



United States Department of the Interior

OFFICE OF THE SOLICITOR
Billings Field Office
2021 4th Avenue North, Suite 112
Billings, MT 59101

September 3, 2014

U.S. Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 North Quincy Street, Suite 300
Arlington, VA 22203

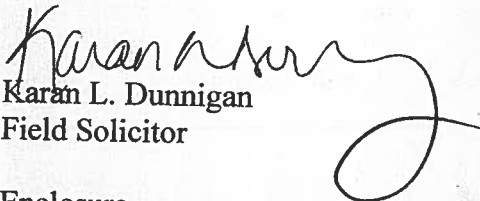
Re: *Appeal of Native Ecosystems Council and Alliance for the Wild Rockies*, IBLA
No. 2014-227

Dear Clerk:

Enclosed for filing in the above-referenced appeal is BLM'S MOTION TO VACATE AND
REMAND DECISION. Appellants were served with copies of the pleading by regular mail.

If you have any questions concerning the BLM's motion or this appeal, please feel free to
contact me at (406) 247-7583.

Sincerely,


Karan L. Dunnigan
Field Solicitor

Enclosure

cc:

Sara Johnson, Director, NEC

✓ Mike Garrity, Director, AWR

Acting Field Manager, Missoula Field Office, BLM
(w/cy. of enc. to ea.)

KARAN L. DUNNIGAN, Field Solicitor
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UNITED STATES DEPARTMENT OF THE INTERIOR
 OFFICE OF HEARINGS AND APPEALS
 INTERIOR BOARD OF LAND APPEALS

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APPEAL OF)	
Native Ecosystems Council)	IBLA Docket No.
Alliance for the Wild Rockies)	2014-227
)	
)	
)	
Chamberlain-Wales)	
Resource Management Projects)	
Environmental Assessment)	
# DOI-BLM-MT-B010-2013-0017-EA)	BLM's MOTION TO VACATE
(May 6, 2014))	AND REMAND DECISION
)	
_____)	

The Bureau of Land Management (BLM), through undersigned counsel, requests that the Board vacate BLM's pre-commercial thinning decision and remand that matter to BLM for further consideration. The reasons for the motion are set forth below.

Appellants seek review of the BLM's Decision Record (DR) approving a proposed project for timber harvest and thinning, prescribed burning, establishment of a helispot, and temporary road construction and rehabilitation (Project). The Project is a subset of actions analyzed in Environmental Assessment # DOI-BLM-MT-B010-2013-0017-EA (EA).¹ The EA was

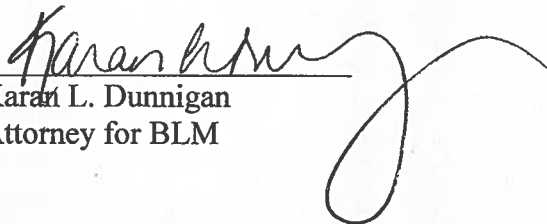
¹ A February 14, 2014, BLM decision implemented another subset of actions based on a November 20, 2013, version of the EA. No protests or appeals were filed challenging that action.

prepared to analyze the potential impacts of a variety of proposed forest vegetation treatments and road-related projects on public lands in and around Chamberlain Creek and Wales Creek near Ovando, Montana. EA at 6.

BLM issued the EA in May 2014. The Decision Record was signed by the Acting Field Manager for the Missoula Field Office on May 7, 2014. Certain forest management decisions were subject to protest. Appellants filed a protest on May 22, 2014, and they received BLM's protest denial letter on June 16, 2014. This appeal followed on July 15, 2014. Appellants challenge only a portion of the Project: the pre-commercial thinning of about 600 acres within the Project area.

Appellants contend that BLM should verify whether the pre-commercial thinning will occur in snowshoe hare and/or lynx habitat. Appellants request that BLM "complete valid [habitat] assessments" and that BLM's effects determination "be supported with any current science." Statement of Reasons at 3. BLM now seeks to vacate its pre-commercial thinning decision and have that matter remanded to BLM to engage in additional environmental review and issuance of a new decision on whether to authorize pre-commercial thinning of about 600 acres within the Project area.

Respectfully submitted this 3rd day of September 2014.


Karan L. Dunnigan
Attorney for BLM

CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the BLM's MOTION TO VACATE AND REMAND DECISION were duly served on Appellants by first class mail this 3rd day of September 2014 as follows:

Sara Johnson, Director
Native Ecosystems Council
P.O. Box 125
Willow Creek, MT 59760

Mike Garrity, Director
Alliance for the Wild Rockies
P.O. Box 505
Helena, MT 59624

By:



Rita Graeber
Legal Technician