



File 1570 Date: November 3, 1998  
Code:  
Route  
To:  
Subject: Mill Creek Vegetation Modification DM, Gallatin NF, Appeal #98-01-00-0133  
To: Appeal Deciding Officer

This is my recommendation of disposition of the appeal filed by Sara Jane Johnson on behalf of the Native Ecosystems Council protesting the Livingston District Ranger's Decision Memo (DM) for the Mill Creek Vegetation Modification Project.

The District Ranger's decision removes approximately 200-250 MBF of overstocked and disease/insect-infested trees through timber harvest on approximately 350 acres, removes hazard trees in dispersed recreation areas and prescribe burns approximately 2,500 acres in three units.

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 has been thoroughly reviewed, including the Appellants' objections and recommended changes.

#### FINDINGS

The Appellants contend that the agency has violated the National Forest Management Act by proposing actions which conflict with existing Forest Plan direction and that the cumulative impacts of the project proposal may be significant; and hence, a more detailed environmental analysis should be completed. A meeting was held with the Appellants. No resolution was achieved.

#### Appeal Review Issues

**Objection 1. The Agency has violated the National Forest Management Act by proposing actions which conflict with existing Forest Plan direction.**

**A. The agency is proposing commercial timber harvest in Management Area 3.**

Response: There is no Management Area 3 included in the project area.

**B. The agency is proposing commercial timber harvest in Management Area 6.**

Response: The Forest Plan direction for Management Area 6 is to provide for a wide variety of dispersed recreation opportunities. It also states that "the harvesting of firewood, posts and poles, or other products can take place adjacent to existing roads." The proposed timber harvest is confined to areas adjacent to the existing road and is within this specific management area direction. It is also consistent with seven Forest-wide goals and objectives, including using prescribed fire to accomplish vegetative management and managing National Forest resources to prevent or reduce serious long-lasting hazards from pest organisms.

I conclude the analysis provided by the District Ranger adequately discloses how the proposed timber harvest is within the Forest Plan and management area direction.



**C. There are no monitoring procedures ongoing to ensure that viable populations of cavity-nesting birds will be maintained in heavily impacted landscapes.**

Response: The Biological Evaluation addresses that dead trees and snags (with potential for cavities for nesting) will be maintained as a component of treated stands. Resulting stand structure will likely support improved insect prey base and facilitate hunting by flammulated owls and other cavity-nesting birds. Scattered trees killed by mechanical damage or prescribed ground fire will provide foraging opportunities for woodpeckers. The project will maintain or increase the contribution of defective and dead trees in stands within the project area.

I conclude the analysis provided by the District Ranger adequately discloses how the population of cavity-nesting birds will be maintained.

**D. No Forest monitoring data was provided to indicate that reductions in goshawk foraging habitat in logged areas has not significantly impacted Forest viability of this species.**

Response: The District Ranger's transmittal letter documents that surveys during the 1998 field season found no indication of nesting within the project area. Surveys for goshawks are being conducted to locate any nesting territory, and project implementation will be modified as needed to avoid adverse effects on any identified nest areas. The project is beneficial for components of goshawk habitat in regards to stand structure and reduction of fire hazard, as outlined in "Management Recommendations for the Northern Goshawk in the Southwest U.S." and may improve potential for goshawks in the vicinity.

I conclude the analysis provided by the District Ranger adequately discloses how the goshawk habitat will be maintained and not significantly impacted.

**Objection 2. The cumulative impacts of this project proposal may be significant, and thus, a more detailed Environmental Assessment should be completed.**

**A. The cumulative impacts of additional logging, and hence reduction of undisturbed lower elevation habitat for cavity-associated wildlife, is not disclosed in the DM.**

Response: See item C., above. Cumulative effects are excluded from documentation in a DM. However, structural features favorable for cavity-dependent wildlife will be maintained or will increase in the project area with proposed treatments.

I conclude the analysis provided by the District Ranger adequately discloses how the population of cavity-nesting birds will be maintained.

**B. The impacts of long term reductions in big game cover were not asserted.**

Response: In the wildlife biologist's response to scoping, he discussed the effects on big-game cover. Rugged topography and residual stocking will maintain "hiding cover" without substantial reduction. Tree growth and ground vegetation response will gradually recover some of the minor loss in hiding cover. Thinning and ground fire will not degrade habitat, but a declining habitat-type will be restored.

I conclude the analysis provided by the District Ranger adequately discloses how the big-game cover will not be impacted.

**C. The impacts of disturbance on big game regarding habitat effectiveness were not defined.**

Response: The impacts of disturbance on big game regarding habitat effectiveness is discussed in the wildlife biologist's response to scoping comments. There will be no change in open roads and short segments of temporary road will be obliterated. The small volume of timber involved will be removed in a short period of time, limiting the period of disturbance. Patches being treated are scattered, not very large, and adjacent to open roads and a campground. With no change in the Elk Habitat Effectiveness and elk security cover, there will be no long-term reductions.

I conclude the analysis provided by the District Ranger adequately discloses how the big-game habitat effectiveness will not be impacted.

**D. The impacts of this project proposal on the goshawk and pine marten are not defined in the DM.**

Response: See item 1-D above for discussion on the goshawk.

In the wildlife biologist's Response to Comments, he identifies that the project occurs in an elevation range and general habitat type (dry site Douglas-fir) not typically used by pine marten. As documented in the District Ranger's transmittal letter, the response of vegetation and prey base would be favorable for pine marten, but potential for the species in the project area is very limited due to basic habitat parameters.

I conclude the analysis provided by the District Ranger adequately discloses impacts on goshawk and pine marten.

**RECOMMENDATION**

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

/s/ Elizabeth L. Horn

ELIZABETH L. HORN  
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