



United States
Department of
Agriculture

Forest
Service

Region One

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File Code: 1570-1

Date: June 8, 2001

Route To: (1570 - 215)

Subject: ARO Letter, Deadhorse Salvage TS DN, Appeal #01-01-00-0037, Clearwater NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Gary Macfarlane on behalf of the Friends of the Clearwater, The Ecology Center, The Lands Council, American Wildlands, and Alliance for the Wild Rockies protesting the Deadhorse Salvage Timber Sale Decision Notice (DN) signed by the North Fork District Ranger, Clearwater National Forest.

The District Ranger's decision involves harvesting approximately 1,600 CCF (800 MBF) of dead, dying, blowdown and high-risk trees which are infected with root rot and being killed by white pine blister rust, mountain pine beetle, Douglas-fir bark beetles and fir-engraver beetles. The project study area is approximately 400 acres in size and located in areas adjacent to existing roads. The proposed harvest method is regeneration in the form of a seed-tree cut leaving 6-12 trees per acre for seed and structural diversity. Approximately 37 acres will be harvested. Fuel treatment will consist of underburning to reduce fuels and to prepare the site for planting. Logging systems will consist primarily of uphill skyline with small areas of downhill skyline and tractor.

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.

The appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Clean Water Act (CWA), the Forest Plan Lawsuit Settlement Agreement, and the Clearwater Forest Plan. The appellants request a remand of the DN. An informal meeting was held but no resolution of the issues was reached.

ISSUE REVIEW

Issues I: Failure to Adequately Consider Cumulative Effects and Ensure Scientific Accuracy.

Response: The Environmental Assessment (EA) describes the direct, indirect, and cumulative effects for each of the important resources considered through the analysis (pp. 18-45). The cumulative effects analysis included past, on-going and planned activities, as well as State and



private lands (EA, pp. 5, 6, 10, and 18-44; Project File, Docs. 5, 7, 8, 9, 10, 11, 14, 25, 30, 26, 31, 35, 40 and 47).

As noted in the DN (Appendix D, p. 3), the Big Game Habitat Restoration on a Watershed Scale (BHROWS) project is an ecosystem assessment at the watershed scale. Both Middle Black and Deadhorse are projects derived from that assessment. However, there was not sufficient information during the Deadhorse analysis to determine direct, indirect or cumulative effects of the Middle Black project. Since the release of the Deadhorse DN, alternatives have been developed for the Middle Black project. Cumulative effects have been analyzed as part of the Middle Black project, and no adverse cumulative effects have been identified.

Issue 2. Lack of a Watershed Model.

Response: The EA discusses the existing condition with actual field data gathered in 1997 and 1998 (Chapter III, pp. 22-25). The utility and rationale for not using the complete WATBAL model is explained in the EA in terms of scale and project design (Chapter II, p. 15; Chapter III, pp. 23-27).

Issue 3. Inadequate Range of Alternatives.

Response: Chapter II of the EA describes how comments received in public scoping were used to identify issues and develop alternatives. It gives detailed information about two alternatives and compares the alternatives. One alternative, suggested in public comments, was considered but not given detailed study because it did not meet the purpose and need of the project and was not consistent with the Forest Plan management direction for Management Area E1. The alternatives in the EA respond to the purpose and need, are within the management direction, respond to the issues raised during public scoping, and are reasonable for this project. I find this to be an adequate range of alternatives.

Issue 4. Violations of Forest Plan/Stipulated Agreement & The Clean Water Act.

Response: The EA evaluates the project's design and planned sediment reduction activities to produce no measurable increase in sediment from roads and harvest units (Chapter III, pp. 23-24). The EA further explains that Dead Horse Creek is not included in the State's 303(d) Water Quality Limited Segments (Chapter II, p. 22).

The WATBAL model was developed with data from the Clearwater National Forest and has been refined and calibrated with additional data taken from the Forest. The model has been accepted and used by professional hydrologists throughout Idaho.

The EA gives a full disclosure of all past impacts of landslides in the project area watersheds along with analyzing the potential for future landslides (Chapter III, pp. 23-24 and 28-31; Appendix I). The EA further explains that there were no landslides in the project area resulting from the 1995-1996 floods (Chapter II, pp. 27-29).



The Forest contracted private companies to conduct pre-decisional monitoring in both 1997 and 1998. Information was also used from the 1995-1996 Floods and Landslides Report. This information is summarized in the EA (Chapter III, p. 22; Appendix L and M).

Issue 5: Canada Lynx: Violations of NEPA, ESA, and NFMA.

Response: Since issuing the EA, the lynx analysis units (LAU) have been redefined, in accordance with the Canada Lynx Conservation Assessment and Strategy. The Deadhorse Salvage project area was found to be outside any LAU (DN, p. 9; Appendix A). This updated information is reflected in the Biological Assessment (DN, Appendix B). There is no suitable lynx habitat in the project area. The call in the Biological Assessment (BA) is “no effect” on lynx; therefore, no consultation with the USFWS is required.

The Deadhorse Salvage Timber Sale BA/BE (DN, Appendix B and Appendix D; Project File, Doc. 9) and the Wildlife and TES Plant Resources Status Report (DN, p. 9; Project File, Doc. 7) indicate that the project will maintain adequate habitat within the analysis area to provide for population viability (DN, pp. 7 and 9; EA, Chapter II, p. 13 and Chapter III, pp. 32-42; Project File, Doc. 7). No old growth will be harvested with this project (DN, p. 10; DM, Appendix D; EA, Chapter II, p. 13; Chapter III, p. 20; EA, Appendix G; Project File, Doc. 7).

RECOMMENDATION

I recommend the District Ranger’s decision be affirmed and the appellants’ requested relief be denied.

/s/ Thomas Pettigrew, Jr.
THOMAS PETTIGREW, JR.
Director of Engineering

