



United States
Department of
Agriculture

Forest
Service

Region 1

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File Code: 1570 (215)
Route To:

Date: May 28, 1998

Subject: Panama Timber Sale, Appeal #98-01-00-0039
Wise River Ranger District, Beaverhead-Deerlodge National Forests

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 District Ranger's Decision Notice (DN) for the Panama Timber Sale project on the Wise River Ranger District of the Beaverhead-Deerlodge National Forests.

The Wise River District Ranger's DN proposes to manage rangelands and mixed conifers and aspen forest stands using prescribed fire, timber harvest, and slashing.

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.

FINDINGS

My recommendation is based upon the following evaluation:

Clarity of the Decision and Rationale

The decision to implement a modified Alternative 5 is well reasoned and well presented. Mitigation measures associated with the selected alternative are clear and help to present a complete picture of the project. Maps of a larger scale would be helpful in providing better opportunities for understanding the area.

Purpose of the Proposal and Comprehension of Benefits

The ties between the project and the Forest Plan are frequently referenced, and implementation of the project will clearly move the area closer to the desired future condition. Good use of a table allowed a concise comprehension of the minor differences between alternatives.

Consistency with Policy, Direction, and Supporting Information

The modifications to the preferred alternative that are incorporated into the selected alternative are well stated and within the range of alternatives analyzed. A good comparison of alternatives is provided in the DN. The determination and rationale for the FONSI are clear and supported in the EA. The mitigation measures are displayed in the DN.

Effectiveness of Public Participation Activities and Use of Comments

A public involvement strategy was well developed and executed. Public input was clearly important to the selection of the alternative. A content analysis matrix containing all the issues and concerns received from scoping could be useful.

Appeal Review Findings

The Appellants allege violations of the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA). The Appellants request remand of the District Ranger's DN.

Objection: IA. The Forest has violated NFMA because they have ignored direction in the Forest Plan.

Response: The Appellants contend that treating vegetation through timber management and burning violates the objectives of maintaining wildlife habitat. In my review of this issue, I have concluded that the Forest has operated within the latitude available in the Forest Plan. Since the Purpose and Need calls for improving timber stand growth and health, improving diversity of Douglas fir, willow and aspen habitats, and restoring parkland habitat, the treatments proposed are compatible with the objective of maintaining wildlife habitat. Although some elk security is reduced, other wildlife diversity objectives will be achieved.

Objection: IB. The Forest has violated NFMA by creating an opening of 220 acres that reduces the quality of wildlife habitat.

Response: The Appellants contend that treatment of units 16, 13, 38, 11 and 8 will be additive and result in an opening of approximately 220 acres that will reduce the quality of habitat for lynx, elk, and northern goshawks. Since these treatments will not remove all trees from the area and the treatments are designed to maintain forest cover, an opening of 220 acres will not be created. The lack of significant impacts is documented in the Environmental Consequences section of the EA. Since non-forested communities historically comprised over 50 percent of the landscape compared to the 23 percent today, and all tree cover is not proposed to be removed from the combined units, I conclude that the proposal is consistent with the overall goals of the management area.

Objection: IC. The slashing of conifers in Units 25, 28-34 and 38 will degrade wildlife habitat.

Response: These treatments respond directly to the objective of restoring parkland habitat. Adverse effects to elk hiding cover are documented to be insignificant. Since the purpose of the slash and burn of these units is to restore parkland habitat and the Montana Department of Fish, Wildlife and Parks is supportive of Forest Service efforts to restore rangeland and parkland at these locations, I conclude that the project is meeting the Purpose and Need for improving habitat diversity.

Objection: ID. The Appellant contends that burning Units 20, 23, 24, 26 and 27 will reduce sagebrush and adversely affect wildlife.

Response: The main objective of this treatment is to reduce conifer encroachment on parkland habitat in order to enhance species diversity. This is documented in the Purpose and Need section of this document. In Appendix C, Response to Comments, the Forest has documented that methods to avoid burning sagebrush are available and will be used. I conclude that the Forest recognizes the importance of maintaining sagebrush to provide habitat diversity and that they intend to use methods to minimize or eliminate the burning of sagebrush plants.

Objection: II A. The Forest has violated NFMA because no monitoring and timber harvest threatens the viability of goshawks.

Response: Evaluation of the alternatives documents that goshawk foraging habitat will change very little in the near term. For nesting habitat, standards to protect the nest and adjacent habitat are found in Appendix G, Mitigation Features Common To All Action Alternatives. Surveys (monitoring) have been conducted in the area during the past 2 years (1996 and 1997). I conclude that such surveys combined with identified mitigation support the fact that monitoring for goshawk is ongoing.

Objection: II B. The Appellant contends that lynx monitoring data from Montana Department of Fish, Wildlife and Parks were not used. They also contend precommercial thinning will also reduce snowshoe hares, the primary food source for lynx.

Response: It is documented in the EA that data from the Montana Department of Fish, Wildlife and Parks were used. Also, even though precommercial thinning can reduce snowshoe hare habitat quality, only about 25 percent of the sapling stands will be thinned.

Objection: II C. The Appellant contends that road densities will exceed 1 mile/square mile and adversely affect lynx.

Response: Road densities were based on a typographical error that read 4.0 miles of road would be built instead of 0.4 miles. Therefore, road densities are reduced accordingly. Open road densities will be 0.415 and 0.75 miles per square mile for Lincoln Gulch and Bear Gulch respectively (Environmental Analysis, IV-17).

Objection: II D. The Appellant contends that a 220-acre opening will be created and provide a movement barrier to lynx. The pending listing of lynx was not considered in the EA.

Response: Proposed treatments will not remove all trees and, therefore, some level of cover will be maintained. The Biological Assessment, Appendix B, concludes that this project will have no impact on the lynx. Since lynx are presently considered sensitive in Region One, an evaluation through a biological evaluation process is appropriate (Appendix B). Once the lynx is proposed for listing (on or prior to July 1, 1998) all ongoing and proposed projects will be reassessed and, if required, conferenced with the U.S. Fish and Wildlife Service at that time.

Objection: III A. The Appellant contends that the area for analyzing the effects of the impacts on wildlife in the immediate project area is too large. (Analysis should be based on home range size for the species of concern - elk.) There is also a concern that the Forest did not adequately address Montana Fish, Wildlife and Parks' concern over logging and parkland restoration impacts on elk cover.

Response: The Appellant has a good point in that all alternatives have the same percentage of security area (26 percent) based on an analysis area in excess of 10,000 acres. However, since the Forest dropped the most contentious units as a result of input from the Montana Department of Fish, Wildlife and Parks, the impacts to elk security are within acceptable limits for the selected alternative. The rationale for this is found in paragraph 2 of the DN.

Objection: III B. The Appellant contends that the impacts of temporary roads were not adequately addressed.

Response: Per the response in the transmittal letter, temporary roads were used in the calculations of elk effective cover (EEC). Therefore, the adverse effects on EEC are actually overstated. Since all

temporary roads will be obliterated following harvest activities (DN, paragraph 1), I conclude that impacts to elk from temporary roads have been adequately addressed.

Objection: III C. The Appellant contends that the Forest concluded that there would be no significant impacts on Management Indicator Species (MIS) without knowing the status of MIS.

Response: The Forest did have information on MIS and used it in their analysis. Montana Department of Fish, Wildlife and Parks and/or Forest Service surveys were used to evaluate impacts on goshawk, lynx, cutthroat trout, grayling and sensitive plants.

Objection: III D. The Appellant contends that the impacts of logging and burning on forest songbirds was not evaluated in the EA.

Response: The proposed project conforms well to the four steps recommended for songbird management as described by Hejl and other bird researchers in Montana and Idaho. The Forest did a good job of using the literature to address the consequences of the project on forest songbirds, including that some species are positively affected and some species are negatively affected by vegetation treatments. They also stated that although some sagebrush would be killed from burning treatments, other sagebrush communities would be restored through the removal of encroaching conifers.

Objection: III E. The Appellant contends that there was no analysis of impacts of large areas of noncover resulting from the mingling of new and existing harvest units.

Response: In the DN (paragraph 2) the Forest acknowledges dropping units 21 and 22 and adding unit 13 to meet both timber management and elk cover objectives. Restoring rangeland and parkland habitats is one of the purposes of the project as expressed in the Purpose and Need section of the EA. Restoration of parks will, by definition, reduce cover and the amount of closed canopy forest. In response to the needs for elk habitat, the Forest modified Alternative 5 and dropped units 21 and 22 because they were identified as important to elk habitat by Montana Department of Fish, Wildlife and Parks. Elk habitat was a driving force in the selected alternative (DN, paragraph 2). The impacts on lynx were addressed in the BE and goshawks were covered extensively in the EA. Although the Forest response to your concern could have been clearer, I conclude that the analysis and alternative modification were sufficient to address your concerns.

Objection: III F. The Appellant contends that the MOU between the Montana Department of Fish, Wildlife and Parks and the Forest was not used.

Response: In the Forest's Response to Comments (EA, p. C-40), the Forest states that the Memorandum of Understanding with Montana Department of Fish, Wildlife and Parks applies only to pure sagebrush types, which are limited to 98 acres within the project area (Lincoln Park Allotment). None of these 98 acres are proposed for treatment.

Objection: III G. The Appellant contends that the Forest used agency expertise almost exclusively in this analysis.

Response: The Forest used a great deal of information from outside sources in this analysis, including state wildlife agency data, recent literature and guidelines and models that are accepted methods of analysis.

RECOMMENDATION

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

/s/ Katherine Q. Solberg

KATHERINE Q. SOLBERG
Appeal Reviewing Officer