



File 1570 (215) Date: June 9, 1999
Code:
Route
To:
Subject: Pine Project DN, Appeal #99-01-00-0118, Kootenai National Forest
To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Than Hitt on behalf of The Ecology Center and Alliance for the Wild Rockies protesting the Pine Project Decision Notice (DN) signed by the Acting Kootenai National Forest Supervisor.

The Forest Supervisor's decision adopts Alternative F with modifications. This alternative authorizes harvest of approximately 6 MMBF of wood fiber from a total of 1,330 acres using primarily a thin-from-below stand improvement treatment to allow for the reintroduction of fire, restore healthier vegetative patterns, improve winter range, and provide wood products to the economy. Approximately 300 acres proposed for helicopter harvest is within the Buckhorn Ridge Inventoried Roadless Area (IRA). The decision also includes a site-specific amendment to the Forest Plan for reduction to existing cavity habitat levels within Management Area 10 (MA 10 - Big Game Winter Range).

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 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), and the Rangeland Renewable Resources Planning Act (RPA). The Appellants request the decision be remanded, and that an Environmental Impact Statement (EIS) be prepared. No informal meeting was held, and no interested party comments were received.

ISSUE REVIEW

Objection 1: The Forest Service violated NEPA by failing to prepare an EIS.

Contention A: The Appellants contend that completion of an EIS is required before logging is permitted in the Buckhorn Ridge IRA. They contend that the cumulative impacts of roadless area development must be thoroughly considered and that helicopter logging will substantially impair wildlife security and the undisturbed quality of the Buckhorn Ridge IRA. Finally, they contend that the Environmental Assessment (EA) for the project fails to justify the decision not to prepare an EIS.

Response: The Forest Service Handbook [(FSH) 1909.15, Chapter 20] describes the classes of actions requiring an EIS. Section 20.6 states that an EIS would be required for "proposals that would substantially alter the undeveloped character of an inventoried roadless area of 5,000 acres or more." The Pine EA describes the roadless area characteristics (natural integrity, apparent naturalness, remoteness, solitude, special features, and manageability/boundaries) used as a baseline to measure the effects of each alternative on the roadless value of the area (EA, pp. 3-14 and



3-15). The effects of the project, including cumulative effects, on these characteristics is disclosed on pages 3-15 through 3-18 of the EA. The analysis discloses that the selected alternative would not substantially alter the undeveloped character of the Buckhorn Ridge IRA.

The EA discloses the effects of the helicopter logging in the IRA on big game security (EA, pp. 3-69 through 3-71) and grizzly bear security (EA, pp. 3-74 through 3-81). The Biological Assessment (BA) concluded that the proposed action "may affect but would not likely adversely affect" the grizzly bear (Project File, Doc. 287, p. 12).

The regulations at 40 CFR 1501.4(c) provide for the preparation of an EA to determine whether or not to prepare an EIS. As documented in the DN and Finding of No Significant Impact (FONSI), the Forest Supervisor determined that this project is not a major federal action with significant effects on the quality of the human environment (DN, pp. 18-20), therefore, an EIS is not required.

Contention B: The Appellants contend that the Forest Plan amendment to allow reduction of cavity habitat in MA 10 requires an EIS.

Response: The FSH 1909.12, Section 5.32, identifies four factors (timing, location and size, goals, objectives and outputs, and management prescription) to consider in determining whether a Forest Plan amendment is significant or non-significant, based on NFMA planning requirements. Based on the analysis of effects on cavity habitat contained in the EA (EA, pp. 3-87 through 3-93) and the Project File (PF, Docs. 290 and 304), as well as consideration of the four factors, the Forest Supervisor determined that the project-specific amendment for MA 10, Wildlife and Fish Standard #3, is a non-significant amendment to the Forest Plan (DN, pp. 23-24). Therefore, an EIS is not required.

Contention C: The Appellants contend that an EIS on the national forest system logging program as a whole must be prepared.

Response: NEPA does not envision a multi-layered assessment of all agency policies and programs that have a significant effect on the environment. NEPA's purpose is not to generate paperwork -- even excellent paperwork -- but to foster excellent action (40 CFR 1500.1).

NEPA analysis for timber sales is undertaken at the programmatic level in NFMA forest plans and at the site-specific level in project NEPA documents. Ohio Forestry Association v. Sierra Club (1998). There is no "national forest system logging program," at least not in the sense recognized as an identifiable agency action for the purposes of NEPA. Lujan v. National Wildlife Federation (1990). Thus, a third level of NEPA analysis is not needed.

Objection 2: The EA failed to adequately consider cumulative effects from the proposed action.

Contention A: The Appellants contend that the Pine EA failed to disclose the effects of logging on the distribution and intensity of wildfire, and the extreme fuel hazard presented by lop-and-scatter methods. They contend that logging of the roadless area will worsen the risk of "catastrophic fire."

Response: The Pine EA discloses the effects, including cumulative effects, of the proposed silvicultural treatments on the fire/fuels/air quality resources on pages 3-9 through 3-12. This issue is also addressed in the Response to Comments on the EA (Project File, Doc. 180, pp. 9 through 11). Response #34 (p. 9) states:

Both scientific literature and agency experience increasingly support the position that both timber harvest and prescribed burning reduce, though do not entirely eliminate the risk of fire (see Philpot, 1974; Harrington, 1991; Arno and Ottmar, 1994; and Bessie and Johnson, 1995).

Based on the analysis disclosed in the EA and supported by documentation in the project file, the Forest Supervisor states that, "Based on the results of past actions and professional and technical insight and experience, I am confident that we can understand the effects of these activities on the human environment" (DN, p. 19). He also concludes that the cumulative effects are not expected to be significant (DN, p. 20).

Objection 3: The economic analysis is insufficient.

The Appellants contend that the economic analysis is insufficient at the project and Forest Plan levels. They state that the decision fails to meet NFMA and RPA requirements regarding management of Forest Service lands for the highest net public benefit.

Response: The project level economic analysis is disclosed in the EA (EA, pp. 3-100 through 3-105) and supported by documentation in the Project File (PF, Docs. 188-202). Management of Forest Service lands for the highest net public benefit refers to regional or forest-wide economic analysis, which is beyond the scope of this analysis.

RECOMMENDATION

On March 12, 1999, an Update of the Northern Region Sensitive Species List was sent to Forest Supervisors. This is new information that was not available to the Responsible Official at the time this decision was made. Pursuant to FSH 1909.15, Section 18.1, this new information must be reviewed to determine its importance to this decision. I recommend the Responsible Official conduct a review to consider this information within the context of the project, the Forest Supervisor's decision be affirmed and the Appellants' requested relief be denied.

/s/ Cindy S. Swanson

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