approach is based on the purpose and need for the project, the key issues, and comments received on the Draft EIS. The decisions address maintenance or improvements of upland and riparian resources, while supporting local ranch families and communities. It also reduces the risk of livestock-vehicle collisions on high speed roads, and meets requirements under all applicable laws,



regulations, and policies including the Norbeck Organic Act. Alternative C - Modified provides the greatest flexibility in terms of range management options.

This decision is subject to administrative review (appeal) pursuant to 36 Code of Federal Regulation (CFR) Part 215. This decision is also subject to administrative review under 36 CFR Part 251 Subpart C, by term grazing permit holders or applicants (§251.86). However, term grazing permit holders or applicants must choose to appeal under either 36 CFR 251 or 215, but not both (§251.85). Notices of Appeal that do not meet the content requirements of 36 CFR 215.14 or 36 CFR 251.90, as appropriate, will be dismissed.

Appeals filed under 36 CFR Part 215 – Appeals filed under 36 CFR Part 215, must be submitted (by regular mail) to: USDA Forest Service Region 2, Appeals Deciding Officer, 740 Simms Street, Golden, CO 80401 or (by fax) to 303-275-5134. The office business hours for those submitting hand delivered appeals are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic appeals must be submitted in .pdf, rich text format (.rtf), or Word (.doc) to [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us) Include the name of the project being appealed in the subject line. Appellants should normally receive automated electronic acknowledgement as confirmation of agency receipt of electronic appeals. If the appellant does not receive an automated acknowledgement of receipt, it is the appellant's responsibility to ensure timely receipt by other means. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of notice of this decision in the Rapid City Journal, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Rapid City Journal, newspaper of record, is the exclusive means for calculated the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

To be eligible to appeal this decision on this project, an individual or group must have provided a comment or otherwise expressed interest in this project by the close of the comment period. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Appeals filed under 36 CFR Part 251 Subpart C – Appeals filed under 36 CFR Part 251, must be submitted (by regular mail) to: USDA Forest Service, Black Hills National Forest, Attn: Ed Fischer, 1019 N. 5<sup>th</sup> St., Custer, SD 57730, or (by fax) to 605-673-9350, (if hand-delivery or express delivery) to 1019 N. 5<sup>th</sup> St., Custer, SD. The office business hours for those submitting hand-delivered appeals are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic appeals must be submitted in .pdf format, rich text (.rtf), or Word (.doc) to [appeals-rocky-mountain-black-hills@fs.fed.us](mailto:appeals-rocky-mountain-black-hills@fs.fed.us) Include the name of the project being appealed in the subject line. Appellants should normally receive an automated electronic acknowledgement as confirmation of agency receipt of electronic appeals. If the appellant does not receive an automated acknowledgement of receipt, it is the appellant's responsibility to ensure timely receipt by other means. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals must be filed within 45 days following the date on the notice of the written decision (§251.88). Attachments received after the 45 day appeal period will not be considered. Appeals filed under 36 CFR 251 Subpart C must have a copy of the appeal simultaneously sent to the Deciding Officer

(§251.88) at: Deciding Officer, Mystic Ranger District, Black Hills National Forest; Attention: Robert Thompson, District Ranger, 8221 S. Hwy 16, Rapid City, SD 57702 or (by fax) to 605-343-7134.

It is the appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Deciding Officer's decision should be reversed (§251.90). The Deciding officer is willing to meet with the applicants and holders to hear and discuss any concerns or issues related to the decision (§251.93).

An appellant may also include in the notice of appeal a request for oral presentation (§251.97) or request for stay of implementation of the decision pending decision on the appeal (§251.91).

Implementation of the selected alternative will occur under the authority of this Record of Decision, subject to the appropriate appeal and implementation procedures cited above. Acreages and locations are approximate and may vary slightly during implementation depending on site-specific conditions.

Pursuant to 36 CFR Part 215, if no appeal is filed within the 45 day time period, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Pursuant to 36 CFR Part 251 Subpart C, if no appeal is filed, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may occur during the appeal process, unless the Reviewing Officer grants a stay (§251.91).

For additional information concerning this decision contact Katie Van Alstyne, ID Team Leader, Robert J. Thompson, District Ranger, phone (605) 343-1567 or Ed Fischer, Environmental Coordinator, Black Hills National Forest, 1019 North 5<sup>th</sup> Street, Custer, SD 57730, phone (605) 673-9200.

Sincerely,

*/s/Robert J. Thompson*

ROBERT J. THOMPSON  
District Ranger

Enclosure:

Mystic Range Project FEIS

Mystic Range Project ROD – Bald Horse, Deerfield, Porcupine, Redfern, Rimmer, Slate Prairie,  
and Tigerville Allotments

Mystic Range Project ROD – Palmer Gulch Allotment