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Subject: ARO Letter - Gallatin Canyon North Fuels Reduction Project DN - Gallatin NF - Appeal #04-01-00-0018 - Native Ecosystems Council

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 Gallatin Canyon North Fuels Reduction Project Decision Notice (DN) on the Gallatin National Forest.

The Forest Supervisor's decision adopts Alternative 2. This alternative includes approximately 2,700 acres of prescribed burning; 50 to 60 acres of understory thinning, ladder fuel clean up, hand piling, and burning; and 15 to 20 acres of commercial thinning (harvest). The project includes 825 feet of road reconstruction and 450 feet of temporary road construction to provide access for the commercial harvest.

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 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 that were not resolved, and believe they are adequately addressed below.

The appellant alleges violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Clean Water Act (CWA), the Wilderness Act (WA) and the Administrative Procedures Act (APA). The appellant requests a remand of the DN, and the management activities in the wilderness be analyzed in a Forest-wide Environmental Impact Statement (EIS). The appellant also requests the Gallatin Forest Plan be amended before active management of the wilderness takes place. An informal meeting was held with the appellant. The issues concerning the CWA and adjacent landowners, and portions of the issue about providing sufficient information to the public were resolved.

ISSUE REVIEW

Issue 1. The Forest Service will violate the WA if the Gallatin Canyon North Fuels is implemented. This important problem was not even addressed in the Environmental Assessment (EA) or DN. Of particular concern are helicopter use, and impacts to wilderness character and bighorn sheep in the area.

Response: The EA, DN, and project file considered whether the use of prescribed fire and helicopters are consistent with wilderness management. One of the decision criteria used by the Forest Supervisor was whether using a helicopter for aerial ignition and transportation was necessary in the wilderness and whether the effects on visitors' experience was an acceptable



trade-off to reducing fire severity risk (DN, p. 22). The Response to Comments (DN, pp. B2 and B3) also discusses burning in the Lee Metcalf Wilderness.

The EA considers the impact to the Lee Metcalf Wilderness, and the direction for management of the wilderness found in the Lee Metcalf Wilderness Fire Management Guidebook and the Gallatin Forest Plan (EA, pp. 1-7, 1-9, and 3-13 to 3-20). The EA recognizes the unique characteristics of the Lee Metcalf Wilderness. It explains that the long term benefits of the project are expected to enhance the wilderness character by reducing the risk and consequences of wildfire within or escaping from the wilderness, thus allowing fire to play a more natural role in the wilderness (EA, p. 3-20).

The project file further demonstrates that the ID team and the decision maker considered the WA and the impact the project would have on the Lee Metcalf Wilderness (PF, Docs. J-121 to J-128.) These documents include an analysis of the effects the project would have on the wilderness (PF, Doc. J-121), a cumulative effects work sheet (PF, Doc. J-122), and the minimum tool analysis (PF, Doc. J-123).

The objectives of the fuel treatments are to reduce to an acceptable level the risk and consequences of wildfire within wilderness in order to permit fire to play, as nearly as possible, its natural ecological role on the landscape (PF, Doc. J-26, p. VI-1). The Lee Metcalf Wilderness Fire Management Guidebook (PF, Doc. J-26) discusses the fire history of the area (pp. III-1 to III-24) and the ecological role of management-ignited fire (p. VI-2): “By eliminating the natural role of fire in fire dependent ecosystems, humans have altered many of the plant communities and created unnatural biomass accumulation. Fire occurrence in the Lee Metcalf Wilderness is significantly out of its natural range of variation setting the stage for an unnatural stand replacement fire... [D]ue to the unnatural fuel buildups, change in vegetation, and increased interface area along the boundaries, a stand replacing fire today could have catastrophic effects... Fire suppression has removed the important ignition source[s] outside of [the] Wilderness which has resulted in dramatically reducing fire’s role inside [the] Wilderness... By re-introducing fire back in the wilderness, plants and animals that evolved in a fire-dependent ecosystem will respond positively to natural forces.” These objectives and the management to achieve these objectives are in compliance with the WA.

The Minimum Tool Analysis (PF, Doc. J-123, p. 3) quotes the WA, which states, “...except as necessary to meet minimum requirements for the administration of the area for the purposes of this Act there shall be no...use of motor vehicles...no landing of aircraft, no other form of mechanical transport...” The regulations implementing the WA indicate the Forest Service may use aircraft in prescribed situations (36 CFR 293.6). The Forest Service Manual also contains direction on use of motorized vehicles in wildernesses. At 2326.1 (PF, Doc. J-123, p. 5) the Forest Service Manual states that motorized transport may be used in order to meet the minimum needs to protect and administrate a wilderness when safety, timing, and season limitations are a factor. In the Minimum Tool Analysis, the Forest Supervisor found the use of a helicopter would be necessary to safely manage the Lee Metcalf Wilderness prescribed burn (PF, Doc. J-123, pp. 18 and 19; DN, pp. 22 and 23). The use of a helicopter in this situation is in compliance with the WA, the implementation regulations, and the Forest Service Manual.

The use of mitigation measures for bighorn sheep does not indicate there is a conflict between resources and the proposed management in violation of the WA. The wildlife analysis (PF, Doc. J-130, pp. 32 and 33) indicates the indirect effects of the burn could be beneficial to the bighorn sheep population because it will increase the quality and quantity of forage and it will reduce the encroachment of conifers into the open areas, which are used as cover by predators. The analysis also indicates the disturbance of the firing and the lack of quality forage immediately afterwards are impacts that must be taken into consideration. With appropriate mitigation, the undesirable impacts can be lessened while the beneficial impacts of the management can still be realized. The management of the Lee Metcalf Wilderness with prescribed fire is in compliance with the WA.

Issue 2. The Forest Service will violate CWA if the proposed project is implemented.

Response: This issue has been resolved.

Issue 3. The Forest Service will violate NFMA, NEPA, and APA if the proposed Gallatin Canyon North Fuels is implemented. An active management program for wildernesses on the Gallatin Forest has never been defined in the Gallatin Forest Plan. There has been no Forest-wide analysis of cumulative impacts of a wilderness vegetation management program. Any analysis of a new wilderness management program that requires active management and a change in current wilderness conditions also requires the development of a range of options. The Gallatin Forest has never provided a range of management options at the Forest planning level. The proposed site-specific project of 10 years is outside the scope of NEPA.

Response: The Gallatin Forest Plan allows for the use of scheduled ignitions in the Lee Metcalf Wilderness (Forest Plan, p. F-35; EA, pp. 1-7 to 1-9, 3-14 to 3-15, and 3-19). The Forest Plan EIS (p. II-92) states, “Wilderness areas on the Forest have been or are being evaluated for application of fire management prescriptions.” Various other kinds of active management are also described in the Forest Plan for the Forest’s wildernesses (Forest Plan, pp. III-10 to III-13, and Appendix F; see pp. F-19 to F-36 specifically for the Lee Metcalf Wilderness).

The impact of wilderness management on a Forest-wide basis was done in the Forest Plan EIS (pp. IV-3 to IV-5). Site-specific projects that manage wildernesses require a range of alternatives (DN, pp. 12 and 13; EA, pp. 2-1 to 2-12), and analysis of site-specific impacts (EA, pp. 3-1 to 3-22), as was done in the Gallatin Canyon North Fuels Reduction Project EA. The proposed action was clearly stated in the EA (Table 1-1), the DN (pp. 5 and 6), the scoping letter (PF, Doc. B-1), and the cover letter for the EA that was mailed to the public at the beginning of the comments period (PF, Doc. D-1).

NEPA does not establish time limits for implementation of decisions (DN, p. B5, Comment 1-9). However, when project implementation extends for a long period of time, the Council on Environmental Quality and the Forest Service Handbook allow for review of the project (see *Council on Environmental Quality (CEQ) Forty (40) Most Asked Questions*, March 23, 1981, Federal Register [46 FR 18026], Question 32) and the Forest Service Handbook (1909.15, Section 18.1). The project and the analysis are in compliance with NEPA, NFMA, and APA.

Issue 4. The Forest Service failed to provide a reasonable amount of information to the public regarding the economics.

Response: The EA (Appendix D, pp. D-3 to D-4) responded to the request to display the economics and net public benefits of the project. Since 1985, fuel management projects on the Forests have cost \$40.00 to \$100.00 per acre, and mechanical thinning projects cost approximately \$277.00 per acre. Wildfire suppression costs range widely, depending on size and complexity of the fire, from \$400.00 to \$10,000.00 per acre. Supporting documents and further discussion of economics can be found in the project file (Vol. 2, Docs. J-49 through J-52).

When comparing the costs of a wildfire versus a prescribed fire and/or thinning, not only would it be more beneficial to use the latter as a tool to manage vegetation and fuel loadings, but other benefits would be realized such as burning under more controlled conditions, providing fuel breaks to adjacent private land inholdings, reducing the crown fire hazard and fire severity risk to National Forest System (NFS) lands and the adjacent private land, providing timber products to the local economy and reducing the risk of a wildland fire leaving National Forest lands (EA, p. D-4). The EA provided sufficient economic information.

Issue 5. Although NEC requested specific information on how roadless lands and wilderness study areas would be impacted, this information was not provided.

Response: The appellant did not request information about wilderness study areas (PF, Vol. 1, Doc. D-09). The Forest, however, did supply the documents that were requested by the appellant (PF, Vol. 1, Doc. E-06). The impact to roadless areas was analyzed in the Final Roadless Effects Report (PF, Docs. J-74 and J-75), and discussed in the EA (pp. D-4 to D-5) and DN (pp. 28 to 29). The one concern that did emerge in the analysis was the visual effect of the stumps from the understory thinning in the roadless area. To mitigate this impact, the decision included a mitigation measure to flush cut stumps within 100 yards of the roadless boundary when the boundary faces private property or highways (DN, p. 16).

The closest portion of the Hyalite-Porcupine-Buffalo Horn (HPB) Wilderness Study Area to the project area is approximately 2.5 miles away; the majority of the HPB Wilderness Study Area is much farther from the project area (PF, Doc. J-23, Map). The ID team focused their attention on the impacts to the Lee Metcalf Wilderness and the roadless area rather than on the farther away wilderness study area where impacts would be slight or not occur.

Issue 6. The long-term program for fuels management in the impacted wilderness area was never defined or evaluated.

Response: The long term intent of the project is described in the *Desired Future Condition of the Project Area* (EA, p. 1-6). This includes creating stand conditions that reduce fuel continuity, maintaining and restoring open south facing exposures by reducing tree encroachment, and enhancing vegetation conditions so as to allow fire to play its natural role in the wilderness.

Issue 7. It is not clear that some of the public who will benefit from the construction of fuel breaks next to their property actually want the activity to take place, or that alternatives were included to address this issue.

Response: This issue has been resolved.

Issue 8. The purpose and need to burn 2,000 acres in a wilderness was never provided in the EA or DN. The harm that will occur to the wilderness and the natural resources values present in this wilderness were never identified. This leaves the public at a loss to understand why active intervention in the wilderness is recommended.

Response: This issue has been resolved.

Issue 9. The Forest Service failed to acknowledge that the proposed active vegetation management in wilderness areas on the Gallatin National Forest represents a decision in principle about future considerations.

Response: It is anticipated the management of the wilderness will help protect the wildland urban interface and allow for fire to play its natural roll in the future (see Issues 1 and 6, above); however, the decision made by the Forest Supervisor on this project does not foreclose future considerations about wilderness management, nor does it make a decision in principle about the future management of the wilderness (DN, p. 30).

Issue 10. The Forest Service failed to identify that the proposed active vegetation management in the wildernesses on the Gallatin National Forest violates several Federal, State, or local laws or requirements imposed for the protection of the environment.

Response: As displayed in the DN (pp. 31 to 36) and the EA (pp. 3-21 to 3-24), the ID team and the Responsible Official reviewed all applicable laws and regulations and found the project is in compliance with them.

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 Forest Supervisor's decision be affirmed and the appellant's requested relief be denied.

/s/ Steve Williams
STEVE WILLIAMS
Acting Deputy Forest Supervisor Nez Perce
Appeal Reviewing Officer