



United States
Department of
Agriculture

Forest
Service

Beaverhead-Deerlodge
National Forest
Dillon Ranger District

420 Barrett Street
Dillon, MT 59725-3572
(406) 683-3900

File Code: 1950

Date: July 31, 2008

Dear Forest Users:

I am withdrawing my May 25, 2007 Decision Memo to implement the Birch Creek Fuels Management project on the Beaverhead-Deerlodge National Forest. The project was approved under the Hazardous Fuels Reduction Categorical Exclusion - FSH 1909.15, chapter 30, 31.2(10).

On December 5, 2007 the U. S. Ninth Circuit Court of Appeals declared the Hazardous Fuels Reduction Categorical Exclusion invalid. (Sierra Club v. Bosworth, 341 F.3d 961 (9th Cir. 2007)). Recently, the Ninth Circuit denied the government's petition for panel rehearing in the case and issued the mandate to the district court with the judgment taking effect on June 24, 2008.

The Birch Creek project involved 930 acres of proposed fuel treatment (slashing and burning) conducted by Forest Service crews. In the event the Forest Service proposes or conducts activity in the Birch Creek area in the future, we will complete new environmental analysis consistent with applicable law including public involvement and issue a new decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Osen'.

THOMAS OSEN
District Ranger

