



United States
Department of
Agriculture

Forest
Service

Region 1

200 East Broadway
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Missoula, MT 59807

File 1570 (215) Date: February 26, 1999
Code:
Route
To:
Subject: North Fork Rye Creek Fire Timber Sale DM, Appeal #99-01-00-0081
Bitterroot National Forest
To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Floyd E. Wood protesting the North Fork Rye Creek Fire Timber Sale Decision Memo signed by the Acting Darby District Ranger (Bitterroot National Forest).

The District Ranger's decision adopts the proposal to harvest fire-damaged and fire-killed trees on 722 acres, construct 1,200 feet of temporary road, and commercially thin 37 acres in the burn area.

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

Appeal Review Findings

The Appellant alleges violations of the National Environmental Policy Act (NEPA), the National Forest Management Act, and the Clean Water Act. The Appellant requests the decision be remanded. No informal meeting was held, and no interested party comments were received.

Objection 1: The decision violates the National Forest Management Act (NFMA) and Forest Plan requirements for cost effective management of our natural resources, riparian habitat, fisheries and amendments to the Forest Plan.

Response: I have reviewed the Decision Memo, Project File and transmittal letter and find that the project is consistent with the Forest Plan as amended by INFISH. I find that the District Ranger fully considered the effects of the proposed action and included the appropriate level of mitigation to minimize resource effects and speed recovery of certain resources, such as soils. In addition, I find the District Ranger adequately considered the cost of implantation and associated effects.

Objection 2: The decision violates the National Environmental Policy Act (NEPA).

Response: The Appellant contends that the DM fails to consider habitat fragmentation, cumulative effects, and impacts to game vulnerability. The Decision Memo, Response to Comments and Project File disclose the effects to big game habitat, including cumulative effects. I find the District Ranger took a hard look at the environmental effects of the proposed action.

Objection 3: The project may damage rare plants.

Response: A sensitive plant Biological Evaluation was completed (PF, Sens-1) which describes sensitive plant species that could be present based on known plant occurrences and potential habitat. This analysis determined that there should not be adverse effects on population viability of any of the sensitive species or species of special concern. I find that the project will not damage rare plants.

Objection 4: Harvesting to reduce the risk of future fires is not justified.

Response: The Decision Memo, Response to Comments and Project File describe the potential risk of future wildfire and the effects of no action. The information on potential fuel loadings, if left untreated, is based on field information. In review of the record, I find the District Ranger made a reasoned decision based on the information provided by the resource specialists.

Objection 5: Logging and roading will further increase sedimentation caused by the fire in Rye Creek.

Response: My review of the record indicates the State found that the appropriate level of best management practices are proposed for the project (Project File, WAT-2). The Biological Assessment states "Minor (undetectable and immeasurable) sediment input to streams is possible but the probability is low. Any sediment would have to get there by overland flow through RHCAs. This salvage sale would not disturb the large areas of soil on steep slopes near RHCAs that would be needed to generate overland sediment pulses on streams." In addition, the District appropriately responded to the Appellants comments regarding use of the roads in Rye Creek and North Creek Roads (Response to Comments, Issues #4 & #5, Appendix A-15).

I find that the project does not violate Montana state water quality standards. My finding is based on the consultation with the State Department of Environmental Quality (Project File WAT-1 and WAT-2), the analysis and findings in the Biological Assessments, the Water and Fish analysis, and the Response to Comments.

Objection 6: Impacts to wildlife were not analyzed.

Response: The Decision Memo, Response to Comments and Project File disclose the effects to big game habitat, including cumulative effects. I find the District Ranger took a hard look the environmental effects of the proposed action.

Objection 7: Social and economic impacts were not analyzed.

Response: I find the Decision Memo, Response to Comments and Economics section adequately discuss the social and economic impacts for the scope of this project.

RECOMMENDATION

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

/s/ Martin L. Prather

MARTIN L. PRATHER
Reviewing Officer
Staff Assistant, Regional Forester