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Decision Notice

Jocko Lakes Fire Salvage

Seeley Lake Ranger District, Lolo National Forest
Missoula County, Montana

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Decision Notice

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USDA Forest Service

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Missoula County, Montana

1.0 Background

On August 3, 2007 the Jocko Lakes fire ignited and burned roughly 36,380 acres west of Seeley Lake, Montana before the fire was contained in October. The fire burned trees within the fire perimeter. These trees have commercial value, though their value for timber products is diminishing quickly.

The Lolo National Forest Land Management Plan provides guidance that supports salvaging timber burned in the Jocko Lakes fire. The first of eight forest wide management goals of the Lolo National Forest plan is to “Provide a sustained yield of timber...at a level that will support the economic structure of local communities and provide for regional and national needs.” (USDA 1986a, p. II-1). A forest wide standard is to “Increase the use of the available wood fiber consistent with management objectives and economic principles.” (Ibid, p. II-11). Each of the three management areas where salvaging would occur (MA 16, 17, 25) are classified as “suitable for timber production” (Ibid, p. III-71, III-78, II-127). All salvage would occur within Forest Plan management areas that have as a goal “optimize timber growing”. Seventy eight percent of the acres to be salvaged have a management goal to “optimize sustained timber production” (Ibid, p. III-70, p. III-78, p. III-127).

Salvaging timber from the Jocko Lakes fire helps meet these needs and goals and is the reason the Jocko Lakes Fires Salvage project was proposed.

The Jocko Lakes Fire Salvage environmental assessment (EA) analyzed five alternatives to meet these needs; two of these alternatives were analyzed in detail. The purpose of this Decision Notice (DN) is to explain my consideration of these alternatives and to document and explain the rationale for my decision.

2.0 Description of My Decision

Based upon my careful review of the EA and all alternatives, the Finding of No Significant Impact, comments from the public and agencies, resource reports, and the project file I have decided to authorize implementation of Alternative 3 as described in Section 2.2.2 and 2.3 of the EA and in this section (Attachment C – unit list and map). Alternative 3 will address the purpose and need of this project by salvaging 4.5 MMBF of timber from roughly 1,648 acres burned in the Jocko Lakes Fire of 2007. This volume, based on timber cruise data collected in preparation for implementation is approximately 30% less than the 10.6 MMBF estimated in the environmental assessment. This reduction in volume is consistent with the recent experience on the neighboring Flathead National Forest where they found approximately a 30 percent loss of the value of salvageable fire-killed timber in the first year due to deterioration.

Additional activities authorized by my decision include¹: Planting trees where necessary which is estimated to be 1,170 acres², maintaining 55 miles of classified National Forest System (NFS) roads,

¹ These activities include actions connected to salvaging timber and some of the primary resource protection measures to minimize and offset potential impacts of the salvaging operations.

constructing 4 miles of temporary or short-term specified roads; storing or decommissioning 10.7 miles of road resulting in the closure of 3.8 miles of road currently open to motorized access; removing 1 and replacing 2 culverts (current aquatic barriers); and, conducting ground-based noxious weed herbicide treatments³ along 55 miles of NFS road and on disturbed areas such as landings and the 10.7 miles of stored or decommissioned roads; and numerous resource protection measures. The road storage or decommissioning, removal and replacement of culverts and weed spraying are mitigations or resource protection measures applied to offset potential effects of the salvage project. All resource protection measures are listed in Table 4 of the EA (p. 11 through 22) and in Attachment B of this decision.

3.0 Public Involvement

Public involvement for the Jocko Lakes Fire Salvage (JLFS) project started informally with early scoping on October 12, 19 and 30, 2007, while areas of the fire still smoldered. The Seeley Lake District Ranger met on site with interested parties from the environmental community and the logging industry to discuss how to capture timber product value while minimizing impacts. During those meetings the Forest shared and discussed preliminary “design criteria” concepts before the proposed action was initiated. Public input was considered in further refining the “design criteria” and helped to focus the development of the proposed action to create a project that met the purpose and need while addressing environmental and public concerns (PF-L-3). The Forest sent out a press release on December 18, 2007, notifying the public that the Forest was considering salvage opportunities after the Jocko Lakes fire.

The JLFS proposal was listed in the January 2008 through March 2008 Schedule of Proposed Actions (SOPA), and subsequent SOPAs. A scoping letter with the proposed actions was mailed to 58 individuals and organizations including agencies and Tribes on February 15, 2008 and was posted on the Forest web site. A web article was posted in the Missoulian on February 19th and an article appeared in the printed Missoulian on February 20th and in the Seeley/Swan Pathfinder local weekly newspaper on March 6th. Comments were requested by March 21, 2008; however, comments were considered no matter when they were received.

Fourteen individuals and organizations commented on the scoping letter. After considering all comments, the interdisciplinary team developed a list of preliminary issues to help guide development of alternatives to the Proposed Action.

The Seeley Lake District Ranger provided updated information to the Seeley/Swan Pathfinder May 9. They published an article about the project on May 22, 2008. On July 15 the District Ranger and I invited some commentors to a meeting to discuss how their concerns were incorporated into the analysis and used to modify the proposed action. A representative of one of the invited organizations attended (PF-B-21).

On October 28, 2008 we mailed an Environmental Assessment and a Draft Finding of No Significant Impact to 67 individuals and organizations. A legal notice was posted in the Missoulian on October 29, requesting comments on the project within 30 days. We also posted the environmental assessment, draft finding of no significant impact and all of the specialist reports on the Forests Web site.

We received five comment letters. No new substantive issues were raised, that were not already considered in the analysis for this project. Responses to comments on the environmental assessment and draft finding of no significant impact are included in Attachment A of this decision.

² This planting would just occur within salvage units. A decision made in January 2008 approved planting, where needed and appropriate in other areas of the Jocko Lakes Fire.

³ Weed spraying tiers to the analysis in the 2007 Weeds EIS and Decision.

Issue Resolution

Based on public comments received during scoping, preliminary issues were identified as potential undesirable effects that might result from implementing the proposal. Comments ranged from the request to salvage more timber from a larger portion of the burn to doing no salvaging at all and conducting just watershed restoration road work. Further analysis and project development by the interdisciplinary team addressed comments either by: modifying the proposed action and its resource protection measures, developing and evaluating an alternative, incorporating the comment in the analysis, or explaining why the comments do not warrant further agency response. After project development, analysis, and with consideration of all of the public comments, the interdisciplinary team found no unresolved or significant issues.

4.0 Finding of No Significant Impact

After considering the environmental effects described in the Jocko Lakes Fire Salvage Environmental Assessment (USFS 2008) and the associated documents and the fact we received no comments specific to the Draft Finding of No Significant Impact, I have determined that the selected alternative will not have a significant impact on the quality of the human environment based on context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. The Finding of No Significant Impact is included with this decision notice.

5.0 Rationale for My Decision

In selecting Alternative 3, I have determined that my decision is consistent with all laws, regulations, and agency policy. I have considered the potential cumulative effects with past, present and reasonably foreseeable activities. I believe that my decision provides the best balance of management activities to respond to the purpose and need, environmental concerns, social issues, and public comments while complying with all applicable laws and regulations. The considerations I relied upon to make my decision on this project included:

- Achievement of the project's purpose and need.
- Relationship to environmental concerns, social issues, and public comments.

Below, I present my consideration of each alternative and explain why I did not select Alternatives 1, 2, 4 and 5 and why I did select Alternative 3. Please also see Attachment A for consideration and responses to specific public comments.

Alternative 1

Four of the fourteen comment letters received through scoping requested that the Forest consider harvesting more timber than was envisioned in the February 15, 2008 proposed action. The consideration of Alternative 1 addresses this public concern.

Early in the process we considered both salvaging burned timber and commercially thinning trees to reduce the risk of bark beetle infestation from approximately 2,757 acres (PF-L-6). This would have harvested 24% of the National Forest acres burned in the Jocko fire.

Although Alternative 1 would meet the purpose and need to a greater degree than any other alternative considered it would harvest trees from areas that had either environmental or public concerns that might require an environmental impact statement to address. Because of the urgency to capture the value of the burned timber before it is lost to decay and checking, and the additional cost and time necessary for an environmental impact statement to be prepared, I decided to eliminate known and potential issues up front to prevent controversy and cumulative effects (PF-I-1).

To this end I asked my staff to develop “design criteria” as a coarse filter to focus salvage efforts where impacts and public concerns could be minimized (PF-L-3). When preliminary analysis revealed that potential units did not meet the initial design criteria, those units and ultimately this alternative were dropped from further consideration.

In summary, I believe additional material could be salvaged in the Jocko Lakes area without significant environmental impacts, however, I decided early in this process that the time it would take to analyze, and potentially defend a larger project, or one that did not make compromises to concerns expressed by the public⁴, would be time ill-spent in this specific case at this particular time. For this reason I did not select Alternative 1.

Alternative 2

Alternative 2 was the proposed action presented to the public on February 15, 2008. Alternative 2 was a subset of units considered in Alternative 1. The proposal included salvaging burned timber from 1,930 acres of National Forest Land, totaling approximately 10-14 million board feet of timber and associated connected activities. After considering public comments on this proposed action, and conducting additional field analysis, some additional areas were identified for salvage and some of the proposed salvage units, or portions of units, and ultimately this alternative were dropped from further consideration. Units or portions of units were dropped due to wet areas, old growth, access issues and economic feasibility.

I did not select Alternative 2 because, upon further field analysis, it would have salvaged within units that did not meet our initial design criteria.

Alternative 4

I considered Alternative 4 which would not salvage any timber but would produce a restoration/access management plan. The purpose and need of this project is to salvage timber. This alternative was not analyzed in detail because it does not meet the purpose and need in any way.

The Forest actively pursues restoration efforts as a purpose of many projects, as documented in the 1994 – 2006 Watershed Restoration Report (PF-M-19-54), but that is not the purpose of this project.

I met with the commenter who requested this alternative be considered. He explained that the organization put this in their comment letter, not with the expectation the Forest Service would forgo the opportunity to salvage, but to keep in the forefront that their preference is for no timber harvest and to focus Forest Service activities on closing and restoring roads (PF-B-21).

In summary, I did not select Alternative 4 because it does not meet the purpose and need for this project to salvage timber. I believe salvaging timber in this portion of the Lolo National Forest, which is allocated as “suitable for timber production”, can and should be implemented in a manner that does not result in significant impacts to the human environment.

⁴ Two examples of directly responding to public concerns in Alternative 3 at the outset of the project with the intention of reducing conflicts and implementation delays follow. First is my decision to generally retain all trees, dead or alive, greater than 21” in diameter at breast height (dbh) (Attachment B, #36). I believe that some trees greater than 21” dbh can be salvaged without significant impacts to wildlife habitat or the environment, but I made this decision, even though it significantly reduces the amount and quality of the timber products salvaged, to reduce potential conflict and expedite the process. A second example is my decision to retain all stands that met Green’s (et al. 1992) old growth criteria before the fire, even those stands that no longer meet the criteria because trees were killed in the fire (Attachment B, #2). I believe that it is possible these stands could be salvaged without significant impact; however I choose to make this compromise to reduce public concern, expedite the analysis process and therefore, implementation.

Alternative 5

Alternative 5 would not implement any Jocko Lakes Fire Salvage activities. I did not select Alternative 5 because it does not meet the purpose and need for this project to salvage timber and I believe salvaging timber in this portion of the Lolo National Forest, which is allocated as “suitable for timber production”, can and should be implemented in a manner that does not result in significant impacts to the human environment.

Alternative 3 – Selected Alternative

Alternative 3 meets the purpose and need to a lesser degree than Alternative 1; however, I have selected this alternative because in addition to salvaging 4.5 MMBF of burned timber it also addresses environmental concerns, social issues and public comments, complies with all applicable laws and regulations and results in long term resource benefits.

Benefits:

My decision includes the implementation of resource protection measures, some of which will result in resource benefits that will persist long after the completion of salvage operations. These benefits include a long-term decrease of 17.7 tons annually of sedimentation (Attachment B, #'s 47, 49, 57, 58, 60); restored aquatic species access to approximately 2.5 miles of Finley Creek (Attachment B, #60); and enhanced regeneration of ponderosa pine and western larch (planting).

Addresses Environmental Concerns, Social Issues and Public Comments

While any management action has affects I've determined that Alternative 3 would have no significant impact on the human environment (FONSI). Please see Attachment A which presents responses to public comments received on the environmental assessment and the draft finding of no significant impact. I highlight some of my major considerations here.

Soils (EA p.26-29): Protection of soils is particularly important in the post fire landscape and Alternative 3 has numerous resource protection measures (Attachment B, #3, #7 through #15a, #33 through #35) to ensure detrimental disturbance levels remain below 15% of the unit area for all units, except Unit 2-1 which currently has more than 15% detrimental soil disturbance. This means that the soil disturbance will be within the accepted soil quality standard established to assure that nutrient cycling, nutrient availability and soil productivity are maintained. Resource protection measures (# 15a) will move Unit 2-1 toward an accelerated net improvement in soil quality after salvaging, as required in Forest Service Manual 2554.03. The primary type of disturbance in this unit is historic compaction with rutting on skid trails where coarse woody debris is currently lacking. By adding coarse woody debris, the modified proposed action will restore one of the most important elements in retaining soil productivity and long term health to this site. Region 1 Soil Quality Standards would be met.

Cumulative Effects (Throughout EA and Specialist Reports):

Since the Jocko Lakes fire occurred in an area with actively managed private, state and National Forest lands we knew from the beginning of our salvage planning efforts that we needed to carefully consider potential cumulative effects. Each resource specialist considered known past, present and future activities on all ownerships in the area when assessing potential impacts to, and in determining what resource protection measures were needed to assure significant cumulative effects would not occur. One of the early steps we took was limiting the area of salvage to 14% of the total area burned on the National Forest, retaining 86% of the post burn habitat un-impacted.

Hydrology & Fisheries: Sedimentation (EA p.30-32): Alternative 3 will implement activities (undersized culvert removal and replacement; road maintenance and use; and, road storage and decommissioning) that will contribute to minor, short-term stream sedimentation. After the initial

sediment pulse, these activities would reduce sediment year after year for a long-term benefit in sediment reduction (approximately 17.7 tons annually). The Fish and Wildlife Service concurred (12/17/08) that implementation of this alternative is Likely to Adversely Affect, but Not Likely to Result in a Trend toward Federal Listing of bull trout with a no-jeopardy finding. Some of the same actions will have long term beneficial effects of sedimentation reduction and restoration of aquatic species access to 2.5 miles of Finley Creek and associated fish habitat. The terms and conditions of the Biological Opinion were reviewed by the Ranger, IDT leader and Contracting officer on 12/18/08 and they are consistent with the resource protection measures in Attachment B of this decision. The USFWS also concurred (11/17/08) with the Biological Assessment for wildlife species concluding that the project is not likely to affect species viability.

Because of the small extent and short duration of the increased sediment due to these activities, and the fact that the small increase in sediment will be greatly offset by the long term reduction in sedimentation, I have decided to implement these activities.

Wildlife: Analysis shows that the eighteen resource protection measures (Attachment B, #14, 30-44, 61-63) designed to reduce or eliminate significant impacts to wildlife and their habitat would assure that though the project may impact individuals or habitat, it is not expected to cause a local or regional change in habitat quality or population status for any species.

6.0 Findings Required by Other Laws and Regulations

I have reviewed this decision for compliance with laws, regulations, and policies. My decision is consistent with all laws, regulations, and policies. Findings required by major environmental laws, the Forest Plan, and the Environmental Justice Executive Order are summarized below. Compliance with other laws, regulations, and policies are listed in the EA, specialist reports, the project file, and the Forest Plan.

1. National Forest Management Act (16 U.S.C. 1600 et seq.) and consistency with the Forest Plan: The National Forest Management Act (NFMA) and accompanying regulations require several specific findings be documented at the project level. I reviewed Alternative 3 and found the following:

2. Consistency with the Forest Plan (16 U.S.C. 1604(i)): The Lolo Forest Land and Resource Management Plan establishes management direction for the Lolo National Forest. This direction is described in forest-wide and management area-specific standards. Designing and implementing projects consistent with this direction is the means to move the Forest toward the desired future condition as described in Chapter II of the Forest Plan. Management Area and Forest-wide direction in the Forest Plan established sideboards for the development of alternatives to the proposed action while responding to public issues. NFMA requires all resource plans and projects to be consistent with Forest Plan standards, guidelines, management area goals, and objectives.

After reviewing the EA, specialist reports and the project file, I find my decision is in full compliance with the Lolo National Forest Land and Resource Management Plan standards, guidelines, goals, and objectives, as amended.

3. National Environmental Policy Act (NEPA): My decision is in full compliance with NEPA. Forest Service regulations for implementing NEPA have been followed as required under 40 CFR 1500 in the development of the Jocko Lakes Fire Salvage Project EA and this Decision Notice and FONSI. The EA analyzes a reasonable and acceptable range of alternatives, including a "no action" alternative. It also discloses the expected impacts of each alternative and discusses the identified issues and concerns.

4. Endangered Species Act: This project is in full compliance with the Endangered Species Act. In accordance with Section 7(c) of the Endangered Species Act, as amended, The Lolo Forest prepared

Biological Assessments addressing potential impacts to federally listed wildlife and fish. The Forest received written concurrence and terms and conditions from the USFWS on 11/17/2008 and 12/18/2008 (PF-K-7 and PF-K-8). There are no federally listed plant species that would be affected (EA page 48).

5. Clean Water Act and Montana State Water Quality Standards: Upon review of the Jocko Fire Salvage EA, specialist reports and project file, I find that activities associated with Alternative 2 will comply with State of Montana water quality standards, BMPs, and associated monitoring requirements.

6. Environmental Justice Order: Executive Order 12898 requires fair treatment and meaningful involvement of all citizens regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. We have treated all citizens fairly and allowed meaningful involvement to every person regardless of race, color, national origin, or income. I find that this project and its NEPA analysis comply with the Environmental Justice Executive Order.

7.0 Expected Implementation Date

On December 8, 2008, Gail Kimball, Chief of the Forest Service, made the determination that an emergency situation exists with the Jocko Lakes Fire Salvage project consistent with 36 CFR 215.10 (b), and therefore this decision is not subject to stay during appeal. Based on this determination implementation may start immediately upon publication of the legal notice of this decision in the Missoulian.

8.0 Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the (newspaper of record, City, State). It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

Or

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802

Office hours: 7:30 a.m. to 4:00 p.m.

Electronic appeals must be submitted to:

appeals-northern-regional-office@fs.fed.us

Faxed appeals must be submitted to:

Fax: (406) 329-3411

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:


- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service:

http://www.fs.fed.us/r1/projects/appeal_index.shtml .

9.0 Further Information and Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Tim Love, Seeley Lake District Ranger, Lolo National Forest, 3583 Highway 83, Seeley Lake, MT 59868, (406) 677-3905. Information is also available at <http://www.fs.fed.us/r1/lolo/projects/index-jocko-salvage.shtml>


DEBORAH L. R. AUSTIN
Forest Supervisor
Lolo National Forest

12/19/08
Date