

United States            Forest            R-1  
Department of        Service  
Agriculture

Reply To: 1570 (215)

Date: January 27, 1997

Subject: Trego Timber Sale & Ecosystem Restoration  
Appeal #97-01-00-0011, Kootenai National Forest

To: Appeal Deciding Officer

This is my recommendation on disposition of the Appeal filed by Jeff Juel on behalf of Teryl and Roger Parker; The Ecology Center, Inc.; Inland Empire Public Lands Council; and the Alliance for the Wild Rockies protesting the Fortine District Ranger's Decision Notice (DN) for the Trego Timber Sale on the Kootenai National Forest.

The District Ranger's decision adopts Alternative B2 with modifications. This Alternative implements harvest of 5,493 MBF of timber from 1,557 acres and prescribed burning on 1,260 acres. Approximately .8 miles of temporary roads will be constructed and obliterated after harvest and 7.14 miles of road will be closed year round. The decision will also implement rehabilitation of three stream crossings on Stewart Creek and incorporate stream channel and riparian area protection.

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 Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Kootenai National Forest Land and Resource Management Plan (Forest Plan), and Forest Service Handbook 2509.18.

The Appellants request the decision be withdrawn and the following be completed before any further action is taken: (1) state the Forest Plan allowance for burning in Management Area (MA) 13; (2) rescind claims that Alternative B2 modified would improve old-growth habitat or significantly reduce the risk of wildfire; (3) make firm commitments to the specifications of logging in old growth; (4) undertake a proper investigation of actual old growth in MA 13 areas in compartments adjacent to the Trego Analysis Area; (5) provide scientific rationale for why 10 percent is used as the minimum amount of old growth to be maintained; (6) refrain from logging in any old-growth forests until commitments for monitoring the pileated woodpecker populations are fulfilled; (7) define the standards to be followed for allowable impacts to soils; (8) complete a proper cumulative effects analysis; (9) state specifications for a "conservation strategy;" (10) use only scientifically, peer-reviewed "conservation strategies" or base effects of management activities on geographically and numerically defined populations, metapopulations, or stocks of sensitive species; and (11) reconcile the contradiction between the August 17, 1995, letter that indicates loss of any individual of a candidate species represents a trend toward extinction and the claim in the Environmental Assessment (EA) that loss of individual lynx, wolverine, and fisher "will not adversely impact the population as a whole."

An Informal Meeting was held by conference call with the Appellants on January 10, 1997; but agreement was not reached. Interested Party comments were received from Owens & Hurst Lumber Co., Inc.

## FINDINGS

My recommendation is based upon the following evaluation:

### Clarity of the Decision and Rationale

The DN is clear when read in conjunction with the EA. A good description of the action to be implemented is included. However, I believe the DN could have been improved if the decision had been more concise, placed first in the document, and followed by the decision rationale.

The District Ranger does a good job in the DN of explaining how public and agency comments were used in developing and modifying the selected alternative. The comments resulted in modification of the proposed old growth and other timber treatments, improvements to timber growth, economic benefits, prescribed burning effects, and "striking a balance" in road management considerations. The selected alternative will accomplish the stated purpose and need and will move the area toward the desired conditions.

The decision criteria used to frame the rationale discloses consistency with Forest Plan goals, objectives and standards and is responsive to environmental and social issues. It is clear the Responsible Official considered public and agency comments to determine decision criteria, resulting in selection of the criteria "Relationship to Environmental and Social Issues."

In providing the rationale for the decision, the Responsible Official provides a good comparison between the action alternatives. However, I believe that the decision rationale could have been strengthened by providing: (1) comparable rationale for not selecting the no-action alternative and (2) providing a simple table in the DN or EA displaying alternatives and expected effects for an at-a-glance comparison. The no-action alternative is given consideration but could have been better explained by further development.

I conclude that the decision is clear, and the rationale considered is adequate.

### Comprehension of the Benefits and Purpose of the Proposal

The purpose and need is consistent with Forest Plan goals and objectives and is specific to location and place. The action to be implemented is easy to comprehend, and the benefits are apparent.

I find the District Ranger's decision meets the purpose and need, and I believe the decision is reasonable.

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

The project purpose and need clearly incorporate ecosystem management principles. In addition, ecosystem management principles and concepts are incorporated into the project design. I believe the decision strives to provide a good balance between ecological needs and production of goods and services.

The project is consistent with "Forest Service Ethics Course to the Future" and is designed to contribute to a healthy ecosystem. The proposal is also consistent with Forest Plan management area goals and direction. I believe the DN could have been strengthened by a more specific tie between desired conditions of the Forest Plan and the purpose and need; however, analysis in the project file verify Forest Plan direction for the main management areas in the project area and are displayed in the DN.

The FONSI was clearly supported; however, it may have been improved with a more clear definition of the difference between public controversy over use and substantial controversy over the size, nature, or effect of the action.

Mitigation measures were clear when read with the references in Chapter II of the EA (Management Requirements and Design Criteria, Monitoring and Evaluation section, and Appendix A).

The ecosystem processes which would take place with the no-action alternative are displayed in the EA. However, in my opinion the DN could have been strengthened by providing that discussion.

I find the project consistent with and based on Forest Plan direction for this area. The documentation relates analysis to all legal and regulatory requirements and Forest Service policies, which provide the basis for appropriate consistency findings.

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

A public participation plan was developed, and objectives were clearly identified. Affected Tribes and local, State, and Federal agencies were consulted. Public participation methods were appropriate for the size of the project; and internal scoping involved all District employees.

It is clear that public comments were used to develop issues and alternatives. The DN/EA clearly explains that issues drove development of alternatives. It is clear that an adequate range of alternatives was considered for the scope of the proposed action. Two additional alternatives were considered but not given detailed review in the EA.

The Responsible Official fully responded to each comment in a positive tone and related where the response was located in the project file. The responses are located on the same page as comments, making them very easy to track. The DN discloses that the decision responds to public and internal comment and displays changes and identifies whether changes respond to public or internal concerns. A content analysis process was used for scoping comments, but it is not clear whether the content analysis process was used for comments on the EA. However, the project file clearly explains public concerns and the rationale used to proceed with the decision.

I conclude the public involvement process was complete and effective and the Responsible Official was responsive to public input.

#### Requested Changes, Objections of the Appellants and Interested Party Comments

The Appeal is clearly written, easily understood, and demonstrates a site-specific understanding of the proposal and location. However, Appellants' issues and requested relief are sometimes based more on personal opinion and their interpretation rather than specific information relative to a violation of law, regulation, or policy.

The reasons for requested changes are generally clearly expressed but are quite verbose. The Appellants' primary request is for withdrawal of the decision and a change in old-growth treatment. The Appellants developed a clear relationship between the requested changes and objections raised in their Appeal.

The Appellants allege a lack of Forest Service response to comments on cumulative effects to soils; but the responsible official did, in fact, consider the comments.

Interested party comments are clearly written and focus on old growth, fire process, cumulative effects of grazing on soils and sensitive plants, and effects on wildlife.

My review concludes the Appellants failed to provide convincing arguments which would lead me to a conclusion different than the District Ranger's conclusion.

#### RECOMMENDATION

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

/s/ Kirk M. Horn

KIRK M. HORN  
Appeal Reviewing Officer  
Director, Watershed, Wildlife, Fisheries,  
and Rare Plants