

BOW Responds to Forest Service Project Proposal

BOW recently wrote a letter to the US Forest Service in regard to the Black Hills Elk Mountain Fire reseeded project proposal. The letter was in response to the Forest Service wanting to use Categorical Exclusion (CE) as a basis to move forward with the reseeded project. The Forest Service stated in their proposal that there are “no extraordinary circumstances” to prevent this project, but we questioned the accuracy of that statement. Bighorn sheep are a Forest Service Region 2 “sensitive species”, and there certainly is a cause-effect relationship between the proposed action and the sensitive species. FS regulations (FSH 1909.15, 31.2) state that even if the degree of that relationship is uncertain as to its significance, then an extraordinary circumstance exists, and FS cannot evaluate a project using a CE.

Does this project reach beyond uncertainty? Are there foreseeable future harmful consequences to bighorn sheep and their long-term viability by replanting trees across the entire project area? If not a CE, we recommend that the level of analysis is better warranted through an environmental assessment (EA) or Environmental Impact Statement (EIS) to disclose and document known past, present or foreseeable future actions of the effects of this project. (36CFR 220.6(c)) An EA or EIS would offer a wide range of possible project designs (as compared to a CE). Options vary from doing nothing (No Action) to areas where tree planting might be possible to completely stocking trees as proposed.

We ask the FS to demonstrate why pine must be restocked. FS could explain the federal regulations that require this project. What are the regulatory options for the FS to take exception to the rules to restock? Could the FS evaluate other avenues to change and amend the Forest Plan that require restocking in this particular area? There has been a significant change in landscape circumstances from pine cover to mostly grass and shrubs with some isolated pine inclusions. Fire has shown to be a fairly regular occurrence in the past 32 years. Has vegetation and now occupancy by a FS R2 Sensitive Species warranted a change in management emphasis for bighorn sheep and other wildlife that prefer open habitats?