



File Code: 1570-1

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Route To: (1570 (215))

Subject: 1570 (215) - ARO Letter - Cow Fly Salvage TS DM - Beaverhead-Deerlodge NF - Native Ecosystems Council - #07-01-00-0156

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Sara Jane Johnson, on behalf of Native Ecosystems Council, protesting the Cow Fly Salvage TS Decision Memo (DM) on the Beaverhead-Deerlodge National Forest (Madison Ranger District).

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellant's objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

This project decision was made using a category of action that can be excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as listed in Forest Service Handbook 1909.15, Chapter 30, Section 31.2. As a result, my appeal review will be focused on the use of the category, the review of extraordinary circumstances, and the project's consistency with the Forest Plan and applicable laws and regulations. I have reviewed the appeal and make the following findings:

1. The proposed action complies with Chapter 30 of the NEPA Handbook and is excluded from further analysis and documentation in an EIS or EA. The project makes appropriate use of Section 31.2, Category 13. Category 13 permits "Salvage of dead and/or dying trees not to exceed 250 acres, requiring not more than 1/2-mile of temporary road construction."

The use of Category 13 may include incidental removal of live or dead trees for landings, skid trails, and road clearing. It is clear from the description of the project found in the Decision Memo (pp. 1-2), the actions fall within Category 13.

2. The resource specialists on the interdisciplinary team reviewed the proposed action for potential effects on resource conditions and the presence of extraordinary circumstances (DM, pp. 5-8; PF, Part H, specialist reports). The mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist. The District Ranger did not find any extraordinary circumstances (DM, p. 6). I agree that there were no extraordinary circumstances that warranted further analysis and documentation as per FSH 1909.15, 30.3.



3. The project file shows the project is consistent with the Forest Plan and applicable laws and regulations (DM, p. 9; PF, Docs. G-1 and G-2):

- Cumulative effects were analyzed at multiple spatial scales and varied depending upon the specific resource (DM, p. 6). For terrestrial wildlife species, cumulative effects were analyzed for the Cliff Lake Bench analysis area and the Gravelly landscape (PF, Doc. H-12, p. 4-7).
- The effects analysis for Cow Fly addressed impacts to snag density in the Cliff Lake Bench cumulative effects analysis area and the Gravelly landscape (PF, Docs. H-9 and H-12, pp. 4-7, 26, 36, 39, 41, 58, 60 and 61). The project uses the best available science and exceeds Forest Plan standards for snag retention (DM, pp. 1 and 4; PF, Doc. G-1, p. 5). Impacts from past harvest using Forest Plan standards on potential cavity nesting in the overall landscape were considered (PF, Doc. A-3, pp. 61-62).
- The Cow Fly project meets Forest Plan standards designed to address elk security cover, uses the best available science for elk security, and considers the existing population (PF, Doc. H-12, pp. 60-62 and H-12a).
- The effects analysis for Cow Fly addressed impacts to old growth habitat in the harvest units and cumulatively exceeds Forest Plan standards for retention of old growth Douglas-fir and spruce in the timber compartment (DM, p. 4; PF, Docs. H-5 and H-6). The effects analysis also addressed potential impacts to Sensitive species and MIS that use old growth habitat (PF, Doc. H-12, pp. 22, 24, 28, 29, 36, 41, 50, 59 and 60).
- The Biological Assessment and Biological Evaluations (PF, Docs. H-11 and F-15, H-1, H-12 and A-3, p. 16-23) appropriately document effects to federally-listed threatened and endangered species, and sensitive species. The wildlife analysis indicates that the project is consistent with the Forest Plan and that there are no extraordinary circumstances related to threatened, endangered, or sensitive species as a result of the proposed action. The Biological Assessment was reviewed by the U.S. Fish and Wildlife Service. They concurred with the findings (PF, Doc. F-13).
- By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). The project file (PF, Section H) provides documentation that the specialists considered cumulative effects (DM, p. 6).

RECOMMENDATION

I have reviewed the record and have found that the decision and analyses are adequately and appropriately documented in the DM and project file. I recommend the District Ranger's decision be affirmed and the appellant's requested relief be denied.

/s/ Ranotta K. McNair
RANOTTA K. MCNAIR
Appeal Reviewing Officer

cc:
Forest Coordinator
Responsible Official