United States Department of Agriculture | Forest Service | R-1

Reply To: 1570 (215) Date: August 20, 1997

Subject: Ecosystem Restoration in the Tobacco Root Mountains, Appeal #97-01-00-0091, Beaverhead-Deerlodge National Forests

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Sara Jane Johnson on behalf of the Native Ecosystems Council and the Montana Ecosystems Defense Council protesting the Madison District Ranger's Decision Notice (DN) for Ecosystem Restoration in the Tobacco Root Mountains on the Beaverhead-Deerlodge National Forests.

The District Ranger's decision adopts Alternative MOU implementing ecosystem restoration through the use of prescribed fire over a 10-year period. Approximately 12,460 acres will be restored. Treatment will be restricted to 50 percent or less of sagebrush habitat type acres in a drainage. Mitigation measures will be followed to ensure protection of wildlife, fisheries, and water quality.

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.

APPEAL SUMMARY

The Appellants allege violations of the National Forest Management Act, the National Environmental Policy Act, and the Forest Plan. The Appellants request a remand of the DN. They also request further analysis be completed before further consideration and planning of this project.

An Informal Meeting was held, but agreement was not reached. No interested party comments were received.

FINDINGS

My recommendation is based upon the following evaluation:

Clarity

The decision is clearly written and easily understood. References to the Environmental Assessment (EA) are incorporated for more detail.

The action to be implemented is clear. The rationale for the District Ranger's selection and criteria used are stated. However, the decision rationale would have been clearer if the principles contained in the draft Memorandum of Understanding being developed by the Beaverhead-Deerlodge National Forests and the Montana Department of Fish, Wildlife and Parks were used as decision critera and addressed individually.

Required mitigation measures are highlighted in the DN along with references to additional mitigation identified in the EA. Monitoring requirements are clearly identified.

I conclude the District Ranger made a rational and logical decision that is responsive to the issues and public input.

Comprehension of the Benefits and Purpose of the Proposal

The purpose and need are clearly stated, well summarized, and identify a clear relationship between the existing and desired conditions as described in the EA.

The consequences of taking no action are clearly stated and would not meet the purpose and need for the project. The no-action alternative was given full consideration throughout the process. The benefits of the selected alternative are stated in terms of the purpose and need and are compared to the no-action alternative.

It is apparent the decision is based on analysis provided in the EA, the Tobacco Roots Landscape Analysis (TRLA), and from public input. The Responsible Official did a good job in the DN of summarizing how the decision addresses issues raised during the comment period and provided the reasons why recommended changes were or were not incorporated into the decision.

I find the decision documentation demonstrates and supports the need for, and benefits of, the proposed action.

Consistency of the Decision with Policy, Direction, and Supporting Information

The proposal is consistent with Forest Plan goals and Management Area direction, and the EA provides a good tie to the Forest Plan.

The project is based on ecosystem management principles and concepts; and it is clear the intent is to restore and maintain grass/shrub types, aspen, and open park-like stands of conifers. The EA describes the effects on vegetation, habitats, and risk of fire if no action is taken.

The EA provides a good discussion of the role of fire in various vegetation types, as well as a good discussion on the factors that affect fire behavior and its effect on other resources. The EA includes a disclosure of the environmental effects of smoke on communities near the project area and identifies mitigation measures needed to reduce the effects.

The DN demonstrates the selected alternative was developed in response to public comments and efforts to develop agreement on prescribed fire management between the Montana Department of Fish, Wildlife and Parks and the Beaverhead-Deerlodge National Forests. The selected alternative includes features of other alternatives, and effects are within the range of alternatives already analyzed.

The Finding of No Significant Impact (FONSI) determination and rationale are clear, and the statements are well supported by information in the EA. Information from the TRLA could have been used to better describe the context of the action and strenthen the Responsible Official's determination in the FONSI.

I find the proposed project is consistent with all legal and regulatory requirements, as well as current Forest Service policy.

Effectiveness of Public Participation Activities and Use of Comments

A public involvement plan was developed, and a good mix of techniques and tools was used to enhance public involvement in the project development process. Public involvement began for this area with the TRLA in 1994.

Public involvement included scoping letters, field trips and public meetings. The Montana Department of Fish, Wildlife, and Parks and the Montana Department of Environmental Quality were consulted and included throughout the process. However, it is not apparent that any American Indian Tribes were consulted.

A content analysis process was used, and the Responsible Official considered public comments in making his decision. Responses to commentors were in a positive tone. Although all commentors did not support the action to be taken, the Responsible Official explained the rationale for proceeding.

I find public participation methods were effective and responsive to the public.

RECOMMENDATION

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

/s/ Stephen J. Solem

STEPHEN J. SOLEM
Appeal Reviewing Officer