



File Code: 1570-1

Date: July 25, 2003

Route To: (1570 - 215)

Subject: ARO Letter - Frazier Interface DN - Bitterroot NF - Appeal #03-01-00-0054 -
Floyd E. Wood

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Floyd E. Wood protesting the Frazier Interface Decision Notice (DN) on the Bitterroot National Forest.

The District Ranger's decision adopts Alternative 5 Modified, which includes timber harvesting, slashing, hand piling, and understory burning on about 447 acres to reduce fuel levels. The project also includes aspen restoration, use of biological controls and spot application of clopyralid to control weeds, and restoration of fish habitat by replacing five culverts that are hindering fish passage.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellant's 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.

The appellant does not allege violations of any specific law or regulation, but does take issue with the various actions the District Ranger approved in the DN. The appellant requests a stay of implementation of any action related to the EA for the Frazier Interface Project and requests the No Action Alternative be chosen instead of Alternative 5 Modified. The District Ranger contacted Mr. Wood and offered to have an informal disposition meeting with him. Mr. Wood declined the offer, but they discussed the issues over the phone without reaching any resolution.

ISSUE REVIEW

Issue 1: PURPOSE AND NEED. I don't know any reason to take even one big tree. Your so-called fuel reduction is unnecessary because the people who are protecting their homes from fire can reduce the fire hazard around their homes. Fire reduction elsewhere is for naught. Naturally you are going to have young trees coming in after harvest, and these trees are more prone to fire. This is the evolution of the Forest. What are you going to do? Slash and burn every time young trees come in?

Response: The Agency's Deciding Official has the discretion to determine the Purpose and Need for a project proposal. The NEPA implementing regulations state the NEPA document shall "briefly specify the underlying purpose and need to which the agency is responding..." (40 CFR 1502.13). The Forest provided information on the project to support the stated Purpose and Need (EA, pp. 1-1 to 1-5). In addition, the Purpose and Need relates to the Forest-wide



Management Direction. The Purpose and Need is within the discretion of the Responsible Official and is adequately linked to the Forest Plan.

Fuel reduction, including the need to remove large trees, is discussed in the EA (pp. 3-92 to 3-111). The need for fuel reduction is supported by documents found in the project file (Docs. FIRE-7 to FIRE-15, FIRE-18, TIMBER-4, and TIMBER-5). The DN and EA do recognize the fact that fuel reduction would need to be carried out at 15- to 25-year intervals to maintain the desired vegetative conditions, and additional NEPA would have to be done for those activities (DN, p. 4; EA, p. 2-19).

Issue 2: LOGGING SYSTEMS. Skyline logging is no good because where they string the mainline they tear down a swath of trees 50 feet wide at every set, which is usually about 100 feet apart. You state in one part of the Decision Notice that you may skid with ground-based equipment on dry ground. This leads me to believe there will be summertime logging with this equipment. Isn't the use of ground-based equipment in the summertime against regulations?

Response: The visual impact that skyline yarding would have on the project area was considered in the analysis of direct and indirect effects (EA, p. 3-72). The use of ground-based equipment in the summertime is not against regulations. The concerns about ground-based logging systems are primarily about soil impacts. Appendix G, Effects of Alternative 5 Modified (found attached to the DN) discusses the impacts to soils and other resources using ground based logging. The project also includes mitigations measures to lessen the impact to the soil resource (DN, p. 8; EA, Appendix A; and PF, Doc. WAT-6).

Issue 3: WATERSHEDS AND FISHERIES. In one place in the EA you state that you are going to log, and I assume burn, in the riparian area. In another part you say there will be no disturbance within 300 feet of a fish-bearing stream. Isn't there a law to the effect that you must stay 300 feet from a stream? It seems that your intentions are real flexible. There is nothing that you propose that will help the fish except restoring fish passage by replacing culverts and you can replace culverts without logging.

Response: The appellant appears to be confused by alternatives. Alternative 1 included intermediate harvest in the Riparian Habitat Conservation Areas (RHCA) (EA, pp. 2-6 to 2-7). State law allows harvest equipment with 50 feet of streams and wetlands. The Inland Native Fish Strategy (INFISH) amended the Bitterroot Forest Plan in 1995 and set the RHCA for fish bearing streams at 300 feet. Alternative 1 is in compliance with State law, but in order to implement Alternative 1, which includes harvest in the RHCA, the project would need a site-specific Forest Plan amendment.

Alternative 2, the No Action Alternative, does not allow for any harvest or burning in the RHCA, or elsewhere in the project area. Alternatives 3 through 5, and 5 Modified, do not include harvest in the RHCA, but do allow for other fuel-reducing activities and burning, which is in compliance with both State law and the Bitterroot Forest Plan, as amended by INFISH (EA, pp. 2-10 to 2-16). Based on the analysis of the impacts these various alternatives would have on the environment, the District Ranger decided to implement Alternative 5 Modified (DN, p. 1). It,

therefore, does not matter whether or not Alternative 1 would consider harvesting in the RHCA, since that alternative was not chosen.

The Purpose and Need for the project was primarily to reduce fuels and fire risk to structures, at the same time restoring fire and natural processes to the landscape (DN, p. 2). While the intent of the project is not fish habitat-related, the project affords a prime opportunity to replace five culverts in the project area that are impacting fish. The culvert replacement is not needed to mitigate effects from the project, but by analyzing the culvert replacement with the fuels reduction work, the analysis gives the Deciding Official the option of including the culvert work in his decision (DN, Appendix B, p. B-18). The District Ranger considered connectivity of fish habitat to be an important part of the natural processes in the project area, and after considering the effects (EA, pp. 3-12 to 3-31), he chose to replace the culverts (DN, p. 15).

Issue 4: NOXIOUS WEEDS AND HERBICIDE USE. I doubt very seriously if there is a weed problem in the area. Spraying will kill native plants such as paintbrush and all the other plants. Some spray will end up in the streams either directly or by washing into the stream, killing the fish, including bull trout and cutthroat trout, and bug life.

Response: The EA documents that field inventories were done for noxious weeds in 1996, 1997, and 2002. These inventories found three species of noxious weed in the Frazier Interface project area: spotted knapweed, St. John's wort, and sulfur cinquefoil (EA, p. 3-63). The Forest Plan (p. II-29) allows for herbicide use to control noxious weeds as does the Bitterroot National Forest's new Noxious Weed Treatment Project EIS and ROD. The Frazier Interface EA analyzed the impacts the use of herbicides would have on noxious weeds (EA, pp. 3-63 to 3-68), on threatened, endangered, and sensitive plants (EA, pp. 3-59 to 3-63), and on fisheries (EA, pp. 3-25 to 3-31). The botanist determined, with the implementation of mitigation measures, the activities are not likely to have an adverse affect on the habitat or population viability of dwarf onion or Rocky Mountain paintbrush (EA, p. 3-60 to 3-61). The fisheries biologist determined that spot application of clopyralid would have negligible effects on water quality and aquatic species (EA, p. 3-30).

Issue 5: VEGETATION. After the project is done, there will be no improvement in the supply of aspen, as aspen has always been quite scarce in much of the Bitterroot Valley.

Response: The EA (pp. 3-36 to 3-37) identifies aspen as a keystone species on the Forest and states aspen is not well represented across the Forest. In discussing the direct, indirect, and cumulative effects, the EA states (p. 3-53), Alternative 5 "would do the most to enhance, restore, and expand aspen within the treatment area. Removing competing and encroaching conifers and underburning would increase the opportunity for sprouting."

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellant. I recommend the District Ranger's decision be affirmed and the appellant's requested relief be denied.

/s/ Robert L. Schrenk
ROBERT L. SCHRENK
Appeal Reviewing Officer
Director of Forest and Rangeland