



United States
Department of
Agriculture

Forest
Service

Region One

200 East Broadway
P.O. Box 7669
Missoula, MT 59807

File Code: 1570-1 (215)
Route To: (1570)

Date: November 12, 2003

Subject: ARO Letter - East Fork Post and Pole Project DN - Beaverhead-Deerlodge NF -
#03-01-00-0070 - Bill Graber

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Bill Graber protesting the East Fork Post and Pole Project Decision Notice (DN) on the Beaverhead-Deerlodge National Forest.

The Forest Supervisor's decision adopts Alternative C. The decision authorizes commercial thinning of 216 acres of pole size timber stands and a prescribed burn on 215 acres of big game winter range.

My review was conducted pursuant to, and in accordance with 36 CFR 215.19 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellant's issues and recommended changes, has been thoroughly reviewed.

The appellant alleges violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Forest and Rangeland Resources Planning Act (RPA), and the Administrative Procedures Act (APA). The appellant requests the prescribed burning in Alternative C be permanently set aside, and Alternative C be replaced, in whole or in part, by Alternative B. An informal meeting and various subsequent discussions were held, but ultimately, no resolution of the issues was reached.

RECOMMENDATION

The Deerlodge Forest Plan Settlement Agreement (PF, Doc. C-7) requirements, as they concern this project, are discussed in the EA (pp. III-30 to III-31). The requirements include that the impacts to elk habitat effectiveness from closed roads would be considered, analyzed, and disclosed during project planning. Closed roads are displayed in the project file for the project area (PF, Doc. E-51), but are not displayed for the two Hunter Recreation Opportunity Geographic Areas (HROGAs), as required by the Settlement Agreement. There is no discussion or analysis in the Environmental Assessment, Decision Notice, or project file of the impact the closed roads have on elk or their habitat. It is not clear if, or how, the closed roads were considered or analyzed in the elk analysis as required by the Settlement Agreement.



I find that the Environmental Assessment and DN are not in compliance with the Deerlodge Forest Plan Settlement Agreement. I recommend the Forest Supervisor's decision be reversed.

/s/ Ed Nesselroad
ED NESSELROAD
Appeal Reviewing Officer
Director of Public and Governmental Relations