



United States
Department of
Agriculture

Forest
Service

Region One

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

Date: September 10, 2001

Subject: ARO Letter, Mullanium Salvage TS DN, Appeal #01-01-00-0057, Lolo NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Lauren Buckley on behalf of The Ecology Center, Inc. and Alliance for the Wild Rockies protesting the Mullanium Salvage Timber Sale Decision Notice (DN) signed by the Superior District Ranger, Lolo National Forest.

The District Ranger's decision adopts Alternative 2, which includes the following activities:

- Salvage dead and dying mountain pine beetle-infested lodgepole pine on approximately 176 acres (approximately 925,000 board feet of timber). On approximately 84 of those acres, some live trees, along with the dead, will be harvested.
- On approximately 18 miles of existing roadway, minor road improvements and herbicide spraying of noxious weeds will occur.

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 Endangered Species Act (ESA), the Administrative Procedures Act (APA) and the Lolo Forest Plan. The appellants request a remand of the DN.

An informal meeting was held on August 9, 2001, and documentation of the meeting was mailed to the Regional Forester. A note from the appellant withdrawing "Statement of Reason" II and a portion of III (dealing with project effects on wildfire) was attached. These issues will not be addressed in this response.

Tricon Timber Company has submitted written comments as an interested party.

ISSUE REVIEW

Issue 1: Appeal overview.

Response: General overview of the appeal with no contentions.

Issue 2: Improper use of purpose/need to limit alternatives fails to comply with the Multiple-Use Sustained-Yield Act, NFMA and NEPA.



Response: During the appeal resolution meeting, the appellants dropped this appeal point since the Lolo National Forest dropped the Mullanium purpose and need statement “reduce dead fuel loading that potentially could contribute to catastrophic wildfire.”

Issue 3: The EA’s discussion of the project effects on wildfire and insects lacks scientific integrity.

Response: During the appeal resolution meeting, the appellants determined this contention dealing with project effects on wildfire was “somewhat obsolete.” The appellants dropped this appeal point since the Lolo National Forest dropped the purpose and need statement “reduce dead fuel loading that potentially could contribute to catastrophic wildfire.”

The Environmental Assessment (EA) discusses the natural fluctuation and role of insect populations over time in a variety of places in the EA and project file (EA, pp. 28-29; Project File, Doc. J-3, pp. 61-62 and 85-91). This project is consistent with Forest Plan standards addressing vegetation management for insect and disease infestations (Lolo Forest Plan, p. II-20).

Issue 4: The analysis of cumulative effects is inadequate in violation of NEPA.

Response: The EA and supporting information in the project file adequately address cumulative effects for this project. The EA provides specific cumulative effects discussion by alternative for soils, old growth, noxious weeds, wildlife and scenic resources (pp. 21-56). The Mullanium Salvage EA uses the Dromedary analysis to enhance the effects analysis when conditions are similar, and to document the differences and changed conditions. The Dromedary EA (Project File, Doc. J-3) provided cumulative effects analysis for the area, which was updated with recent information (Project File, Doc. F-1, F-3, F-4, F-5 and F-6). Dromedary cumulative effects were determined to be sufficient and adequate by the Regional Forester after the Dromedary appeal was reviewed.

Mullanium Salvage incorporates the recently completed watershed analysis completed for the Knox-Brooks Timber Sales and Road Rehabilitation project. Knox-Brooks has no activities planned in the East Fork Twelvemile or Flat Rock Creek drainage. Knox-Brooks recently analyzed the Twelvemile watershed, including the Mullanium proposed activities (Knox-Brooks FEIS, pp. III-14 to 15). Documentation of recent Forest Service, private land and State activities are also included in the project record.

The closest Mill-Key-Wey unit is approximately 6 air miles from the closest Mullanium Unit, with the Town of St. Regis, Clark Fork River and Highway 135 between them.

The EA adequately responded to the appellants concerns regarding the lack of cumulative effects analysis in Response to Comments (EA, Appendix C, pp. C-1 to C-3).

The ecoburns planned under the Dromedary EA were accomplished as planned (Project File, Doc. F-3). Even though there were numerous large fires on the Superior Ranger District in 2000, no sizable wildfire has occurred in the analysis area or nearby since the Dromedary analysis.

Issue 5: The inadequate analysis for bull trout and westslope cutthroat trout is in violation of NFMA, the ESA, and the Forest Plan and the watershed analysis fails to show compliance with NFMA and the CWA.

Response: The watershed analysis in the EA identifies that there will be no sediment delivery with proper mitigation and no increase in water yield (pp. 8, 18, and 23). All alternatives will meet Forest Plan Water Quality Standards and State Water Quality Standards (EA, p. 8). The watershed analysis incorporated the analyses in both the Dromedary EA and Knox Brooks EIS to support their conclusion. Watershed analysis was also discussed in Response to Comments, indicating that the end result of these projects will result in a reduction of sediment yield in Twelvemile Creek of approximately 26 percent (EA, Appendix C, pp. C-2 to C-3). Since there is no increase in sediment and TMDLs have not been established, there is no need to consult with MDEQ.

The fisheries section of the EA (pp. 49-51) and the BE/BA for Threatened and Endangered Species (Project File, Doc. O-1) identify that due to the location, design and type of harvest, there should be no effect on fish habitat indicators such as sediment, pool frequency, large woody debris, stream shading (water temperature) or width/depth ratio. The analysis concluded this project would have “No Impact” on westslope cutthroat trout and “No Effect” on bull trout.

The Mullanium project incorporates INFISH standards and none of the alternatives in the Mullanium project propose harvest activity within Riparian Habitat Conservation Areas (DN, pp. 4-6). Required mitigation, and stream and wetland buffers follow the INFISH guidelines with no activities occurring within these buffers (EA, pp. 9-11).

The Mullanium project uses existing roads. Proposed minor road improvement activities are designed to reduce erosion and stabilize the road surface (DN, p. 2; EA, p. 1).

The soil attributes of each Land System Inventory Mapping Unit were used to assign a “Sediment Risk Rating” to each mapping unit to determine sediment risk (EA, p. 19; Project File, Doc. N-1 and N-2). Sediment modeling shows no detectable increase (Project File, Doc J-3, p. 70).

Effectiveness of BMPs is discussed in the EA (pp. 21-23), in Response to Comments (Appendix C, p. C-7) and in the project file (Doc. N-2, N-4, and N-8). Forest Plan monitoring for the last 6 years has shown no departures in soil productivity standards (Lolo National Forest Plan Monitoring Reports, 1994-1999).

In addition to Forest Plan monitoring, the Lolo National Forest also participates in the annual Forestry Best Management Practices Monitoring conducted by the Service Forestry Bureau, Forestry Division of the Montana Department of Natural Resources and Conservation (DNRC). The 1998 BMP audit included evaluation of both BMP and Streamside Management Zone (SMZ) application and effectiveness, and also evaluated previously audited sites to determine effectiveness over time. Findings concluded that BMPs were properly implemented 94 percent of the time and were effective in protecting soil and water resources at a 96-percent rate. Comparison of the 1998 audit with similar audits conducted previously shows an improving trend in BMP and SMZ application and effectiveness (DNRC, 1998). 1999 BMP audit results showed that across all ownerships, BMPs were effective in protecting soil and water resources 98 percent of the time (DNRC, 2000).

Issue 6. The failure of the EA to analyze impacts to lynx violates the LNF Forest Plan as amended by the lynx conservation Agreement and Strategy, NFMA, NEPA and the ESA.

Response: Lynx is analyzed in the EA on pages 37-39, 44-45 and 47-49. Additional information is provided in the maps, Wildlife Report and Biological Evaluation on lynx (Project File, Doc. P-2 and P-4 to P-13), and in Response to Comments (Appendix C, pp. C-5 and C-8). Because none of the harvesting is in any lynx denning or foraging habitat, 50 to 80 percent of the trees would remain in the stands after harvest, travel cover is abundant and no unsuitable habitat is created, this project is not likely to adversely effect lynx and the project meets the standards and guidelines of the LCAS (EA, p. 45; DN, p. 3). The USFWS issued a letter of concurrence for lynx on June 12, 2001 (Project File, Doc. P-1). The Lolo National Forest used the most recent and best available science for lynx, as displayed in the LCAS for their analysis.

This project did not propose any increase in over snow routes. The LCAS recommendations apply to groomed or designated snowmobile routes. This project does not affect any existing snowmobile routes.

Forest-wide amount and status of old growth is beyond the scope of this project. The amount and status of old growth within analysis area is documented clearly in the EA and project file.

Issue 7: The EA soil analysis is inadequate in violation of NEPA, NFMA and the Forest Plan.

Response: Soil productivity is discussed on pages 21 and 22 of the EA, with supporting information in the project file (Doc. N-1, N-2, N-7 and N-8). Specific mitigation requirements were incorporated into the project design for site-productivity and soil protection (EA, pp. 8-10). A summary of soil effects associated with all action alternatives is found on page 24. Results of past field monitoring are discussed in the EA (pp. 19, 21 and 24). Based on field review, soil analysis and required mitigation, soil productivity will be maintained within Lolo National Forest Plan direction and current Regional soil guidelines.

Issue 8: The EA fails to adequately analyze project impacts on biological corridors and analyze the issue of fragmentation, in violation of NEPA, NFMA and the ESA.

Response: The EA and Wildlife Report adequately consider the impacts of the proposed project on fragmentation and the functionality of the area as a biological corridor (EA, p. 49; Project File, Doc. P-2). Because of the small scale of this proposal and the number of trees that would be left on site (50 to 80 percent), the project would have no impact on biological corridors or levels of fragmentation.

Chapter 3 of the EA and the Wildlife Report in the project file adequately address the affected environment and environmental consequences on Endangered and Threatened Species, including gray wolf and lynx (EA, pp. 36-39 and 44-45; Project File, Doc. P-1 to P-13).

RECOMMENDATION

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

/s/ Eric P. Johnston

ERIC P. JOHNSTON

Appeal Reviewing Officer

Deputy Director of Watershed, Wildlife, Fisheries and Rare Plants