



File 1570 (215)
Code:
Route
To:
Subject: East Bridge Timber Sale DN, Appeal #99-01-00-0149,
Clearwater NF
To: Appeal Deciding Officer

Date: August 16, 1999

This is my recommendation on disposition of the appeal filed by Gary Macfarlane on behalf of Friends of the Clearwater, Alliance for the Wild Rockies, The Ecology Center, The Lands Council, and American Wildlands protesting the East Bridge Timber Sale Decision Notice (DN) signed by the Lochsa District Ranger of the Clearwater National Forest.

The District Ranger's decision adopts Alternative 3 which proposes timber harvest on 785 acres and underburning 1,315 acres. This Alternative also includes obliteration of 0.5 miles of road in the Bridge Creek drainage.

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. Interested party comments were received from Daniel Johnson of R.O.O.T.S. Although I may have not listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The Appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act, and the Clearwater National Forest Plan. The Appellants request the decision be remanded, and if a decision is made to go forth with this project then the District should be ordered to complete an Environmental Impact Statement (EIS) that monitors habitat and population trends of Management Indicator Species (MIS) and sensitive species of wildlife. The EIS should use quantitative and scientific measures to analyze the impacts of logging on fire behavior and stand characteristics.

An appeal disposition conference call was held on July 28, 1999, for the East Bridge Environmental Assessment (EA) at 10:00 a.m. Attending this conference call were Gary Mcfarlane and Kristin Reuther from Friends of the Clearwater; Dan Johnson from R.O.O.T.S. as an interested party; Cindy Lane, District Ranger; Bruce Martinek, Assistant Fire Management Officer; Kris Hazelbaker, Ecologist/Silviculturist; and Steve Bess, ID Team Leader. No resolution was reached at that time; however, because of the clarification of the water quality issue during the conference call the appellants dropped issue 3 of the appeal on August 2, 1999.

ISSUE REVIEW

Issue 1: The justification for the purpose and need is vague and not adequately supported by scientific, peer reviewed studies (General Technical Report 355). The EA does not reflect the diversity of opinion in understanding the forest.

Response: The Responsible Official has the discretion to determine the purpose and need for a project proposal. The NEPA implementing regulations state the NEPA document shall "briefly specify the



underlying purpose and need to which the agency is responding..." The difference between the existing condition of the project area and the Desired Future Condition as described in the Forest Plan typically elucidates the purpose of, and need for, the action. On page 5, the EA states: "After accessing the ecological condition of the East Bridge area, we developed management proposals aimed at starting the move from the existing condition to the desired [future] condition."

The cited literature suggests "entire river basins should be evaluated to pinpoint those watersheds where management actions should be taken to restore fire-related ecosystem processes and functions." The Forest has done this in examining the present condition and desired future condition as identified in the Forest Plan. The cited literature is intended to assist managers and the public in making informed decisions and as such it helps to identify problems, opportunities, and trade-offs.

None of the appellants commented until after the draft EA was written. It is difficult for the ID team writing the EA to incorporate the appellants' diversity of opinions if they do not participate early in the process.

Issue 2: The Forest Service has violated NEPA by failing to consider a reasonable range of alternatives.

Response: The original proposal was to conduct a salvage sale using existing roads. The ID team analyzed the East Bridge area comparing the desired future condition with the present situation. They found the salvage alternative did not meet the purpose and need in East Bridge so it was eliminated from further study (EA, page 10). They then developed two alternatives which would meet the purpose and need by moving the area toward the desired future condition. The action alternatives take into account the need for action, ID team findings from field surveys and their recommendations, and comments which were received from the public in response to the scoping process. NEPA does not require an agency to consider ineffective alternatives (Headwaters, 914.2d at 1180; Seattle Audubon Soc. v. Mosely, 871 F. Sup. 1291).

Issue 3: Forest Service violates NEPA by the EA failing to disclose pertinent scientific assessments of the impacts of the project to water quality. If sediment delivery into watersheds occurs before the watershed improvement (obliterating .5 mile of road) then there will be a spike of sediment. Also the EA does not disclose when the watershed improvement project will occur.

Response: This issue was dropped by the appellants on August 2, 1999.

Issue 4: Forest Service is harvesting in black-backed woodpecker, flammulated owl, and northern goshawk habitat. The Clearwater National Forest has not done monitoring for sensitive and MIS species as required under the Forest Plan and NFMA.

Response: Monitoring of MIS habitat as required under the Forest Plan and NFMA is a Forest-wide activity and will not necessarily be done where a particular project is proposed. Monitoring results are found in the Annual Monitoring and Evaluation Reports, which are issued yearly by the Forest. These three sensitive species were covered in the April 4, 1999, Biological Evaluation (BE) for the East Bridge project. The BE found the project "may impact individuals but will not likely result in a downward trend toward federal listing or reduced viability." In the case of the flammulated owl, the impact was considered to be a beneficial impact.

RECOMMENDATION

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

/s/ Katherine Q. Solberg

KATHERINE Q. SOLBERG
Reviewing Officer