



File 1570 (215) Date: October 27, 1999
Code:
Route
To:
Subject: Yellow Pine Restoration Timber Sale DN, Appeal #99-01-00-0178
To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Caryn Miske on behalf of Alliance for the Wild Rockies, Inc. and The Ecology Center, Inc. protesting the Yellow Pine Restoration Timber Sale Decision Notice (DN) signed by the Clearwater National Forest Supervisor (Palouse Ranger District).

The Forest Supervisor's decision implements Alternative B which provides for harvest of approximately 2.4 million board feet of timber from a project area of 3,080 acres, 0.1 mile of road construction, 0.55 mile of road reconstruction, prescribed fire, and watershed restoration. The decision includes an amendment to the Forest Plan to upgrade the existing standard for Little Sand Creek from "minimum viable" to "low fishable."

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' issues 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.

ISSUE REVIEW

Issue 1. The EA and DN are deficient and fail to adequately address potential impacts from the proposed project.

Contention A: The Appellants contend that the EA and DN fail to adequately address the effects of the project on habitat fragmentation, corridors, Neotropical birds and noxious weeds, which were identified as issues. They also contend that the DN predicts that there will be no adverse impacts to existing snag levels but admits that the removal of dead or dying trees will impact the black-backed woodpecker.

Response: The EA identifies habitat fragmentation, corridors, Neotropical birds, and noxious weeds as issues considered but eliminated from detailed study. The reasons for eliminating these issues from detailed study are fully described on pages II-3 through II-5 of the EA. The EA describes the design features and mitigation measures included in the proposed action to limit the potential effects of the project on resources of the area (EA, p. I-17). The DN acknowledges that implementation of Alternative B may result in some loss of potential black-backed woodpecker habitat but clarifies that, "... both the assessment area and the project area will still have the potential to support numerous pairs of black-backed woodpeckers following the implementation of this alternative. [A]lternative B will not affect population viability on the Forest or across the range of this species" (DN, p. 16). Based on the analysis documented in the EA and project file, the Forest Supervisor determined, "... that this proposal will not have a significant effect on the human environment." I concur with this determination.



Contention B: The Appellants contend that the EA and DN fail to analyze viable alternatives. They believe that the alternatives seem to be based upon a "result-biased decision making process."

Response: An EA must "rigorously explore and objectively evaluate all reasonable alternatives" (40 CFR 1502.14(a)). The courts have established that this direction does not mean that every conceivable alternative must be considered, but that selection and discussion of alternatives must permit a reasoned choice and foster informed decision making and informed public participation. Chapter II of the EA describes how comments received in public scoping were used to identify issues and develop alternatives. The purpose and need for the project is well defined and includes restoration and protection of the terrestrial ecosystem by improving forest health conditions and reducing potential fire severity, as well as restoring aquatic ecosystems. The DN and EA describe the Forest Plan management direction for the project area (DN, p. 4; EA p. I-7) which is to manage the lands for healthy timber stands to optimize sustained production of wood products. Information and recommendations from the Palouse Subbasin Ecosystem Analysis at the Watershed Scale (EAWS), 10/98 (Project File, Vol. III, Doc. 53) regarding terrestrial and aquatic ecosystem conditions and opportunities were also considered in narrowing the scope of the Yellow Pine restoration proposal. The Forest Supervisor provides sound rationale for his decision to select Alternative B over Alternatives A or C (DN, pp. 10-25). I find that the alternatives considered were adequate.

Contention C: The Appellants contend that an EIS must be prepared to take a "hard look" at cumulative impacts and that the DN does not discuss cumulative impacts to watersheds or wildlife.

Response: The EA adequately discloses the cumulative effects of the project on wildlife (EA, pp. III-24 through III-37) and watersheds (EA, pp. III-56 through III-71). 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 Forest Supervisor determined that this project is not a major Federal action with significant effects on the quality of the human environment (DN, p. 30), therefore, an EIS is not required.

Issue 2. The Forest Service should not log watersheds that are degraded from past management activities.

Contention A: The Appellants contend that although the EA concludes that BMP's and INFISH buffers will have an effectiveness rate of 99.2 percent and that Alternative B will result in sediment reduction and hasten the fish recovery process, it is more likely that Little Sand Creek and its aquatic resources will be adversely impacted by further logging activities.

Response: The EA discloses the effects of the project on sedimentation on pages III-62 through III-68. The EA states that, "... less sediment is produced in Alternative B because the estimated 62.2 tons of possible produced by timber harvest is offset by 135 tons of sediment that is eliminated by sediment reduction measures. Considering this, Alternative B reduces overall sedimentation by 72.8 tons" (EA, p. III-65). The conclusions that sediment will be reduced and fish recovery will be accelerated are supported by the WATBAL modeled results of timber harvest and sediment reduction activities. Appendix A of the DN discusses project BMPs and their effectiveness in detail (DN, Appendix A, pp. 1-34).

Contention B: The decision does not account for the longer term impacts of further timber removal (i.e., greater soil instability from less root structure) and downstream impacts including changes in stream morphology.

Response: A detailed analysis of the landslide risk in the project area is disclosed in the EA (EA, pp. III-57 through III-61). The Forest Soil Scientist conducted a field review of potential landslide units and documented those findings in an April 6, 1998 letter (DN, Appendix C). The site specific recommendations were incorporated into the analysis and decision (DN, pp. 19-20). I find that the landslide risk analysis, which concluded that the overall risk of landslides from harvest activity is very low, is well supported by documentation in the EA and project file.

Issue 3. The direct impacts of harvesting old growth requires further analysis.

Contention A: It is not adequate to state that old growth will be reduced by 14.9% while implying that this would not entail potential environmental impacts.

Response: The DN states, "In the Yellow Pine Restoration area, timber harvesting activities will not take place in stands of verified old growth" (DN, p. 14). The EA discloses that some harvest in tentatively identified old growth stands will occur but the stands were reviewed in the field and determined not to be verified old growth (EA, p. III-33). The DN states that harvest of 57 acres in tentatively identified old growth "will reduce the total old growth in the compartment to 1,862 acres or 14.9% of the compartment well above the 5% per compartment required by the Forest Plan" (DN, p.14). It appears that the Appellants have misinterpreted that statement to mean that old growth in the compartment is being reduced *by* 14.9% rather than *to* 14.9%.

Contention B: Potential adverse impacts to old growth areas associated with edge effects should be documented in an EIS.

Response: The EA discloses the effects of harvesting on the edge of previously designated old growth stands and concludes that the stands would not be directly affected (EA, p. III-33 and III-34). The EA also discloses the effects of harvesting on flammulated owl, pileated woodpecker, and goshawk, which are old growth management indicator species, and concludes that none of these species will be significantly affected by the proposal (EA, pp. III-24 through III-32). As previously stated, the Forest Supervisor determined that this project is not a major Federal action with significant effects on the quality of the human environment (DN, p. 30); therefore, an EIS is not required.

Issue 4. Regeneration harvest will not simulate historic fire conditions and should be dropped from the proposed project.

The Appellants contend that the DN states that regeneration harvest is necessary to simulate historic fire conditions.

Response: I do not find where the DN states that regeneration harvest is necessary to simulate historic fire conditions. The DN describes two of the broad purposes of the project as being to "1) restore ecosystems by improving forest health conditions, re-introducing fire, and correcting accumulative watershed problems; 2) protect ecosystems by reducing potential fire severity" (DN, p. 4). The EA discusses the effects of Alternative B with respect to fire and fuels on pages III-4 through III-6 and discloses that harvest prior to prescribed burning will reduce stand densities and remove "fuel ladder" vegetation and dead material that could carry fire into the tree canopy. The actions proposed in the EA are consistent with recommendations made in the Palouse Subbasin EAWS (Project File, Vol. III, Doc. 53, p. IV-15). The DN states that the "effects of implementing the Selected Alternative will be the most similar to that of a non-lethal to mixed severity wildfire [historic conditions], but under controlled situations..." (DN, p. 5).

Issue 5: The analysis presented in the EA and DN does not support the contention that this project is needed because timber jobs are an important part of the local economy.

Response: The EA adequately discusses the socioeconomic and cultural issues in local communities (EA, pp. I-12 and I-13; II-12 and II-13; and III-71 and III-72). The discussion in the EA and DN is supported by information in the Palouse Subbasin EAWS which indicates that the local communities of St. Maries and Lewiston have very high employment specialization in the wood products industry (Project File, Vol. III, Doc. 53, pp. III-3 to III-4). The decision is also consistent with the Forest Plan direction for management area E1 lands which are to "provide optimum, sustained production of wood products" (Clearwater Forest Plan, p. III-57).

RECOMMENDATION

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

/s/ Gary A. Morrison

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