



United States  
Department of  
Agriculture

Forest  
Service

Region 1

200 East Broadway  
P. O. Box 7669  
Missoula, MT 59807

File 1570 (215)  
Code:  
Route  
To:  
Subject: East Face of the Pioneers Ecosystem Management Project DN,  
Appeal #98-01-00-0129, Beaverhead-Deerlodge National Forests  
To: Appeal Deciding Officer

Date: October 28, 1998

This is my recommendation on disposition of the appeal filed by Sara Jane Johnson on behalf of the Native Ecosystems Council protesting the East Face of the Pioneers Ecosystem Management Project Decision Notice (DN) signed by the Dillon Acting District Ranger (Beaverhead-Deerlodge National Forests).

The District Ranger's decision adopts Alternative A, modified, to do ecosystem restoration by removing invading conifer populations.

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. The Appellants list many interrelated issues in their appeal of the East Face project. Although I have not listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

### FINDINGS

My recommendation is based upon the following evaluation:

#### Appeal Review Findings

The Appellants allege violations of the National Environmental Policy Act (NEPA), the Administrative Procedures Act, and the National Forest Management Act. The Appellants request a remand of the decision and that an Environmental Impact Statement (EIS) be prepared for this project. An informal meeting was held but no resolution was reached.

#### **Objection 1. Whether the agency has violated the National Environmental Policy Act (NEPA) by failing to complete an Environmental Impact Statement (EIS) for the project.**

Response: The Appellants contend that significant environmental impacts on wildlife already exist in the planning area, the impacts of the proposed actions are unknown, and the mitigation measures provided will not alleviate the additional environmental impacts caused by the proposed project. The Appellants raise many points related to these arguments. Upon review of the documentation in the project file, I find all of the points are adequately addressed in the Environmental Assessment (EA), Addendum to the EA, DN, and Finding of No Significant Impact (FONSI). In my opinion, the analysis documented in the record does a thorough job of disclosing the effects of the project on wildlife habitat

and species (EA, Chapter III, pp. 14-27; Chapter IV, pp. 14-29; Appendix G, Biological Assessments and Evaluations). Further, the mitigation measures listed in Appendix C and the monitoring requirements listed in the DN (DN, p. 9) will minimize any adverse effects associated with the project.

The regulations at 40 CFR 1501.4 (c) provide for the preparation of an EA to determine whether or not to prepare an EIS. As documented in the DN and FONSI, the Acting District Ranger determined that this project "is not a major federal action with significant effects on the quality of the human environment" (DN, p. 9). I concur with his conclusion that an EIS is not necessary. There is no violation of NEPA.

**Objection 2. Whether the agency violated NEPA by failing to clearly define the project proposal and rationale to the public, as well as clearly defining the purpose and need of the project.**

Response: The Appellants contend that the rationale for logging and burning is not clearly defined in the EA. I find that the purpose and need for action clearly states that the main objective of the project is to reduce the expansion of conifers into aspen, mountain mahogany, Douglas-fir forests, sagebrush/grassland areas, and riparian areas. The EA further describes the objectives of treating each of these plant communities in order to meet the goals and objectives of the Beaverhead Forest Plan (EA, Chapter I, pp. 1-2).

The EA clearly defines the project proposal and provides sound rationale supporting the burning of sagebrush areas to remove Douglas-fir and improve wildlife habitat. As explained in the EA, the areas were selected for burning based on their vegetative characteristics. Important wildlife habitats were also considered in determining the type of treatment proposed.

The Appellants again raise many points related to this objection. I have reviewed the documentation referenced in the transmittal letter and find that these points have been adequately addressed in the record. In my opinion, the objectives of the project are clearly defined, and the specific actions to be taken are adequately disclosed. I find no violation of NEPA.

**Objection 3. Whether the agency violated NEPA by failing to develop an adequate range of alternatives that address public issues.**

Response: The Appellants argue that although they raised issues regarding the impacts of burning sagebrush habitat and logging Douglas-fir on wildlife habitat, the amount of burning and logging was not considered in alternative development.

Chapter II of the EA describes how comments received in public scoping were used to identify issues and develop alternatives. The EA describes alternatives considered but not given detailed study, as well as the alternatives considered in detail. Alternative D was specifically developed to respond to concerns regarding the magnitude of the project. The action alternatives presented in the EA propose to treat between 15,967 and 6,717 acres of vegetation. In making his decision, the Acting District Ranger states:

I have reviewed the alternatives given detailed study to determine if they were responsive to the significant issues and the purpose and need of the project. I also reviewed the alternatives not given detailed study to help me decide if we had considered a thorough and complete range of alternatives. I find that the range of alternatives considered is thorough and complete (DN, p. 3).

I concur with this finding. Further support for his consideration of public issues is evidenced by his decision to select a modified Alternative A and implement only approximately one-third of the vegetative treatment originally proposed in Alternative A. I find that the decision was reasonable and based on consideration of the issues and an adequate range of alternatives. I conclude that there is no violation of NEPA.

Pages 18 through 25 of the Notice of Appeal lists many points that are not clearly associated with a specific objection. Many of these points have been addressed in my response to Objections 1-3. I have reviewed the documents referenced in the transmittal letter and find that the Appellants' concerns have been adequately addressed in the record.

#### RECOMMENDATION

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

/s/ J. Doug Glevanik

J. DOUG GLEVANIK  
Reviewing Officer