

**DECISION MEMO, NONSIGNIFICANT AMENDMENT TO THE
CUSTER NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN
CUSTER NATIONAL FOREST, MONTANA, NORTH DAKOTA, AND SOUTH DAKOTA
AMENDMENT NUMBER 25, FERRUGINOUS HAWK PROTECTION
June 1993**

DECISION NOTICE

Decision: It is my decision to amend the Forest Plan to add timing restrictions and dates for the protection of the Ferruginous hawk.

Rationale for the Decision: Forest Plan amendment number 11 added the Ferruginous hawk to the list of sensitive species in North Dakota. In 1991 the Northern Region of the Forest Service added the Ferruginous hawk to the list of sensitive species and in 1992 Interim Sensitive Species Guidelines were developed. Based on the Northern Regions Interim Sensitive Species Guidelines and other research I am adding guidelines for protection of active nests that include distance of disturbance from the nest and seasonal restrictions.

NONSIGNIFICANT NFMA AMENDMENT: This decision does not significantly alter any of the long-term projections for output production on the Custer National Forest. Therefore, this amendment is non-significant under NFMA (36 CFR 219.10(f)), and Forest Service Manual 1922.51, item 1 and 3.

IMPLEMENTATION: This decision will be implemented upon public notice. This Decision Notice is public notice and will be sent to all those who have requested notice of Forest Plan amendments and those who have participated in the amendment process. In addition, notice of this decision will be published in local newspapers.

ADMINISTRATIVE APPEAL: This decision is subject to appeal pursuant to 36 CFR 217. Any written notice of appeal to this decision must be fully consistent with 36 CFR 217.9, "Content of Notice of Appeal". As a minimum, a written notice of appeal filed with the reviewing officer must: 1) List the name, address, and telephone number of the appellant; 2) Identify the decision about which the requester objects; 3) Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the Deciding Officer; 4) Identify specifically that portion of the decision or decision ment to which the requester objects; 5) State the reasons for objection, including issues of fact, law, regulation, or policy applicable specifically how the decision violates law, regulation, or policy, and ; 6) Identify the specific change(s) in the decision that the appellant seeks, (36 CFR 217.9{b}). A written notice of appeal must be filed within 45 days of the date of this decision and sent to:

US Forest Service, Northern Region
David F. Jolly, Regional Forester
PO Box 7669
Missoula, MT 59801

CONTACT PERSON: Additional information can be obtained from:
Custer National Forest, PO Box 2556
Billings, Montana 59103, phone (406) 657-6361
Leroy White, Planning Program Officer

STEPHEN J. SOLEM
Acting Forest Supervisor

Date

**Forest Plan Amendment Number 25
Custer National Forest
Billings, Montana**

The Custer National Forest Land and Resource Management Plan will be amended as follows;

In the Wildlife Appendix, starting on page 177, add the Ferruginous hawk (*Buteo regalis*) as a sensitive species for Montana and North Dakota (it is already listed for South Dakota).

On page 19 of the Forest Plan, add the Ferruginous hawk under item 4, Key Species/Critical Timing Periods.

Ferruginous hawk

Nesting: March 1 to August 31

Disturbance Zone: ½ mile no disturbance (NSO stipulation in oil and gas leases)

STEPHEN J. SOLEM
Acting Forest Supervisor

Date