United States Department of Agriculture

Forest Service

Region 1

200 East Broadway
P. O. Box 7669
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File Code: 1570 (215)
Route To:

Date: December 19, 997

Subject: North Flints Timber Sale, Appeal #98-01-00-0018
Beaverhead-Deerlodge National Forests

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Blaine Davey on behalf of The Ecology Center and the Alliance for the Wild Rockies protesting the Beaverhead-Deerlodge National Forests Supervisor's Decision Notice (DN) for the North Flints Timber Sale.

The Forest Supervisor's decision adopts Alternative C modified to harvest 838 acres of sawtimber, posts and poles; construct 2.5 miles of specified roads and 2.1 miles of temporary roads; recondition 3.3 miles of existing roads and reconstruct 5.3 miles of existing roads to access harvest units. Also natural fuels prescribed burning will occur on 1,100 acres.

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 and rationale are clearly stated; however, the DN would have been easier to understand if the decision had been placed up front in the document. Mitigation measures are clearly illustrated, and the maps and charts are excellent.

Purpose of the Proposal and Comprehension of Benefits

A strong statement about the purpose and need early on in the DN would have made it clearer. Alternatives were compared and referenced back to the decision criteria. The discussion on the rationale for the decision is excellent.

Consistency with Policy, Direction, and Supporting Information

The use of ecosystem management principles and the application of recent science is obvious and well incorporated in the project design. The rationale and supporting documentation are clear in describing the need for treatment of unsuitable lands. The Finding of No Significant Impact is well stated and explained in terms of context and intensity. However, this section could have been strengthened by disclosing the effectiveness of mitigation measures.

Effectiveness of Public Participation Activities and Use of Comments

The Forest did an excellent job of public involvement on this project. The record clearly displays how comments were used throughout the process, including the decision.

Appeal Review Findings

The Appellants allege violations of the National Forest Management Act and Forest Plan standards and direction and request an Environmental Impact Statement be completed. An informal meeting was held, but no resolution was reached. Interested party comments were received from the Deerlodge Forest Defense Fund.

Objections: Central objections relate to old growth, aspen regeneration, water quality, fisheries, big game habitat, cumulative effects, clearcutting, and open road density.

Response: Analysis was completed on old growth in the EA (pp. IV-10-14). Some harvest will occur in old growth stands; however, old growth trees and larger diameter mature trees will be retained so old growth characteristics of the stand will be maintained. Forest Plan requirements for old growth will be met.

The purpose and need (EA, pp. I-4-5) state the desire to restore aspen stands which have historically occurred in the area but have diminished over time. Aspen is an important part of the ecosystem and will help maintain plant diversity and provide wildlife habitat. The current condition is disclosed in the EA (p. III-7); how regeneration will occur is found at EA IV-7, EA IV-8 (Table IV-4); and in the DN, Appendix A-3. The probability of regeneration is good as stated in the DN, Appendix A-3**.**

The analysis on water quality and fisheries habitat was determined to be adequate, and measures are in place to protect the viability of westslope cutthroat trout (INFISH standards) (EA, Sections III and IV). A biological evaluation was completed for westslope cutthroat trout that concluded "no impact" in four streams, "not likely to result in ...reduced viability" in two streams, and a determination of "may contribute to Federal listing or result in reduced viability" in Dunkleberg Creek. The determination in Dunkelberg Creek was made because of the existing condition; the proposed action will not contribute any sediment to the stream or degrade it further (EA, IV-29). Cumulative effects were adequately considered with regard to the conditions in Dunkleberg Creek and the Forest Rose Mine. The Forest Supervisor has complied with the Clean Water Act with regard to the Water Quality Limited Segments (project file, Vol. I, pp. 62-64).

Big game habitat and road density were considered in the analysis of alternatives. Harvest treatments that occur in Management Areas not scheduled suitable harvest are compatible with Management Area direction that call for increases in forage and improvements for wildlife habitat. The proposed treatments will result in increased forage for big game. Harvest that will occur in wintering areas is not expected to affect the thermal cover characteristics of the area (EA, p. IV-51). Elk security will improve under the selected alternative (DN, p. 4) through additional road restrictions.

The Forest Supervisor used information and analysis in the project file to determine that even aged management was the optimal treatment. Information used regarding the optimal treatment decision are in the FONSI; DN, p. 23; EA, p. II-6-30 and pp. IV-6-14; and the Stand Diagnosis in the project file

(Volume 3, Document 15). No previous comments were received expressing concern about opening size of units. The Regional Forester, after reviewing this proposal, gave approval to exceed 40-acre opening size on June 17, 1997.

The Appellants' objections are adequately addressed by information in the appeal record. I conclude the Forest has adequately analyzed and considered the relevant information in the NEPA process.

RECOMMENDATION

I recommend the Forest Supervisor's decision be affirmed and the Appellants' requested relief be denied.

/s/ Stephen J. Solem

STEPHEN J. SOLEM
Reviewing Officer