



File Code: 1570 (218)
15-01-00-0107

Date: JUL 29 2015

Sara Jane Johnson
PO Box 125
Willow Creek, MT 59760

Dear Ms. Johnson:

This letter is in response to your objection of the Stonewall Vegetation project (project) on the Helena National Forest. The Responsible Official, Forest Supervisor William Avey, and I as the Objection Reviewing Officer have read your objections and suggested remedies, and reviewed the Final Environmental Impact Statement (FEIS) and draft Record of Decision (ROD), the project file, and the comments submitted to this project. This letter details my responses to your objections based on my review and understanding of the disclosed environmental effects of this project in accordance with 36 CFR 218, *Project Level Predecisional Administrative Review Process*.

As specified at 36 CFR 218.11(b), I must provide a written response that sets forth reasons for the response; however, this written response need not be point-by-point. The Responsible Official and I have reviewed the project in light of the issues presented in your objections. I have considered the issues and suggested remedies and included my reasons for response to these issues, which are detailed below.

Together, the objection resolution meeting and this letter satisfy the requirements of 36 CFR 218.11, *Resolution of Objections*. No further review from any other Forest Service or U.S. Department of Agriculture official of my written response to these objections is available.

Issues not requiring further discussion or instruction

The objections raised the following issues/allegations that I have determined do not require additional discussion or instruction to the Forest:

- The Forest Service failed to provide a rationale for the geographic scope for Forest Plan amendment analysis.
- The FEIS rationale for burning and logging to "restore the natural fire cycle" is contradicted by the analysis.
- The project will irretrievably affect old growth habitat at lower elevations, in contradiction to the project's purpose.
- The project violates the Roadless Area Conservation Rule and Forest Plan standards by destroying habitat with prescribed burning in inventoried roadless areas (IRAs).
- The Forest Service violates the National Environmental Policy Act (NEPA) by not defining terms and providing goals to justify burning in IRAs.
- The Forest Service violates the Endangered Species Act (ESA), NEPA, and the National Forest Management Act (NFMA) by failing to provide documentation and take a hard look at the effects of project activities on winter hare habitat and lynx habitat.
- The Forest Service is violating the ESA, NEPA, and NFMA by applying management direction provided in the Northern Rockies Lynx Management Direction (NRLMD) to lynx critical habitat.
- The Forest Service violates the ESA by conducting activities in lynx critical habitat prior to completing the required programmatic biological opinion.



- The agency violates NEPA and the ESA by not addressing the cumulative effects of past logging and its results on habitat fragmentation.
- The agency fails to provide the best available science for contentions regarding project effects on grizzly bear denning habitat.
- The agency provides false conclusions on the impact of proposed treatments on important riparian habitat for grizzly bear, a violation of NEPA, NFMA, and the ESA.
- The FEIS fails to consider the effects of project activities on red squirrels.
- The Forest Service is violating NEPA and NFMA by applying an invalid old growth strategy.

Based on my review of the FEIS, the draft ROD, and the content in the project file, I find these issues/contentions do not require further discussion or instructions to the Responsible Official for one or more of the following reasons:

- 1) The proposed actions, even though not agreeable to some, are in compliance with applicable regional guidelines, the Forest Plan (to include amendments to the plan) and/or law, regulation and policy, as supported by adequate analysis and rationale made available in the FEIS and draft ROD and further supported by information in the project file;
- 2) The effects to resources and/or species have been appropriately addressed in the FEIS and draft ROD;
- 3) The Forest has provided an adequate and thorough response to the issue in the response to comments;
- 4) The appropriate models, methodology, and/or science was applied and described in the FEIS and draft ROD and project file and the analysis is adequate;
- 5) The suggested remedy is beyond the scope of the project;
- 6) The objector misread or misinterpreted the information in the FEIS and/or draft ROD.

Response to issues requiring further discussion or instruction

You raise a number of issues regarding the proposed Forest Plan amendments on Standards 3 and 4a, and to Management Areas (MA) T-2 and T-3. You contend that the FEIS does not disclose the effects to big game hiding cover, particularly elk, because the analysis uses a lower 40-percent standard for hiding cover. And you contend that the analysis is flawed because it does not adopt the best available science.

I have considered your objection points, and based on my review of the FEIS and draft ROD, I have prepared a number of instructions to the Deciding Official to address the issues you raise.

I am instructing the Forest to conduct a security analysis in accordance with the proposed programmatic forest plan standard defined in the Blackfoot non-Winter Travel Plan EIS. Although there is no final decision on this process, I find that it presents the best available science for big game security. I am instructing that the Blackfoot methodology analysis be incorporated into the FEIS under the discussion on big game security.

Further, I am instructing the Deciding Official to incorporate the Forest Plan amendment analysis into an updated FEIS as a stand-alone section, rather than as an appendix to the draft ROD, as is now the case. I am instructing that this section clarify the methodologies used and address available science, including Hillis et al. (1991), Lyon et al. (1985), and Black et al. (1976).

I am further instructing the Deciding Official to make the following changes to the FEIS and final ROD to be responsive to objection points, and to clarify the analysis and demonstrate compliance with applicable laws, policies, and Forest Plan standards:

- 1) Include measures (as design features in the FEIS) for conducting prescribed burning in lynx LAUs in order to be consistent with the NRLMD for stand initiation structural stage, and clarify effects of prescribed burning on lynx habitat.
- 2) Clarify the context and extent of riparian harvest in the FEIS to demonstrate that INFISH riparian management objectives will be met. Include a discussion on the effects of riparian harvest, if any, on stream temperature.
- 3) Clarify the effects of riparian harvest in riparian habitat conservation areas on wildlife.
- 4) Whitebark pine management needs to be clearly defined as a project design feature in the FEIS. Develop a project design feature specific to avoiding pockets of whitebark pine regeneration during ignition with option for release.
- 5) Clarify potential impacts of prescribed burning to grizzly bear core habitat.
- 6) Incorporate the updated soils report into the FEIS and project record.
- 7) Clarify treatments in old growth outside third-order drainages, and add a project design feature for this treatment.
- 8) Provide additional analysis and supporting documentation for the blended alternative described in the draft ROD.
- 9) Provide rationale for using the Tri-Country Wildfire Protection Plan WUI as the NRLMD exception boundary.

Summary

In conclusion, I have reviewed your assertions that the project violates various environmental laws, regulations, polices, and the Forest Plan. My review finds the project is in compliance with all applicable laws and the Forest Plan. I have in instances provided instructions to the Forest to provide additional or clarifying information to better demonstrate compliance with law, regulation, or policy.

Once these instructions are completed it will be clear the project and the analysis is in full compliance with all laws, regulations, policies, and the Forest Plan, and the Forest Supervisor may sign the Record of Decision for this project. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available (36 CFR 218.11(b)(2)).

Sincerely,



DAVID E. SCHMID
Deputy Regional Forester

cc: Ray G Smith
William Avey

