United States Department of Agriculture

Forest Service

Region 1

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

File Code: 1570 (215)

Date: October 28, 1998

Route To:

Subject: East Face of the Pioneers Ecosystem Management Project DN, Appeal #98-01-00-0126, Beaverhead-Deerlodge National Forests

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Deb Kmon on behalf of Alliance for the Wild Rockies; American Wildlands; and The Ecology Center, Inc. protesting the East Face of the Pioneers Ecosystem Management Project Decision Notice (DN) signed by the Dillon Acting District Ranger (Beaverhead-Deerlodge National Forests).

The District Ranger's decision adopts Alternative A, modified, to do ecosystem restoration by removing invading conifer populations.

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:

Appeal Review Findings

The Appellants allege violations of the National Environmental Policy Act (NEPA), the Clean Water Act, and the National Forest Management Act. The Appellants request that no new roads be built for this project, that no vegetative treatments be implemented in Thief and French Creek drainages and that an EIS be prepared if any actions are implemented in Inventoried Roadless Areas. An informal meeting was held, and no resolution was reached.

Objection 1. The Appellants contend that the selected alternative will have significant effects on and change the character of the Call Mountain and East Pioneer Roadless areas in violation of the NEPA and the NFMA and that an EIS should be prepared. The Appellants declare that the Call Mountain and East Pioneers Roadless Areas are designated as wilderness in HR 1425, the Northern Rockies Ecosystem Protection Act, a bill currently before congress.

Response: Forest Service Handbook direction (FSH 1909.15, Chapter 20, Section 20.6), states that a project should be evaluated to determine whether it falls within one of four action-classes that require an EIS. Class 3 sets forth the criteria whether an EIS is required when proposing actions in an inventoried roadless area, "Proposals that would substantially alter the undeveloped character of an inventoried roadless area of 5,000 acres or more..." The Responsible Official states that the selected alternative will not impact the value and character of the Call Mountain and East Pioneer inventoried roadless areas.

House Bill HR1425 was referred to the Subcommittee on Forests and Forest Health May 5, 1997. It has not been identified for business on the committee's calendar and will expire upon Congress's adjournment (estimated to be October 9, 1998).

I find that the Responsible Official considered the effects of the selected alternative to the Call Mountain and East Pioneers areas to determine that they would not substantially alter their undeveloped character.

Objection 2. The Appellants contend there is insufficient information in the EA and Decision Notice as required by the NEPA to encourage public trust and provide meaningful public input (40 CFR 1502.24).

Response: The Forest Service considered the relevant information applicable to the proposed action and its alternatives. I agree, the information presented in the DN and EA could have been clearer. However, I do find that the information is contained in the DN, EA, and project file. In the project file, Volume C, page 1116, by overlaying the semi-primitive non-motorized area over the units it becomes apparent that only the western edge of Unit 444 (the 1,018-acre unit) can be treated.

I find that the existing condition of mountain mahogany is described in the EA III, pp. 9-10), that effects are disclosed on pp. IV-6 and 7 of the EA, as well as mitigation measures that are described in Appendix C (C-2, j & k; C-4, 6; C-7 f, g, h & j). I also find that the District acknowledges there is inconsistent information regarding mountain mahogany stands, but is proceeding on a course of action to remove the competition for sunlight, water, and nutrients.

The District clarifies in their transmittal letter that no heavy equipment will be used in treating vegetation in the Call Mountain roadless area (p. 4, Contention C).

Objection 3. The Appellants contend that the selected alternative proposes treatments that will further degrade impaired watersheds in violation of the Clean Water Act (CWA), the NEPA, and the National Forest Management Act.

Response: The Clean Water Act requires that beneficial uses will be maintained. The selected alternative will not impair beneficial uses according to information in the EA and Project File. In modifying Alternative A, the Responsible Official finds that the treatments will not result in additional bankfull flows or estimating to French or Thief Creeks (DN, pp. 2- 3). Consultation with Montana State Department of Environmental Quality is documented in the Project File (Vol. A, p. 251; Vol. C, pp. 1113-1114). A telephone call with the State DEQ on September 28, 1998, verifies that the project meets the requirements of the Clean Water Act and State of Montana water quality laws.

Objection 4. The Appellants contend that harvest of 1,031 acres of Douglas-fir forest and related logging operations and 3 miles of temporary road construction will cause irreparable damage to the sensitive soils in violation of the Forest Plan and the NFMA. In addition, they are opposed to any new road building in the National Forests and contend that there are enough already causing significant ecological damage and costing the taxpayer money. In addition, the Appellants contend that leaving the 3 miles of temporary roads open for up to 4 years will cause ecological damage that far exceeds the value of allowing fuelwood gathering.

Response: NFMA requires that long-term soil productivity is not impaired. According to the EA, there will be short-term effects as a result of harvest operations and temporary road construction; however, the long-term productivity of the soil or site will not be impaired. In addition, there are several mitigation measure identified in Appendix C to minimize the affects to soils, as well as the implementation of BMPs (Appendix I). The effects of leaving the temporary roads open for up to 4 years was considered.

RECOMMENDATION

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

/s/ J. Doug Glevanik

J. DOUG GLEVANIK
Reviewing Officer
Director, Ecosystem Assessment and Planning