



File Code: 1570-1

Date: November 28, 2006

Route To: (1570 - 215)

Subject: 215 - ARO Letter - Lost Trail Salvage DM - Bitterroot NF - Appeal #07-01-00-0002 - WildWest Institute, et al.

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Jeff Juel on behalf of the WildWest Institute and Alliance for the Wild Rockies protesting the Lost Trail Salvage Project Decision Memo (DM) on the Sula Ranger District (Bitterroot NF).

As disclosed in the Decision Memo (DM, p. 1), the District Ranger's decision authorizes the salvage harvesting of dead and dying trees on less than 250 acres in the Lost Trail Pass area. This project would harvest commercial forest products from Sections 22, 23, 26, 27 and 35 of T1S, R19W, approximately 6 miles south of Sula, Montana on the east and west sides of U.S. Highway 93.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is 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.

This project decision was made using a category of action that can be excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as listed in Forest Service Handbook 1909.15, Chapter 30, Section 31.2. As a result, my appeal review will be focused on the use of the category, the review of extraordinary circumstances, and the project's consistency with the Forest Plan and applicable laws and regulations. I have reviewed the appeal and make the following findings:

1. The proposed action complies with Chapter 30 of the NEPA Handbook and is excluded from further analysis and documentation in an EIS or EA. The project makes appropriate use of Section 31.2, Category 13, which permits "Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than 1/2 mile of temporary road construction. The proposed action may include incidental removal of live or dead trees for landings, skid trails, and road clearing."
2. The resource specialists on the interdisciplinary team reviewed the proposed action for potential effects on resource conditions and the presence of extraordinary circumstances. The mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). The project file provides consistent documentation



that the specialists considered cumulative effects prior to determining that there are no extraordinary circumstances related to the proposed action.

I find that there were no extraordinary circumstances that warranted further analysis and documentation as per FSH 1909.15, 30.3.

3. The project file shows the project is consistent with the Forest Plan and applicable laws and regulations:

- The Biological Assessment and Biological Evaluation (Docs. 59, 74, 76, 104, 114, and 115), and the concurrence letter by the U.S. Fish and Wildlife Service (Doc. 118), appropriately documents effects to federally-listed threatened and endangered species, sensitive species, and management indicator species. The wildlife analysis indicates that there are no extraordinary circumstances related to threatened, endangered, or sensitive species as a result of the proposed action.
- Field review of the treatment units indicate that existing soil conditions are within Region 1 Soil Quality Standards, and will remain so after the project (Docs. 109 to 112).
- Snags are adequately addressed in the BE and other wildlife documents.
- Old growth within MA 3A would continue to exceed the standard of 8 percent minimum required in the Forest Plan (Docs. 59 and 115).

RECOMMENDATION

I have reviewed the record and have found that the decision and analysis is adequately and appropriately documented in the DM and project file. I recommend the District Ranger's decision be affirmed and the appellants' requested relief be denied.

/s/ David M. Pieper
DAVID M. PIEPER
Appeal Reviewing Officer