USDA United States Department of Agriculture | Forest Service | Region One | Northern Region
200 East Broadway
Missoula, MT 59802

File Code: 1570 (215)
#12-01-00-0092

Date: August 20, 2012

Liz Sedler
Alliance for the Wild Rockies
PO Box 1203
Sandpoint, ID 83864

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
NUMBER: 7011 3500 0002 9934 4619

Dear Ms. Sedler:

This is my decision on the disposition of the appeal you filed, on behalf of the Alliance for the Wild Rockies and The Lands Council, regarding the North Zone Roadside Salvage DN/FONSI on the Idaho Panhandle National Forest.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have reviewed the appeal record, including your arguments, the information referenced in the Forest Supervisor's July 20, 2012 transmittal letter, and the Appeal Reviewing Officer's analysis and recommendation (copy enclosed). The transmittal letter provides the specific page references to discussions in the DN and project file, which bear upon your objections. I specifically incorporate in this decision the appeal record, the references and citations contained in the transmittal letter, and the Appeal Reviewing Officer's analysis and recommendation.

The Appeal Reviewing Officer has considered your arguments, the appeal record, and the transmittal letter and recommends the Forest Supervisor's decision be affirmed and your requested relief be denied.

Based upon a review of the references and citations provided by the Forest Supervisor, I find the objections were adequately considered and addressed in the DN. I agree with the Appeal Reviewing Officer's analysis and conclusions in regard to your appeal objections. I find the Forest Supervisor has made a reasoned decision and has complied with all laws, regulations, and policy.

After careful consideration of the above factors, I affirm and approve the Forest Supervisor's decision to implement the North Zone Roadside Salvage project. Your requested relief is denied.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

Jane L Cottrell

JANE L. COTTRELL
Deputy Regional Forester

cc: Mary Farnsworth, Kevin Riordan, Karl Dekome, Ray G Smith

United States Department of Agriculture | Forest Service | Helena National Forest | 2880 Skyway Drive Helena, MT 59602 406-449-5201

File Code: 1570 **Date:** August 14, 2012

Route To:

Subject: 1570 (215) A&L - ARO Letter - North Zone Roadside Salvage - IPNF - AWR/TLC - #12-01-00-0092

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Liz Sedler, on behalf of the Alliance for the Wild Rockies and The Lands Council, of the North Zone Roadside Salvage Decision Notice signed by the Idaho Panhandle National Forest Supervisor.

The Forest Supervisor's decision is to implement Alternative 2, which includes salvage operations along approximately 412 miles of existing road within the project area. Salvage materials are dead standing and down trees within 200 feet of road shoulders. In addition, incidental live hazard trees could be cut if they pose a threat to public safety (i.e. trees that could fall on the road surface because they are root sprung, leaning excessively, or are alive but with dead tops).

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, policies, 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.

The appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), the Administrative Procedures Act (APA), the Forest Service Manual, and the Idaho Panhandle Forest Plan. The appellants request the Decision Notice be withdrawn and sent back to the IPNF for revision to correct the deficiencies cited in the appeal, and the project should be re-designed to eliminate the violations cited in the appeal. An informal meeting was offered, but the appellants declined the invitation. No issues were resolved.

ISSUE REVIEW

Issue 1: The appellants allege NFMA requires the Forest Service to ensure the viability of MIS, including grizzly bear. Grizzly bear and other wildlife that are sensitive to and avoid being in the vicinity of such disturbance (noise) will likely be impacted by the proposed action.

Response: After reading through the comments from the public, I note neither these appellants, nor any other commenter, brought forth noise as an issue. The appellants did not put the agency on notice of their concerns about noise. The notice and comment period is intended to solicit information, concerns, and any issues specific to the proposed action and to provide such comments to the Responsible Official before the decision is made. The intent in requiring comments is to obtain

meaningful and useful information from individuals about their concerns and issues, and use it to enhance project analysis and project planning. Waiting until the appeal period to raise a new issue or concern does not give the Responsible Official an opportunity to consider the impacts of the project in light of public concerns.

The Forest is concerned about insuring the viability of MIS, including grizzly bear, which are sensitive to human disturbance, including noise. The wildlife biologist did consider impacts to all MIS. The Wildlife Report (PF, Doc. D-6, pp. 2, 9 to 10, and 56 to 62) analyzes the impact to pileated woodpecker, which is the MIS for snags and old growth (Forest Plan, Appendix L, p. L-5). The Wildlife Report covers in detail the potential impacts to pileated woodpecker and indicates the action alternatives are consistent with Wildlife Standard 7.a (Forest Plan, p. II-28), which requires the Forest to maintain a minimum viable population of MIS distributed throughout the Forest.

Grizzly bear is a MIS because it is listed as threatened under the Endangered Species Act (Forest Plan, Appendix L, p. L-4). The grizzly bear analysis for the selected alternative states, "activity of this magnitude…has the potential to disturb and displace grizzly bears that may be present during implementation." However, the project area is along roadsides and "habitats within 500 meters of roads subject to motorized use are generally avoided by grizzly bears, particularly during daylight hours when these activities would take place… actual likelihood of bears being present to displace is low and the consequences of such displacement would be low" (PF, Doc. D-6, Wildlife Report, pp. 28 to 29).

Outside the recovery zone (the BORZ areas), bears seem to have adapted to a higher tolerance for disturbance and the minor increase in disturbance would be barely discernible above the normal background (EA, p. 63; PF, Doc. D-6, Wildlife Report, p. 28). The other MISs (bald eagle, woodland caribou, goshawk, white-tailed deer, and moose) were not analyzed in further detail for reasons such as lack of habitat in the project area or because they are very tolerant of disturbance (PF, Doc. D-6, Wildlife Report, pp. 9 to 11). The project will not impact the viability of the Forest MISs and is in compliance with NFMA.

ISSUE 2: RESOURCE IMPACTS ANALYSIS INADEQUATE AND INCOMPLETE

Issue 2, Contention 1: The appellants allege the EA and Wildlife Report fail to assess the impacts of these actions on habitat linkage zones/corridors (i.e. seasonal migration routes) that are known the be used by grizzlies and/or big game, among other terrestrial species.
The only mention of linkage zones/travel corridors in the entire Wildlife Report is in reference to linkage areas in lynx habitat (LAUs). A search of the EA for 'linkage', 'corridor' and 'migration' resulted in one spot reference to caribou migration. Thus, this issue is not addressed in North Zone project documentation, in violation of NEPA.

Response: After reading through the comments from the public, I note neither these appellants, nor any other commenter brought forth linkage zones, corridors, or migration routes as an issue. The appellants did not put the agency on notice of their concerns about linkage zones, corridors, or migration routes. The notice and comment period is intended to solicit information, concerns, and any issues specific to the proposed action and to provide such comments to the Responsible Official before the decision is made. The intent in requiring comments is to obtain meaningful and useful information from individuals about their concerns and issues, and use it to enhance project analysis and project planning. Waiting until the appeal period to raise a new issue or concern does not give

the Responsible Official an opportunity to consider the impacts of the project in light of public concerns.

In discussing linkage zones in the Northern Rockies, Servheen et al. (2001) states "the primary causes of grizzly bear habitat fragmentation are human activities such as road building, and residential, recreational, and commercial developments" - not activities on otherwise undeveloped National Forest System (NFS) lands. The authors go on to discuss "habitat fracture zones" that are generally caused by human developments in "linear fashion along valley floors." According to USDI Fish and Wildlife Service (2011), connectivity between recovery zones will ultimately rely on actions outside of the jurisdiction of the National Forests. Human developments such as busy, paved highways, railroads, intensive agriculture and home construction disrupt linkage corridors far more than temporary disturbance, openings, or narrow, lightly-used roads on otherwise undeveloped NFS lands. The project takes place along existing roads that are open to public use. It does not change road location or access. It does not result in a loss of core habitat or increased road densities (EA, p. 63). Therefore, migration corridors, linkage zones, and habitat connectivity remains unchanged with this project.

While the proposed action may appear to affect a large area (up to 19,374 acres potentially affected), activities are disbursed across the 1.05 million-acre North Zone (affecting less than two percent of the Zone). Project activities are expected to take place over a five-year period, affecting less than 4,000 acres per year. The wildlife biologist discusses migration corridors, linkage zones, or habitat connectivity where they are applicable to the species, including lynx, black-backed woodpecker, woodland caribou, and bald eagle (PF, Doc. D-6, Wildlife Report, pp. 39, 79 to 80, 86). The analysis is in compliance with NEPA.

Issue 2, Contention 2: The appellants allege the North Zone Project documentation fails to address the impacts on grizzly bear and numerous other species, including elk, from reductions in hiding cover along roads.

Response: After reading through the comments from the public, I note the appellants were not concerned about hiding cover along roads prior to the appeal. The appellants did not put the agency on notice of their concerns about hiding cover along roads for this project analysis. The notice and comment period is intended to solicit information, concerns, and any issues specific to the proposed action and to provide such comments to the Responsible Official before the decision is made. The intent in requiring comments is to obtain meaningful and useful information from individuals about their concerns and issues, and use it to enhance project analysis and project planning. Waiting until the appeal period to raise a new issue or concern does not give the Responsible Official an opportunity to consider the impacts of the project in light of public concerns.

Nevertheless, the wildlife biologist did address hiding cover. Reduction of screening vegetation is addressed in the EA (p. 7) for flammulated owl, pygmy nuthatch, and fringed myotis. The Wildlife Report (PF, Doc. D-6) addresses screening vegetation for grizzly bear (p. 29) and gray wolf (p. 81). The analysis and project are in compliance with NEPA, NFMA, and ESA.

Issue 2, Contention 3: The appellants allege the resource impacts analysis documentation is inadequate and incomplete, in violation of NEPA. It is unclear whether clearing skid paths for winching dead and down timber will be permitted. If so, the impacts on soils will be increased.

Response: The analysis presented in the Soils Specialist Report (PF, Doc. D-1) clearly describes and cites the analysis methods used, their applicability to the proposed action, and specifically addresses how utilization of these analysis methods result in regulatory compliance.

The design features of the proposed action will require cutting equipment to remain on the existing road surfaces whether or not skid paths are cleared. Directional felling will be utilized to reduce disturbance levels and timber will be winched to the road (PF, Doc. B-2, p. A-4). Niehoff (2002) developed soil disturbance coefficients based on extensive monitoring of the most common forest harvest and slash disposal methods. This study estimates the proposed action could result in new detrimental soil disturbances in up to 3 percent of the activity area (PF, Doc. D-1, pp. SOIL-4, SOIL-11).

The estimated detrimental soil impacts, including cumulative effects of the proposed action, would be approximately 8 percent (excluding roads) or 18 percent (including roads) of the activity area. This is less than Region 1 Soil Quality Standard requirements of not more than 15 percent (excluding system roads) and less than the Forest Plan Soils Standard requirements of no more than 20 percent including roads (PF, Doc. D-1, pp. SOIL-2, SOIL-4, SOIL-14, SOIL-16 to SOIL-17). The analysis is in compliance with NEPA.

Issue 2, Contention 4: The appellants allege the analysis and documentation of cumulative ecological impacts of timber sales and other ongoing projects are not addressed in sufficient detail in the EA. The EA fails to address the cumulative adverse effects of the combined actions and is therefore inadequate, incomplete, and in violation of NEPA.

Response: Table 3 (EA, p. 32) provides a summary of activities that were considered in the cumulative effects analysis and include those which occurred in the past, are still occurring, may occur, or may continue for an undetermined amount of time into the future.

Specific discussions of the cumulative impacts considered in this analysis can be found as follows:

Rare Plants: EA, pp. 33 to 37; PF, Doc. D-7, pp. 21 to 22
Heritage Resources: EA, pp. 37 to 38
Soil Productivity: EA, pp. 38, 41; PF, Doc. D-1, pp. 15 to 16
Hydrology: EA, pp. 42 to 44; PF, Doc. D-2, p. 18
Fisheries: EA, pp. 46 to 47; PF, Doc. D-5, p. 22
Fire and Fuels: EA, p. 48; PF, Doc. D-3, p. 3
Wildlife: EA, pp. 53 to 55, 59 to 63, 66 to 68, 71 to 73, 74 to 76, 78 to 80, 81 to 82; PF, Doc. D-6, pp. 22 to 25, 35 to 36, 44 to 45, 51, 56, 62, 67, 80, and 90.

The Forest conducted a thorough cumulative effects analysis that included consideration of past timber sales as well as other past, present, and reasonably foreseeable future management activities. The analysis presented in the EA and the Specialist Reports address the cumulative ecological impacts in compliance with NEPA.

Issue 2, Contention 5: The appellants allege the resource impacts analysis documentation is inadequate and incomplete, in violation of NEPA. The EA and DN fail to provide assurance that down woody debris that is beneficial to soils and provides habitat for numerous species

will remain in place and that soils will be protected.

Response: The analysis presented in the Soils Specialist Report (PF, Doc. D-1), clearly describe and cite scientific recommendations for course woody debris (CWD). These recommendations have been incorporated into the project's design features (DN, Appendix A, p. A-4). Within the salvage zone, woody material that is rotting, decomposing, or would disturb the forest floor by being lifted up will be left in place. This includes blow down that is less than 50 percent sound. CWD will be added by lopping limbs and tops and leaving them scattered within the salvage areas (DN, Appendix A, p. A-4). This would protect against soil erosion as well as provide a source of organic matter.

For nutrient retention, the latest soil nutrient management recommendations from the Intermountain Forest and Tree Nutrient Cooperative (IFTNC) and Rocky Mountain Research Station (RMRS) (DN, Appendix A, p. A-4) will be applied where feasible. The decision and analysis of CWD are in compliance with NEPA.

Issue 2, Contention 6: The appellants allege the EA, DN, and Wildlife Report generally downplay the effects of the proposed salvage on snag dependent species. These analyses fail to consider the impacts at a scale smaller than the entire North Zone. They also fail to take into consideration the cumulative loss of old growth and snags as a result of past timber sales.

Response: The analysis does not downplay the effects of the project on snags. The EA (pp. 63 to 69, 70 to 76, 77 to 82) discusses the effects to black-backed woodpecker, pileated woodpecker, fisher, marten, flammulated owl, pygmy nuthatch, and fringed myotis. The Wildlife Report (PF, Doc. D-6) discusses the total number of acres (by landscape area in most cases) that could be affected by the action alternatives, as well as the total number of acres that could potentially be affected by personal use firewood cutters. The habitat effects at the landscape area scale are discussed throughout the Wildlife Report.

Past timber sale activity is analyzed as part of the current condition for the Wildlife Report (PF, Doc. D-6, p. 8, Table 2.) *The Snag and Woody Debris Management Guidelines 1987* directs that cavity habitat be "deemphasized" within 200 feet of the centerline of roads to provide snags for public use (personal use firewood cutting) (PF, Doc. D-6, Wildlife Report, p. 63).

Old growth will have limited to no cutting in it. Project design states that anything cut in old growth would be left on the ground (DN, p. 21.) Consideration of the cumulative loss of snags and old growth from past timber harvests is analyzed as part of the past activities that produce the existing condition. The project and analysis are in compliance with the NFMA, NEPA, and the Forest Plan.

Issue 3: The appellants allege the Forest Service violated NEPA by not considering an alternative that would accomplish the clearing in the 15 foot maintenance zone, the work that would improve road surface conditions and drainage, and the removal of 'hazard' trees that would actually land on the road if they fell over; within approximately 100 feet of the road.

Response: The appellants' comments, made during the scoping period, did not suggest this alternative. However, as a result of public concern about impact to wildlife, fish, water, and soils, Alternative 3 was developed and considered. The notice and comment period is intended to solicit information, concerns, and any issues specific to the proposed action and to provide such comments

to the Responsible Official before the decision is made. The intent in requiring comments is to obtain meaningful and useful information from individuals about their concerns and issues, and use it to enhance project analysis and project planning. Waiting until the appeal period to suggest a new alternative does not give the Responsible Official an opportunity to consider the alternative.

The EA fully analyzed Alternative 3, which was developed from public comment. Had the appellants offered up their alternative during the scoping period, the Forest could have considered and analyzed it, as they did Alternative 3. The Forest also considered Alternative 4 - Roadside Salvage & Road Maintenance with Limited Utilization (EA, p. 16). The analysis clearly considered a range of alternatives and is in compliance with NEPA.

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellants. I recommend the Forest Supervisor's decision be affirmed and the appellants' requested relief be denied.

KEVIN T. RIORDAN
Forest Supervisor

cc: Karl Dekome, Mary Farnsworth, Ray G Smith