

United States            Forest            R-1  
Department of        Service  
Agriculture

Reply To: 1570 (215)

Date: September 15, 1997

Subject: West Yaak Project, Appeal #97-01-00-0102  
Kootenai NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Kimberly Davitt on behalf of American Wildlands protesting the Three Rivers District Ranger's Decision Notice (DN) for the West Yaak Project on the Kootenai National Forest.

The District Ranger has selected Alternative C Modified which will implement harvest of approximately 11.1 MMBF from 1,124 acres, using skyline and tractor logging. Approximately 304 acres will be reforested, 459 acres will be precommercial thinned, and approximately 1,673 acres will be maintenance burned. A total of 1.3 miles of temporary road will be constructed and obliterated, 2 miles of snow road constructed, and 52.9 miles of road reconstructed. Road access restrictions will be implemented, Riparian Habitat Conservation Areas will be established, and road and stream rehabilitation will be completed for some areas. Mitigation measures will be implemented and monitored.

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 (NFMA), the Administrative Procedures Act, the Clean Water Act, State of Montana water quality laws, the Forest Service Manual, and Federal Executive Orders.

The Appellants request the decision be withdrawn until an Environmental Assessment is developed to: (1) ensure the West Yaak project will not add to the causes of impairment for any water quality limited streams, (2) analyze cumulative effects of individual impacts to westslope cutthroat trout in the Kootenai River Basin, and (3) gather fish population data for streams within the project area to comply with NFMA and the Forest Service Manual.

The Appellants declined an informal meeting, and no interested party comments were received

#### FINDINGS

My recommendation is based upon the following evaluation:

##### Clarity

The decision is clearly stated and the decision summary is well written. The decision is tied to the Forest Plan, and the rationale is logical. Mitigation measures and monitoring are described in the Environmental Assessment (EA) and clearly referenced in the DN.

The maps for the project area and vicinity are professionally done.

I conclude the document is well written and easy to follow.

## Purpose of the Proposal and Comprehension of Benefits

The purpose and need of the proposed action is specific to the project area and clearly stated. There is a good summary of consistency with Forest Plan goals, objectives and standards. Comparison of the selected alternative with the proposed action is adequate, but further discussion of the consequences of selecting the no-action alternative would have been helpful.

The decision criteria are stated and compared to each analyzed alternative. Alternative C was selected because it best responds to environmental issues and public concerns. The reasons for not considering Alternatives other than A, B, and C for detailed review are referenced to the EA.

I conclude the decision document and EA demonstrate the need for the proposed action.

## Consistency With Policy, Direction, and Supporting Information

The decision shows how ecosystem management objectives were incorporated in the proposed action, with the goal of moving the landscape toward long-term ecosystem sustainability.

The decision document clearly considers the scientific information of the Interior Columbia River Basin Ecosystem Assessment, as well as meeting standards for grizzly bear habitat management.

The direct, indirect, and cumulative impacts of this action have been analyzed, and the EA and project file document that this project will have no significant impacts on the physical, biological, or social portions of the human environment.

The activities and effects of this project are localized, consist of timber harvest and improvement activities, and are limited to 5 years. The short-term and long-term cumulative effects have been considered and found to be insignificant (EA, Chapter 3).

The decision will not significantly affect public health or safety. Burning will be accomplished in accordance with Montana Airshed Groups regulations (EA, Chapter 2, pp. 6-13 and Chapter 3, pp. 23-24). State water quality guidelines will be met, and stream courses will be protected from sedimentation (EA, pp. 2-8).

The project will not significantly affect any unique characteristics of the geographic area. Activities are not proposed in parks, wetland, prime farm lands or ecologically important plant communities. The proposed action has activity within or near the Northwest Peak Inventory Roadless Area (IRA) which could have some indirect affect on the IRA (EA, Chapter 3, pp. 107-108).

Portions of historic trails 17, 170, 204, 461 and 462 will be affected by the proposed cutting units and prescribed burns. Mitigation measures will be implemented in accordance with the Programmatic Agreement Between the Kootenai National Forest and the Montana State Historic Preservation Officer and the Advisory Council on Historic Preservation Regarding Treatment of Historic Trails and Logging Remains. A prehistoric site is located within a proposed prescribed burn, and protective measures have been developed in consultation with the Kootenai Tribe (EA, pp. 2-10).

The project does not involve physical or biological effects that are likely to be highly controversial, and the project was designed to have minimal impacts on resources (EA, Chapters 3 and 4 and DN, pp. 11-15). No controversial social issues were identified.

The analysis considered the effects of past actions similar to this project

which caused no highly uncertain, unique or unknown environmental risks. In addition, INFISH guidelines will be implemented. In conjunction with scientifically accepted analytical techniques, available information and best professional judgement were used to estimate effects of the proposal (EA, Chapter 3).

The decision does not establish a precedent for future actions with significant effects or present a decision in principle about future considerations, nor is it related to other actions with individually insignificant but cumulatively significant impacts (EA, Chapters 2 and 3).

The project will not adversely affect endangered or threatened species or habitat that has been determined critical under the Endangered Species Act. Biological Assessments were prepared to address potential impacts to the grizzly bear, gray wolf, bald eagle, and peregrine falcon. The analysis concluded this project would have no affect on the white sturgeon, water howellia, the bald eagle, or peregrine falcon and is not likely to adversely affect the gray wolf or the grizzly bear. This assessment has been reviewed by the US Fish and Wildlife Service (DN, p. 14).

The analysis in Chapters 2 and 3 of the EA find this project will not threaten or violate any federal, state or local laws imposed for the protection of the environment.

I find the decision document is consistent with all legal and regulatory requirements, as well as Forest Service policy.

#### Effectiveness of Public Participation Activities and Use of Comments

Requests for comments on this project were first issued under the Salvage Bill and then updated with another scoping effort after the Rescission Bill expired. One of the issues raised, economic concerns, was used to modify the selected alternative. The relationship between comments and identified issues is well explained. The selection of issues for detailed review is defined in the EA.

The selected alternative as well as some alternatives not analyzed in detail were clearly formed from issues and comments. Comments were well organized, and the response to comments on the EA was written clearly and in a positive tone.

I conclude the public involvement process was appropriate to the scope of the project and effectively utilized public concerns.

#### RECOMMENDATION

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

/s/ William W. Boettcher

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Appeal Reviewing Officer  
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