



File 1570 (215) Date: April 22, 1999
Code:
Route
To:
Subject: West Face Forest Management DN, Appeal #99-01-00-0104,
Beaverhead-Deerlodge National Forest
To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Sara Jane Johnson on behalf of Native Ecosystems Council protesting the West Face Forest Management Decision Notice (DN) signed by the Beaverhead-Deerlodge National Forest Supervisor (Wisdom Ranger District).

The Forest Supervisor's decision adopts Alternative 3 which harvests timber on 1,070 acres, yielding about 6,880 CCF of wood products. On this 1,070 acres, about 687 acres of Douglas-fir forest will be underburned to enhance big game summer and winter range, about 58 acres of aspen/shrub habitat will be treated to restore and/or enhance wildlife habitat diversity, about 79 acres will be treated to enhance forest growth and health and about 136 acres will be treated to enhance scenic quality. About 0.3 mile of temporary road will be constructed and obliterated after use.

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

FINDINGS

Appeal Review Findings

The Appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the Administrative Procedures Act (APA). The Appellants request the decision be reversed. An informal meeting was held but no resolution was reached.

Objection 1: The Forest has violated the NEPA by failing to complete an Environmental Impact Statement (EIS) to address significant impacts that currently exist in the project area as a result of Forest Service management activities.

Response: The Forest conducted a project specific analysis to determine if this project meets the definition of significance. The regulations at 40 CFR 1501.4 (c) provide for the preparation of an Environmental Assessment (EA) to determine whether or not to prepare an EIS. As documented in the DN and Finding of No Significant Impact (FONSI), the Forest Supervisor determined this project is not a major federal action with significant effects on the human environment. Therefore, this project is not in a class of action which requires the preparation of an EIS.

As to the Appellants contention that this project fails to provide for big game security as defined by Hillis et al., the EA, in Table III-1 (p. III-14), identifies the Hillis security areas. Page IV-14 of the EA



discloses that none of these areas will be affected by the implementation of Alternative 3, the preferred alternative where it states "None of the security areas delineated by the Hillis technique would be affected by Alternative 3." This is further born out by the table "Key elk habitat components affected by Alternative 3" on the same page which displays no effect to any of the five Hillis security areas.

Objection 2: The Forest has violated the NEPA and the APA by failing to disclose the direct impacts of the project on wildlife.

Response: The effects on wildlife of implementing the preferred alternative are described in Chapter IV of the EA.

A. The areas evaluated for various wildlife species are arbitrary and confusing.

Response: The size of the area evaluated for each of the various wildlife species is designed to give meaning to the effects analysis for that particular species. For example, the area evaluated for elk would not be appropriate for marten. The size of the area analyzed for each of the various wildlife species are found in Chapter III, pp. III-13 through 22.

B. There is little to no analysis of project impacts on big game, deer and elk.

Response: Elk is the Forest Plan management indicator species for big game. The effects of implementation on elk are described in Chapter IV, pp. IV-14 through IV-17. In addition, the effects on other big game species are discussed on pp. IV-18 and IV-19.

C. The provision of "habitat diversity" at lower elevations is never demonstrated.

Response: The complete purpose and need statements mentioning wildlife habitat are: 1) Manage Douglas-fir habitats to restore diverse wildlife habitat while providing for fire resistant and ecologically sustainable forest structures, and 2) Manage aspen and willow components to slow their loss on the landscape, and improve habitat diversity by enhancing their vigor where they occur.

Two issue statements further refine diversity: vegetational biodiversity and wildlife habitat (EA, pp. II-1 and 2). The existing condition of vegetation is described on pp. III-5 through III-13, from the landscape to the site level. The link from vegetation to wildlife habitat comes through the habitat descriptions for individual species on pp. III-14 through 22, and in the Biological Assessment, Appendix B. "Benefits" of vegetation treatment are disclosed as effects on pp. IV-3 through 11. Some cumulative effects include: Douglas-fir parkland will function as winter forage vegetation; aspen and willow will be favored on 58 acres, enhancing summer forage function. "Benefits" to wildlife are found within the effects disclosed on pp. IV-11 through 33.

D. There was no analysis of the impact of logging on snag-associated wildlife.

Response: The existing snag condition is discussed in the EA in Chapter III, pp. III-20 and 21. The effects of implementing the preferred alternative is described in Chapter IV, pp. IV-26 and 27.

E. There is no analysis of project impacts on song birds.

Response: The existing condition in relation to song birds is discussed in the EA in Chapter III, pp. III-19 through 22. The effects of implementing the project is described in Chapter IV, pp. IV-25 through 28.

Objection 3: Many other management impacts on wildlife in the West Face landscape were also not evaluated, or conclusions were not documented with anything other than agency expertise, in violation of the NEPA and the APA.

A. There was no analysis of the impact of fire control on associated wildlife species.

Response: The EA is replete with references to the effects fire has historically had on wildlife and its habitat. Chapter I and III describes the historical effects of fire on the landscape as well as the current condition that has resulted from our past fire suppression efforts. The discussion in Chapter IV of implementing Alternative 1, the No Action Alternative, discloses the effects of fire control on the various wildlife species.

B. There is no analysis of how the distribution of existing and planned old growth will affect viability of associated wildlife species.

Response: The EA, Chapter III, pp. III-7 and 8, discloses the current condition of the old growth in each of the compartments. It describes which compartments are above and which are below the Forest Plan Standard of 10 percent old growth in the Douglas-fir and the spruce/fir component. Chapter IV, pp. IV-9 and 10, describes the effects on old growth of implementing the preferred alternative. Also described is the fact that treatments in the Douglas-fir component in Compartment 303 are intended to enhance and sustain old growth characteristics in a compartment already below Forest Plan Standards. Furthermore, the effects analysis disclosed in Chapter IV reveals that the viability of no species, including old growth-dependent species such as the Northern Goshawk, will be affected by implementing Alternative 3.

C. No information was provided to demonstrate that the Northern Goshawk will remain viable in this analysis area with implementation of the proposed project.

Response: The existing condition of vegetation in the analysis area is presented in Chapter III, pp. III-5 through III-13. The effects of the action alternatives on vegetation are disclosed in Chapter IV, pp. IV-1 through IV-11. The existing knowledge of the goshawk, including frequently used habitats is discussed in Chapter III, pp. III-17 through 19. The effects of the alternatives on goshawk are disclosed on pp. IV-21 through 25. Effects on known goshawk territories are discussed in Chapter IV, p. IV-22, and cumulative effects are covered on EA pp. IV-24 to 25. The discussion on the existing condition of the goshawk habitat and the effects of implementing Alternative 3 contains documentation on applicable literature applied site- specifically to this planning area.

Objection 4: The Agency has violated the NEPA and the APA by misleading the public as to the purpose and need for the management of timber on management areas delineated for wildlife or as unsuitable for timber management.

Response: The Forest Plan set the management area allocations for the area. This project is implementing those allocations. For example, in MA 25, which is allocated to wildlife, as well as being classed unsuitable for timber production, the Forest Plan states that habitat improvements will be used to maintain or enhance the quality and quantity of wildlife habitat and to provide a diversity of habitats for wildlife species. As described in the EA, the intent of the vegetation management activities in these MAs is enhancement of wildlife habitat. As stated in the DN on p. DN-2, one of the reasons for selecting Alternative 3 was that it best moved the area toward the desired conditions described in the Forest Plan. It does this by designing treatments to achieve desired forest structures and composition rather than maximizing wood product yield.

Objection 5: The Forest has violated the NEPA and the APA by failing to disclose the cumulative impacts of the project on wildlife.

Response: As disclosed in Chapter IV and in the BA/BE, the cumulative impacts to wildlife are well documented.

Objection 6: The agency has violated the National Forest Management Act by failing to adhere to Forest Plan Direction and Standards, to complete monitoring on Management Indicator Species and to ensure that native species will remain viable in the landscape being impacted by the proposed management.

Response: All of the points the Appellant raises are Forest Plan issues beyond the scope of this decision.

RECOMMENDATION

On March 12, 1999, an Update of the Northern Region Sensitive Species List was sent to Forest Supervisors. This is new information that was not available to the Responsible Official at the time the decision was made. Pursuant to FSH 1909.15, Section 18.1, this new information must be reviewed to determine its importance to this decision. I recommend that the Responsible Official conduct a review to consider this information within the context of the project, that the Forest Supervisor's decision be affirmed and that the Appellant's requested relief be denied.

/s/ Gary A. Morrison

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