



United States
Department of
Agriculture

Forest
Service

Region 1

200 East Broadway
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File 1570 (215) Date: October 27, 1998
Code:
Route
To:
Subject: East Face of the Pioneers Ecosystem Management Project DN,
Appeal #98-01-00-0115, Beaverhead-Deerlodge National Forests
To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Glen Hockett on behalf of the Gallatin Wildlife Association 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) and the National Forest Management Act. The Appellants request that an EIS be prepared for this project. An informal meeting was held by telephone, and no resolution was reached.

Objection 1. The Appellants contend that an EIS is required when significant environmental effects, either harmful or beneficial, are expected as a result of implementing the proposed actions (prevention of catastrophic wildfire, restoration of important threatened plant communities, improvement and protection of critical wildlife habitats and improvement and protection of sensitive native fisheries and water quality).

Response: I find the Responsible Official appropriately considered the effects of the proposed action, alternatives to the proposed action, and the selected alternative and found that there were no significant effects (DN, pp. 10-11). The Responsible Official's findings were based on evidence presented in the EA, Project File, Biological Assessment, Biological Evaluation, the context and intensity of modified Alternative A, and applicable laws and regulations. Only when the Responsible Official determines that an action will result in significant effects, as defined at 40 CFR 1508.27, or as required at 1501.4, that an Environmental Impact Statement (EIS) must be prepared.

Objection 2. The Appellants contend that specific causative factors (threats) to important plant communities and wildlife populations have not been identified. Also, that important environmental information has not been collected, reviewed, or disclosed.

Response: I find that the Forest Service considered all the necessary and relevant information for the Responsible Official to make an informed and reasoned decision. Analyzed and documented in the EA or project file are effects to threatened, endangered, and sensitive plant and animal species, roadless areas, water quality and TMDLs, vegetation (including aspen, mountain mahogany, Douglas-fir forest, old growth Douglas-fir, sagebrush/grasslands, fish (westslope cutthroat trout), soils and riparian areas, recreation and visuals, caves, air quality, and heritage resources. I find the analysis complies with applicable laws and regulations.

Objection 3. The Appellants contend that conservation plans/strategies for sensitive, management indicator or threatened and endangered species have not been developed for any of the wildlife/fisheries present on the analysis area or for unoccupied suitable habitat.

Response: As noted in the EA and project file, there are conservation strategies for two species found within the project/analysis area; one is for the westslope cutthroat trout, the other, still in draft form, is for the Lemhi Penstemon (A-4 (#11); G-17). To comply with laws and regulations, the Forest Service analyzed effects of the proposed action and alternatives to threatened, endangered, and sensitive plant and animal species, finding that there were no significant effects to the populations or communities or their habitats (BA, Appendix G, animals, fish, and plants; BE, EA IV, pp. 14-29).

Objection 4: The appellants contend that the EA fails to address potentially significant cumulative effects of livestock grazing authorized by the federal government, both the BLM and Forest Service, within the project area.

Response: The direct, indirect, or cumulative effects of grazing are appropriately analyzed as they relate to the proposed action and its alternatives. There is no grazing decision to be made regarding this project. It is noted on page IV-1 of the EA that allotment management plan revisions are being conducted under separate NEPA analysis and that cumulative effects will be described in a general nature.

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