

NOTICE OF DECISION
USDA - FOREST SERVICE
FLATHEAD NATIONAL FOREST
SPOTTED BEAR AND HUNGRY HORSE RANGER DISTRICTS

Flathead County, Montana

On May 4, 2006, Cathy Barbouletos, Flathead National Forest Supervisor (the Responsible Official), signed the Record of Decision (ROD) for the South Fork Flathead Watershed Westslope Cutthroat Trout Conservation Program. The ROD authorizes the use of piscicides (pesticides that target fish) within several lakes in the Bob Marshall Wilderness for the purpose of eliminating hybrid trout populations; and authorizes the short-term use of aircraft, outboard motors, pumps, and mixers within the Bob Marshall Wilderness and the Jewel Basin Hiking Area to transport and utilize equipment, materials, and personnel needed to accomplish the goals of this project. The Forest Service decision to authorize the specific activities described above is also contingent upon the respective approval of the activities described in Alternative B (selected alternative) by the Bonneville Power Administration (BPA), and the Montana Department of Fish, Wildlife, and Parks (MFWP). BPA is the lead Federal agency for this project and is responsible for funding the project. MFWP is a cooperating agency and has jurisdiction and responsibility to manage all fish and wildlife resources that occur on the state, federal, and private lands of Montana. The decision on whether or not to restock the lakes that are being treated with the piscicides is a decision in which MFWP has authority.

A written appeal of the Forest Service decision must be submitted within 45 days following the publication date of the legal notice of this decision in the Daily InterLake, Kalispell, MT. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the *exclusive* means for calculating the time to file an appeal. Appellants should not rely on date or timeframe

information provided by any other source. Paper appeals must be submitted to: USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, P.O. Box 7669, Missoula, MT 59807 or to USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, 200 East Broadway, Missoula, MT 59802. Office hours at the Northern Region office is from 7:30 a.m. to 4:00 p.m. Electronic appeals must be submitted to: appeals-northern-regional-office@fs.fed.us. In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF). It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information: The appellant's name and address, with a telephone number, if available; a signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal); when multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request; the name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision; the regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C; any specific change(s) in the decision that the appellant seeks and rationale for those changes; any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement; why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and how the appellant believes the decision specifically violates law, regulation, or policy.

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

http://www.fs.fed.us/r1/projects/appeal_index.shtml.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition. For further information regarding this decision, contact District Ranger Debbie Mucklow at (406) 387-3851 or Project Leader Michele Draggo at (406) 387-3827.

May 5, 2006