



United States  
Department of  
Agriculture

Forest  
Service

Region 1

200 East Broadway  
P. O. Box 7669  
Missoula, MT 59807

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File 1570 (215) Date: March 31, 1999  
Code:  
Route  
To:  
Subject: South Elkhorns Range and Vegetation Project DN, Appeal #99-01-00-0092  
Helena National Forest and Beaverhead-Deerlodge National Forests  
To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Judith M. Brawer on behalf of American Wildlands; The Ecology Center; and Alliance for the Wild Rockies, Inc. protesting the South Elkhorns Range and Vegetation Project Decision Notice (DN) signed by the Townsend District Ranger (Helena National Forest); Jefferson District Ranger (Beaverhead-Deerlodge National Forests); and the manager of the Bureau of Land Management, Butte Field Office.

The District Rangers' decision adopts Alternative B with some modifications for the grazing portion of the project and a combination of units from all the vegetation treatment alternatives to maximize benefits to all wildlife species and minimize impacts on big game hiding cover and security areas.

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

## FINDINGS

### Appeal Review Findings

The Appellants allege violations of the National Environmental Policy Act (NEPA), the Administrative Procedures Act (APA), the National Forest Management Act (NFMA), and the special management direction of the Elkhorn Wildlife Management Unit (EWMU) to manage for wildlife. The Appellants request withdrawal of the Environmental Assessment (EA), Finding of No Significant Impact (FONSI) and DN and preparation of an Environmental Impact Statement (EIS). The Appellants also request the Elkhorn Wildland Fire Handbook be subject to public comment as required by NEPA. The Appellants list many interrelated issues in their appeal. An informal meeting was held but no resolution was reached.

### **Objection 1: The South Elkhorns project does not comply with the management direction of the Elkhorn Wildlife Management Unit (EWMU).**

The Appellants contend that neither the Elkhorn Forest Plan Amendment nor the South Elkhorns project are compatible with management direction provided by the EWMU Memorandum of Understanding (MOU). They contend that the proposal requires active management activities and does not allow for natural processes such as fire, disease, and natural forest succession.

Response: The goal of the Elkhorn MOU is "to manage the Elkhorns as an ecological unit across political boundaries for the purpose of sustaining ecological systems, including the full range of potential biological diversity and ecosystem processes" [Project File, Vol. 1, Doc. 1-5 (MOU, p. 3)]. The South Elkhorns EA summarizes the management direction provided in the Elkhorn Forest Plan Amendment (EA, pp. 3-1 through 3-4). The Elkhorn Wildland Fire Guidebook (1998) provides direction for achieving resource objectives with naturally ignited fires in some areas of the Elkhorns. As stated in the DN, the selected alternative is consistent with management direction provided in the Deerlodge and Helena Forest Plans and the Elkhorn Forest Plan Amendment (DN, p. 25).

**Objection 2: The project violates NEPA because the Forest Service failed to prepare an EIS.**

The Appellants contend that the project requires preparation of an EIS because it may have significant effects and is highly controversial. They also contend that the impacts of extensive management were not adequately addressed in the EA.

Response: The regulations at 40 CFR 1501.4(c) provide for the preparation of an EA to determine whether or not to prepare an EIS. As documented in the DN and FONSI (DN, pp. 22-23), the District Rangers considered the 10 factors set out in the regulations (40 CFR 1508.27(b)) that must be considered in determining whether an EIS must be prepared. Based on the analysis documented in the EA, the District Rangers concluded that an EIS is not necessary because this project would not have significant impacts on other resources, nor would the effects on the human environment be highly controversial.

**Objection 3: The project violates NEPA because it implements a fire plan which did not undergo NEPA.**

The Appellants contend that the Elkhorn Wildland Fire Guidebook, May 1998, makes decisions regarding fire suppression on the EWMU and should have been subject to public review under NEPA before being implemented in site-specific projects.

Response: The Elkhorn Wildland Fire Guidebook (Project File, Vol. 1, Doc. 1-8) is an operational document providing direction for the appropriate wild fire suppression response as well as the appropriate use of natural fire and managed ignitions to meet resource objectives. NEPA requirements were met during the analysis completed for the Forest Plan amendments. Forest Plan direction for fire management is included in the Guidebook (p. 4) and includes the objective of developing and authorizing a fire management plan for the Elkhorns.

**Objection 4: The project failed to adequately address cumulative effects.**

The Appellants contend that the EA/DN failed to analyze the cumulative impacts of the North Elkhorns project and a timber harvest/prescribed burning proposal at the south end of the Elkhorns, as well as the cumulative effects of active management directed by the Elkhorn Forest Plan Amendment.

Response: The EA discloses the cumulative effects of past, present, and reasonably foreseeable actions on all of the resources throughout Chapter 3 (see the Transmittal Letter for specific references). There is no other timber harvest or prescribed burn proposal at the south end of the Elkhorns to be considered in a cumulative effects analysis relative to this project. The EA discloses the cumulative effects of South

Elkhorn treatments in combination with the North Elkhorns proposal on 3-39 and 3-40 and in the DN (p. 16). Based on my review of the EA and project file, I find that the analysis and disclosure of cumulative effects is adequate.

RECOMMENDATION

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

/s/ J. Doug Glevanik

J. DOUG GLEVANIK  
Reviewing Officer