



File Code: 1570-1

Date: September 20, 2006

Route To: (1570 - 215)

Subject: 215 - ARO Letter - Hidden Lake Fuel Reduction Project DM - Lolo NF - Appeal #06-01-00-0060 - WildWest Institute, et al.

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Jeff Juel, on behalf of WildWest Institute and Alliance for the Wild Rockies protesting the Hidden Lake Fuel Reduction Project Decision Memo (DM) on the Lolo National Forest (Seeley Lake Ranger District).

The District Ranger's decision authorized the following activities within the Hidden Lake project area on the Seeley Lake Ranger District of the Lolo National Forest (DM, p. 1; PF, Doc. A-1):

1. Reduce the hazardous fuels in three units totaling about 388 acres,
2. Construct approximately 1,500 feet of temporary road (one 700 foot temporary road in Unit 1 and up to four 200-foot road segments to access jump landing sites and shorten skidding distances in Unit 3),
3. Construct about 1,900 feet of short-term specified road on National Forest land to go around private property and tie into the existing road system in the eastern portion of the project area. This road will be constructed on flat ground using minimal earthwork to smooth the existing terrain and create a road surface. This road will be decommissioned at the completion of the project and not used again for at least 20 years,
4. Prohibit timber sale activities on Road #17662, which provides access to a recreation site on the western shore of Hidden Lake, and
5. Install the necessary BMPs to correct some existing drainage problems on Road #17662.

The fuel reduction activities would be accomplished by a combination of improvement cutting, thinning the overstory to open crown structure, thinning the understory to remove ladder fuels, hand piling, burning of the piles, and prescribed understory burning.

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 10, which permits "Hazardous fuels reduction activities using prescribed fire, not to exceed 4,500 acres, and mechanical methods from crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing not to exceed 1,000 acres."
2. The resource specialists on the interdisciplinary team reviewed the proposed action for potential effects on resource conditions and the presence of extraordinary circumstances. 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.
 - By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). The project file provides documentation that the specialists considered cumulative effects prior to determining that there are no extraordinary circumstances related to the proposed action (BA, D7-1 and BE, D7-2).
 - The Biological Assessment (D7-1) and Biological Evaluation (D7-2) appropriately documents effects to federally-listed threatened and endangered species, and sensitive species. As noted in the DM, the consultation process with the U.S. Fish and Wildlife Service was performed under the Joint Counterpart Endangered Species Act, Section 7, Consultation Requirements Final Rule. The BA also notes that per the Alternative Consultation Agreement, the analyses were prepared under the Endangered Species Act Counterpart Regulations for National Fires Plan projects. Management indicator species are addressed in the Biological Evaluation (D7-2). The wildlife analysis indicates that there are no extraordinary circumstances related to threatened, endangered, or sensitive species as a result of the proposed action.
3. The project file shows the project is consistent with the Forest Plan and applicable laws and regulations. No old growth will be cut during this project (DM, p. 2).

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 District Ranger's decision be affirmed and the appellants' requested relief be denied.

/s/ Ranotta K. McNair
RANOTTA K. MCNAIR
Appeal Reviewing Officer