



File 1570 (215) Date: January 10, 2000
Code:
Route
To:
Subject: West Dry 3 Salvage TS DN, Appeal #00-01-00-0010, Kootenai NF
To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Jeff Juel on behalf of The Ecology Center, The Lands Council, and Alliance for the Wild Rockies protesting the West Dry 3 Salvage Timber Sale Decision Notice (DN) signed by the Libby District Ranger (Kootenai National Forest).

The District Ranger's decision authorizes harvest of approximately 2 million board feet of forest products and primary dead and down lodgepole pine on 154 acres in the West Dry Fork drainage. Construction of approximately 0.4 miles of temporary road will be built to access two harvest units, and approximately 0.5 miles of existing closed road will be reconstructed to access one harvest unit.

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. 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) and the National Forest Management Act (NFMA). The Appellants request a remand of the Environmental Assessment (EA) and DN until an Environmental Impact Statement (EIS) is completed.

ISSUE REVIEW

Issue 1. The Libby District's policy is to discourage public participation by making the whole process irrelevant to the final decision. In some cases, specific issues raised in comments on the EA were entirely ignored.

Response: Libby District did not receive comments from the Appellants in response to the August 1998 scoping for the West Dry III Salvage proposed action. The comments that were received were reviewed by the District Ranger and the interdisciplinary team as documented in a letter by the IDT leader on September 30, 1998 [Project File (PF), Folder 5, Doc. 2].

In April 1999, the District requested comments on the West Dry III EA. The Appellants responded to this request in a letter dated May 17, 1999 (PF, Folder 7, Doc. 2), and incorporated by reference a previously submitted letter to the Forest Supervisor dated April 14, 1998 (PF, Folder 7, Doc. 4). The District wrote a "Response to Comments" (PF, Folder 7, Doc. 1) that was included in the West Dry III Salvage DN as Appendix 1 (PF, Folder 1, Doc. 6). Specific responses to the Appellants' comments are found on Pages 2 through 16 of the Appendix.

Issue 2. On Pages 2-5 of the Notice of Appeal (NOA), the Appellant takes issue with the West Dry III project's watershed impacts and the District's watershed analysis. There are three major



contentions that deal with insufficient cumulative effects analysis, the violation of laws, and the decision's inconsistency with the Forest Plan and Forest Service policy.

Response: The watershed analysis is found in the EA in Chapter 3, Pages 3-8 through 3-17 and in the Project File, Folder 11. The fisheries analysis is found in the EA in Chapter 3, Pages 3-42 through 3-48 and in the Project File, Folder 13. The Biological Assessment is in Folder 13, the concurrence letter is in Folder 1. In addition, the Forest responded to the concurrence letter and discussed the West Fork watershed and the effects of planned activities (see letter dated October 20, 1999; Folder 1). The activities considered in the cumulative effects analysis are disclosed in the EA in Chapter 1, Pages 1-3 and 1-4; a summary by the project hydrologist concerning cumulative effects is located in the Project File, Folder 11, Doc. 1, as well as a cumulative watershed analysis for Wolf Creek (PF, Folder 11, Doc. 4).

The analysis conducted by the project hydrologist indicates that annual water yields would not be measurably increased by the project and R-1 WATSED results show that peak flows would not increase above the existing condition in both West Dry Fork and Dry Fork Creeks, although the recovery rate would be delayed approximately 1 year (EA, Chapter 3, pp. 3-14).

Issue 3. On page 5 of the NOA, the Appellant raises concern over potential blowdown salvage authorized under the Forestwide Blowdown DN that might occur concurrently within the West Dry III Salvage analysis area. "Nothing in this EA considers the cumulative effects of the blowdown logging that was approved of for the West Dry 3 Salvage analysis area by the Forestwide Blowdown EA. Nothing in that process would allow for further public participation if trees affected by "weather events" are identified in the West Dry 3 Salvage area. There would simply be no cumulative effects analysis."

Response: The possibility of future blowdown salvage is considered in the EA on Pages 1-3 and 1-4. At this time, there are no projects planned in the vicinity of the West Dry III analysis area. If such blowdown salvage opportunities present themselves in the future, they would be analyzed following procedures outlined in the Forestwide Blowdown DN and Implementation Guide. A checklist has been developed that ensures a project must meet the design criteria and includes a review for cumulative effects (PF, Folder 17, Doc. 4).

RECOMMENDATION

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

/s/ Pamela J. Case

PAMELA J. CASE
Reviewing Officer
Director, Information Systems