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File Code: 1570 (215) Date: October 12, 1999
Route To:
Subject: Thunderbolt Windthrow Salvage Timber Sale DN, Appeal #99-01-00-0186, Beaverhead-Deerlodge National Forest
To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Kimberly Davitt on behalf of American Wildlands, Montana Wilderness Association, and Deerlodge Forest Defense Fund protesting the Thunderbolt Windthrow Salvage Timber Sale Decision Notice (DN) signed by the Jefferson District Ranger (Beaverhead-Deerlodge National Forest).

The District Ranger's decision adopts Alternative C with modifications. The decision authorizes harvest of approximately 1.1 million board feet of sawlogs on 130 acres, prescribed burning in selected units, and construction of 0.4 miles of temporary road.

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 have not listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The Appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the Short-Term Strategy for Upper Missouri Westslope Cutthroat Trout. The Appellants request a withdrawal of the EA and DN until the project is changed or additional information is obtained and analyzed. An informal meeting was held on September 7, 1999, but no resolution of the issues was reached.

ISSUE REVIEW

Issue 1. The Beaverhead-Deerlodge NF failed to adequately protect fisheries.

Contention A: The Appellants contend that the project fails to comply with the Conservation Agreement for Westslope Cutthroat Trout (May 1999) or the Short-term Strategy for Upper Missouri WCT.

Response: The EA adequately discloses the effects on the fisheries in the project area. The information in the EA is supported by the fisheries biologist report and the Biological Evaluation (BE) in the Project File. The fisheries biologist determined that the project may impact individuals or habitat, but will not likely result in a trend toward Federal listing or reduced viability for the population or species. The biologist also determined that, "All alternatives meet the intent of the Memorandum of Understanding and Conservation Agreement for Westslope Cutthroat Trout in Montana" (Project File, Doc. 52). The Conservation Agreement states, "It must be realized that in some instances, actions to achieve long-term beneficial effects may cause short-term degradation. [H]owever, long-term benefits ultimately will offset any short-term impacts" (Reference Document 2, p. 12).

This issue is also adequately addressed in the Response to Comments (DN, Appendix III, p. 13) which states in part:

> All alternatives pose some level of risk to the population of WCT persisting in Thunderbolt Creek, either as a result of catastrophic wildfire, or our proposed activities. None of the action alternatives is anticipated to measurably increase instream sediment levels. If survival-to-emergence of WCT fry and rearing habitat for juveniles is unimpacted, then the viability of the population should be unaffected. [A]ll alternatives will maintain the viability of WCT in Thunderbolt Creek and comply with the goals and objectives of the Conservation Agreement.

Contention B: The Appellants contend that the project fails to ensure species viability for WCT.

Response: Please see my response to Issue 1, Contention A. I find that the EA and supporting documentation adequately address and support the determination that westslope cutthroat troutpopulation viability will be maintained.

Contention C: The Appellants contend that the EA and DN fail to address threats to WCT from brook trout.

Response: The EA discloses that brook trout are present in Thunderbolt Creek (EA, p. III-16). The Conservation Agreement contains information on competition and hybridization from introduced trout species and action items to address the problem (Reference Document 2, pp. 12-13). The DN also describes mitigation measures designed to reduce effects on WCT (DN, pp. 3-5). Although the EA does not specifically address the effects on WCT from competition from brook trout, the EA and BE do conclude that westslope cutthroat trout population viability will be maintained.

Issue 2. The Thunderbolt Project fails to meet conservation guidelines for the Canada lynx.

The Appellants contend that with little information about current lynx populations, uncertainty about habitat loss and degradation, and a failure to meet the standards of the Draft Lynx Conservation Assessment and Strategy, there is no link to the finding in the Biological Assessment/Biological Evaluation (BA/BE) that the project is not likely to jeopardize the continued existence of the species or result in destruction or adverse modification of proposed critical habitat.

Response: This issue is adequately addressed in the Response to Comments (DN, Appendix III, p. 10). The response explains that the Draft Lynx Conservation Strategy was released after the EA was completed and acknowledges that three of the project planning standards contained in the Draft Lynx Conservation Strategy are not met by all alternatives. The response, as well as the BA/BE, describe actions taken in the decision to address those concerns. With respect to lynx, the BA/BE states:

> This project, as planned is not likely to jeopardize the continued existence of the species or result in destruction or adverse modification of proposed critical habitat. It is likely that this species will be listed as threatened by January 2000. At that time, the determination will change to may affect - not likely to adversely affect. Informal consultation with the USFWS would be required at that time (DN, Appendix A, p. 6).

I find that the EA and documentation in the Project File adequately support this finding.

Issue 3. The Thunderbolt project fails to properly identify and protect roadless lands.

The Appellants contend that the failure to ensure scientific accuracy of the information in the EA/DN, as a result of the use of inaccurate Forest Plan maps, that key roadless lands would be adversely affected by the decision.

Response: As part of the analysis done for the project, the Interdisciplinary Team (IDT) validated Forest Plan management area boundaries (Project File, Doc. 107). The Boulder River Landscape Analysis (Reference Document 3) also examined the Electric Peak Roadless Area boundary. This issue is addressed in the Response to Comments where it states that "None of the Electric Peak roadless area ... is proposed for roading or harvest" (DN, Appendix III, p. 7). The EA states that "Roadless lands are not affected by this proposal" (EA, p. IV-8).

Issue 4. The project fails to analyze the cumulative effects from motorized use.

Contention A: The Appellants contend that the EA and DN fail to address the impacts from snowmobiling in elk winter range.

Response: The EA discloses that there will be no harvest or hauling allowed in the winter and that none of the harvest units lie in elk winter range (EA, p. IV-22). This issue was addressed in the Response to Comments which acknowledges that the lowest end of Thunderbolt Creek may be used by elk in low snow winters but because there is no spatial or temporal overlap of project activities in elk winter range, cumulative effects of snowmobiling were not addressed for elk (DN, Appendix III, p. 2). While travel management issues were raised, the District Ranger decided not to make changes to the travel management plan until a larger area could be considered.

Contention B: The Appellants contend that the proposal fails to address transportation system non-compliance (leaving Trail #227 open to full-size vehicles) as a cumulative effect.

Response: The EA does not specifically address the cumulative effects of leaving Trail #227 open to full-sized vehicles. However, the EA discloses that Trail #227 receives such sporadic use that in some years, no full-sized vehicles use the route, leaving one to infer that cumulative effects of using the trail would be minimal. As previously stated, the District Ranger decided not to make changes to the travel management plan until a larger area could be considered.

RECOMMENDATION

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

/s/ Alexander G. Morigeau

ALEXANDER G. MORIGEAU
Reviewing Officer
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