



**File Code:** 1570-1

**Date:** August 1, 2007

**Route To:** (1570 (215))

**Subject:** 1570 (215) - ARO Letter - Gash Fire Salvage and Reforestation Project DM - Bitterroot NF - WildWest Institute, et al. - #07-01-00-0151

**To:** Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Jeff Juel, on behalf of the WildWest Institute and Alliance for the Wild Rockies protesting the Gash Fire Salvage and Reforestation Project Decision Memo on the Bitterroot National Forest.

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 appellants' 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, Categories 5 and 13. Category 5 permits "Regeneration of an area to native tree species, including site preparation which does not involve the use of herbicides or result in vegetation type conversion." 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 (p. 1), the actions fall within Categories 5 and 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 (Project File, Part I, Doc. 2: FY 2004 Forest Plan Monitoring Report, and Part III, Docs. b1, c1, d1, e2, f1, g1, h1, i1, and j1: Resource Specialist Categorical Exclusion Reviews). 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 or not extraordinary circumstances exist. The District Ranger did not find any extraordinary circumstances (DM, p. 5). I agree 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:

- The Gash Fire Salvage and Reforestation Project does not propose any ground-disturbing activities within Forest Plan-designated old growth or in stands of undesignated old growth (PF, Part III, Doc. 1, pp. 8 to 10; and Doc. 22, pp. 16-18). The total amount of old growth across the Bitterroot National Forest will not change due to the implementation of this project.
- The effects to soils were addressed in the specialist's report (PF, Part III, Doc. f2) and summarized in the Decision Memo (p. 6). The finding that cumulative detrimental soil disturbance would be less than 15 percent of the activity areas is consistent with Regional direction.
- The Biological Assessment and Biological Evaluation (PF, Part III, Docs. c2, j3, and j4) and the wildlife specialist's report (PF, Part III, Doc. j5) appropriately document effects to threatened, endangered, and sensitive species. The wildlife and fisheries analyses indicates that the project is consistent with the Forest Plan and there are no extraordinary circumstances related to threatened, endangered, or sensitive species as a result of the proposed action, including black-backed woodpecker, pine marten, northern goshawk, boreal toad, pileated woodpecker, flammulated owl, and Canada lynx. The Decision Memo documents compliance with the Endangered Species Act, the National Forest Management Act, the Bitterroot Forest Plan, and the Inland Native Fish Strategy (pp. 6 and 7).
- Each of the resource specialists' reports and documentation found in the project file consider the best available science for each resource. The documents include lists of cited literature, as appropriate. The Decision Memo (pp. 6 and 7) states, "The analysis and decision process for this project are based on the consideration of the best available science. The project file included relevant literature citation, references to science, biological assessments, and monitoring results that were used in the project analysis to support this decision."
- By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). The project file provides documentation that the specialists considered cumulative effects (PF, Part III, Docs. b2, c2, c3, f3, h4, i3, j3, and j4). The Decision Memo states the Deciding Official did not find any significant or cumulative effects (p. 5).
- I reviewed the public participation process as discussed in the Gash Fire Salvage Decision Memo (pp. 5 to 6) and documented in the Project File (Part II, Docs. a1 to a13, b1 to b16, and c1 to c3). I find the public scoping, participation, and the response to comments for the Gash Fire Salvage and Reforestation Project are commensurate with the scale of a Decision Memo, and are in compliance with NEPA.

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 appellants' requested relief be denied.

*/s/ Kevin T. Riordan*

KEVIN T. RIORDAN

Appeal Reviewing Officer

cc:

Forest Coordinator

Responsible Official