



United States  
Department of  
Agriculture

Forest  
Service

Region 1

200 East Broadway  
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**File Code:** 1570 (215)

**Date:** December 19, 1997

**Route To:**

**Subject** North Flints Timber Sale, Appeal #98-01-00-0015  
Beaverhead-Deerlodge National Forests

**To:** Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Sara Jane Johnson on behalf of the Native Ecosystem Council protesting the Beaverhead-Deerlodge National Forests Supervisor's Decision Notice (DN) for the North Flints Timber Sale.

The Forest Supervisor's decision adopts Alternative C modified to harvest 838 acres of sawtimber, posts and poles; construct 2.5 miles of specified roads and 2.1 miles of temporary roads; recondition 3.3 miles of existing roads and reconstruct 5.3 miles of existing roads to access harvest units. Also natural fuels prescribed burning will occur on 1,100 acres.

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 objections and recommended changes, has been thoroughly reviewed.

#### FINDINGS

My recommendation is based upon the following evaluation:

##### Clarity of the Decision and Rationale

The decision and rationale are clearly stated; however, the DN would have been easier to understand if the decision had been placed up front in the document. Mitigation measures are clearly illustrated, and the maps and charts are excellent.

##### Purpose of the Proposal and Comprehension of Benefits

A strong statement about the purpose and need early on in the DN would have made it clearer. Alternatives were compared and referenced back to the decision criteria. The discussion on the rationale for the decision is excellent.

##### Consistency with Policy, Direction, and Supporting Information

The use of ecosystem management principles and the application of recent science is obvious and well incorporated in the project design. The rationale and supporting documentation are clear in describing the need for treatment of unsuitable lands. The Finding of No Significant Impact is well stated and explained in terms of context and intensity. However, this section could have been strengthened by disclosing the effectiveness of mitigation measures.

## Effectiveness of Public Participation Activities and Use of Comments

The Forest did an excellent job of public involvement on this project. The record clearly displays how comments were used throughout the process, including the decision.

## Appeal Review Findings

The Appellant alleges violations of the National Forest Management Act and Forest Plan standards and direction and requests an Environmental Impact Statement be completed. No informal meeting was held, and no interested party comments were received.

### **Objection I: The Forest is not complying with Forest Plan direction in violation of NFMA.**

*Response:* Harvest treatments that occur in Management Areas not suitable for timber harvest are compatible with Management Area direction for increases in forage and improvements for wildlife habitat. The proposed treatments will result in increased forage for several wildlife species (DN, p. 24).

Forest Plan, Appendix N, outlines that wildlife objectives for Elk Hunter Recreation Opportunity Geographic Areas are comprised of open road density and hiding cover. Elk effective cover and road density will not measurably change with implementation of the North Flints Decision. Cover was considered in the analysis of hunting season security and winter range thermal needs (EA, pp. III-40-41 and IV-50-52). Harvest that will occur in wintering areas is not expected to affect the thermal cover characteristics of the area (EA, p. IV-51) and is compatible with recommendations of Christensen, et. al. (EA, p. IV-51) and the wildlife biologist (project file, Vol. 3, Doc. 34, pp. 342-401). Important thermal cover in Gird Creek is not proposed for harvest under the selected alternative. Elk security will improve under the selected alternative (DN, p. 4) through additional road restrictions.

Appellant states the Settlement Agreement appears to have been negated by Forest Service guidelines, and the methods by which it was absolved were not defined. New guidelines have been developed based on more recent research for determining habitat effectiveness and elk vulnerability and have replaced the elk effective cover concept as the accepted methodology for evaluation.

Based on my review, I find effects to elk from this decision are compatible with Forest Plan Standards.

### **Objection II: Failure to disclose to the public significant impacts on wildlife.**

*Response:* The Appellant states impacts on the Northern Goshawk appear significant. However, based on calling surveys conducted in all harvest units, no goshawks were found; and no effects to the viability of goshawk to in occupancy of the landscape are predicted. In addition, mitigation measures are included in the event of a nest discovery. Effects on other wildlife species raised by the Appellant were analyzed and effects are disclosed adequately (EA, p. IV-38-54).

I find the North Flints Snag Management Plan retains more snags than required by the Forest Plan, mitigates the effects of woodcutters, and includes monitoring (EA, pp. IV 53-54). Past experience, reports species surveys, and scientific literature are used as the basis for judging species distribution, habitat conditions and expected responses to management activities.

I conclude analysis and procedures are proper; and the effects are localized, not significant, and are disclosed adequately to the public.

The appeal record was reviewed with respect to the Appellant's objections, and analysis and documentation are adequate and cover the objections raised.

RECOMMENDATION

I recommend the Forest Supervisor's decision be affirmed and the Appellant's requested relief be denied.

/s/ Stephen J. Solem

STEPHEN J. SOLEM  
Reviewing Officer