



**File Code:** 1570-1

**Date:** November 27, 2007

**Route To:** (1570 (215))

**Subject:** 1570 (215) - ARO Letter - Price-Powder Salvage Project DM - Beaverhead-Deerlodge NF - Native Ecosystem Council, et al. - #08-01-00-0001

**To:** Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Sara Jane Johnson, on behalf of Native Ecosystem Council and Alliance for the Wild Rockies, protesting the Price-Powder Salvage Project Decision Memo (DM) on the Beaverhead-Deerlodge National Forest (Butte Ranger District).

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 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.

This project decision was made using a category of action that can be excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as listed in Forest Service Handbook 1909.15, Chapter 30, Section 31.2. As a result, my appeal review will be focused on the use of the category, the review of extraordinary circumstances, and the project's consistency with the Forest Plan and applicable laws and regulations. I have reviewed the appeal and make the following findings:

1. The proposed action complies with Chapter 30 of the NEPA Handbook and is excluded from further analysis and documentation in an EIS or EA. The project makes appropriate use of Section 31.2, Category 13. Category 13 permits "Salvage of dead and/or dying trees not to exceed 250 acres, requiring not more than 1/2-mile of temporary road construction."

The use of Category 13 may include incidental removal of live or dead trees for landings, skid trails, and road clearing. It is clear from the description of the project found in the Decision Memo (pp. 1-2), the actions fall within Category 13.

2. The resource specialists on the interdisciplinary team reviewed the proposed action for potential effects on resource conditions and the presence of extraordinary circumstances (DM, pp. 4 through 7; PF, Part C, specialist reports, data, and analyses). The mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist. The Forest Supervisor did not find any extraordinary circumstances (DM, p. 3). I agree that there were no extraordinary circumstances that warranted further analysis and documentation as per FSH 1909.15, 30.3.

3. The project file shows the project is consistent with the Forest Plan and applicable laws and regulations (DM, pp. 7 through 10; PF, Docs. D-1 and D-2). Documents D-1 and D-2 display



each of the Forest Plan management goals and standards and describes how the project meets them in a very clear manner. I would like to briefly discuss two issues concerning the Forest Plan the appellants brought up in their appeal:

- ♦ The appellants expressed concern about meeting Deerlodge Forest Plan Timber Standard 6 (FP, p. II-25) that states, “Limit timber openings to 40 acres or less. Larger openings will require a 60-day public review and Regional Forester approval. Exceptions are listed in the Regional Guide.” The Regional Guide no longer exists; having been discontinued when regulations changed. The information about even-aged timber harvest was moved to the Northern Region’s supplement of the Forest Service Manual at 2471.1 (dated February 22, 2002). The Manual states, “The size of harvest openings created by even-aged silvicultural (sic) in the Northern Region will be normally 40 acres or less. Creation of large openings will require 60-day public review and Regional Forest approval, with the follow exceptions:  
1. Where natural catastrophic events such as fire, windstorm, or insect and disease attacks have occurred, 40 acres may be exceeded without 60-day public review and Regional Forest approval, provided the public is notified and the environmental analysis supports the decision. ...” This mirrors the regulations at 36 CFR 219.27(d)(2)(iii). The project has appropriately followed the exception found in the regulations, the Northern Region’s supplement to the Forest Service Manual, and the Deerlodge Forest Plan.
- ♦ The appellants are concerned about the project meeting the Deerlodge Forest Plan old growth standard (FP, p. II-26). The project file indicates that the harvest units do not meet the definition of old growth (Green, et al. 1992), and since the majority of trees in the harvest units are dead or dying, the units will never meet the definition of old growth **during this rotation** (PF, Docs. C-18 and C-26). Harvest of the units will not affect the amount of old growth. Across the Forest, and at the landscape level, the Deerlodge National Forest meets the requirement of the Forest Plan (PF, Docs. C-18, C-26, and D-1, p. 10).

### RECOMMENDATION

I have reviewed the record and have found that the decision and analyses are adequately and appropriately documented in the DM and project file. I recommend the Forest Supervisor’s decision be affirmed and the appellants’ requested relief be denied.

*/s/ David M. Pieper*  
DAVID M. PIEPER  
Appeal Reviewing Officer

cc:  
Forest Coordinator  
Responsible Official