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**File Code:** 1570  
**Date:** May 2, 2023

Dear Objectors:

This letter is in response to objections filed on the South Otter Environmental Assessment (EA) and Draft Decision Notice released by Ron Hecker, Ashland District Ranger. I have read your objections and reviewed the project record. My review of your objections was conducted in accordance with the administrative review procedures found at 36 CFR 218, Subparts A and B.

### **ADMINISTRATIVE REVIEW PROCESS**

The regulations at 36 CFR 218 provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objections.

In my review of objections, I considered issues related to the National Environmental Policy Act, the Custer Gallatin National Forest plan, the National Forest Management Act, wildlife, watershed, fisheries, vegetation management, noxious weeds, recreation, travel management, and carbon sequestration and climate change.

### **RESOLUTION OF OBJECTIONS**

Objection regulations at 36 CFR 218.11(a) allow for parties to meet to discuss issues raised in the objection and potential resolutions. I hosted an objection resolution meeting on April 10, 2023, attended by Tom Partin of American Forest Resource Council, Ilona Wilde and Frank Szollosi of Montana Wildlife Federation (MWF), and Aubrey Bertram and Maddy Munson of Wild Montana. I really appreciated the dialogue and level of engagement by those who were able to attend.

During the resolution meeting, specific remedies were provided by representatives from MWF. After the meeting, proposed remedies were refined by me with support from my staff. We gave careful consideration to the details to ensure that we could follow through on our commitments. After the discussions in the first resolution meeting, I then invited all objectors to a second resolution meeting on April 20<sup>th</sup> to discuss the remedies further. The second meeting was attended by MWF representatives Ilona Wilde, Frank Szollosi and Elizabeth McFarland (also representing her unique objection) and Maddy Munson of Wild Montana. As a result of discussions, I accepted the remedies as stated below and Montana Wildlife Federation and Elizabeth McFarland withdrew their objections.

Many objectors expressed concern with the lack of public meetings and field trips. There is no specific requirement in NEPA that requires a set approach to public involvement. This is typically determined by responses to scoping or past indications of public interest around certain types of projects. I have heard the concerns here and recognize the value that public knowledge and engagement can bring. Therefore, in the agreed upon remedies, I am addressing more public opportunities and meetings post-decision as part of ongoing project implementation.



## **RESPONSE TO OBJECTIONS**

As specified at 36 CFR 218.11(b), this letter is my response to your objections. After my review of the EA, draft Decision Notice, and project record, I find the responsible official provided an adequate analysis of issues raised and provided acceptable documentation showing compliance with applicable law, regulation, and policy. However, based on review of objections and the results of objection resolution meetings, I am instructing the responsible official to comply with the following remedies and to complete objection review instructions.

### **Objection Resolution Remedies:**

1. The responsible official will award all contracts for commercial timber sales from this decision within a 10-year period following initial timber sale contract award. This would not limit timeframes for reforestation, prescribed burning, precommercial thinning or other restoration work covered by the decision.
2. The responsible official will provide an implementation schedule for planned commercial timber sales and associated road work as an appendix to the decision notice. The implementation schedule will be updated annually, shared on the project website, and questions answered during an annual public meeting, with a virtual option.
3. The responsible official will complete an Implementation and Monitoring Summary Report at least every 3 years (time between reports could be less) following the decision. This report will summarize actions implemented under the decision, including commercial timber sales, precommercial thinning, road work (including temporary roads, reconstruction, decommissioning and road closures), planting, prescribed burning, and other actions or mitigations arising from implementation. The completed report will be presented during the annual public meeting. If the report indicates that effects are outside those anticipated in the decision, the responsible official will indicate what actions will be taken to adjust future activities and/or mitigate effects.
4. The responsible official will remove proposed commercial timber activities and associated road work (temporary road construction, road reconstruction) in the Reanus and Taylor Creek areas from this final decision. This agreement will not limit non-commercial activities including reforestation, road and trail maintenance and decommissioning, precommercial thinning, prescribed burning, or other restoration activities approved under this decision.
5. The responsible official will host a public information session in Ashland Montana within 45 days of the final South Otter decision to share details of the decision, implementation schedule, and plans for annual updates and public engagement processes moving forward.

The content of this agreement does not preclude the consideration of future actions evaluated through a separate NEPA effort nor pertain to actions previously authorized through another decision.

### **Objection Review Instructions:**

1. Clarify the relationship between the 2009 Travel Plan decision and the South Otter travel decision.
2. Augment the Wildlife Effects Analysis Report to better address cumulative effects to big game hiding cover.
3. Correct statements in the Environmental Assessment and Summary of Public Comments document to clarify that the Council of Environmental Quality's (CEQ) 2020 NEPA regulations, as amended, apply to the South Otter EA and that use of the context and intensity factors from the 1978 CEQ NEPA regulations is allowed under the 2020 regulations.

### **CONCLUSION**

Upon incorporation of these instructions, the responsible official may sign the decision notice for this project. My review constitutes the final administrative determination of the United States Department of Agriculture; no further review from any other Forest Service or United States Department of Agriculture official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,

MARY C. ERICKSON  
Forest Supervisor

cc: Ron Hecker, Ken Coffin, Chandra Neils, Jennifer Woods, Olga Troxel, Pam Fletcher