



File Code: 1570

Date: November 19, 1999

Pacific Environmental Advocacy Center
10015 S.W. Terwillinger Boulevard
Portland, Oregon 97219

Dear Mr. Rohlf:

This letter is in response to your letter dated September 23, 1999 sent to myself, Forest Service Northern Region Regional Forester Dale Bosworth, Secretary of the Department of Agriculture Dan Glickman, and Secretary of Interior Bruce Babbitt. In addition, this letter also responds to the October 6, 1999 letter of Friends of the Wild Swan, on the same matter, to Regional Forester Dale Bosworth and Chief of the Forest Service Mike Dombeck. I am responding for the Northern Region of the Forest Service.

Your letter on behalf of the Swan View Coalition and Friends of the Wild Swan provided notice pursuant to the Endangered Species Act ("ESA"), 16 U.S.C. 1540(g) claiming that the Forest Service was violating its duty under 50 CFR 402.16(c) to reinstate ESA section 7 consultation with the U.S. Fish and Wildlife Service on Amendment 19 to the Flathead Forest Plan and its duty under 16 USC 1536(a)(1) to develop conservation programs for grizzly bears and bull trout. You additionally state that Forest Service actions are resulting in illegal takings of these species.

The basis for your allegations is the Flathead National Forest's May 6, 1999 issuance of the document entitled "LRMP Implementation Note #13" which you claim significantly altered Flathead Forest Plan Amendment #19 (incorporated into the Flathead Forest Plan as Appendix TT) without consulting with the USFWS pursuant to section 7 of ESA.

The purpose of LRMP Implementation Note #13 was to improve consistency in data classification concerning road reclamation and use as to Amendment 19 (Appendix TT) calculations. However, I have reviewed the language of LRMP Implementation Note #13 and the existing Forest Plan Appendix TT and have determined to rescind Implementation Note #13 to avoid any confusion or misunderstanding with the implementation of Appendix TT. As such, I have withdrawn the May 6, 1999 LRMP Implementation Note #13. My letter to the District Rangers and Staff withdrawing the note is attached. The definitions and direction contained in Appendix TT will be used by the Flathead National Forest unless and until the Forest Plan is subsequently amended or revised and any consultation obligations are satisfied with the U.S. Fish and Wildlife Service.

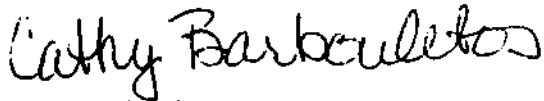
In light of the withdrawal of Implementation Note #13, I am reviewing the Paint Emery Resource Management Project Decision Notice, which I signed on May 27, 1999. The Paint Emery Decision Notice indicated that some culverts may not be removed on an existing snowmobile route to



facilitate trail grooming. The Forest Service will apply the definition of "reclaimed road" under Forest Plan Appendix TT, and the road will not be counted as "reclaimed" if culverts aligned with stream channels are not removed. The route is closed to all motorized vehicles from April 15 to November 30 to provide security for grizzly bear and other wildlife species.

I believe that this action is fully responsive to your September 23, 1999 letter and to the letter of October 6, 1999 from Friends of the Wild Swan. However, if you have any remaining concerns please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Barbouletos".

Cathy Barbouletos
Forest Supervisor

cc: Friends of the Wild Swan
USFWS - Helena
DOJ - Wildlife