

# Hemlock Elk Fuels Reduction and Forest Health Project

## Decision Notice and Finding of No Significant Impact

Flathead National Forest  
Swan Lake Ranger District  
Missoula County, Montana

November 2008

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# HEMLOCK ELK FUELS REDUCTION AND FOREST HEALTH PROJECT

## Decision Notice

and

## Finding of No Significant Impact

### I. Summary of Decision

After careful consideration of the potential impacts of the management activities analyzed and documented in the Hemlock Elk Environmental Assessment (EA) issued August of 2008, I have decided to implement a combination of Alternatives A, B, C, and D as my **Selected Alternative**.

The decision implements vegetation treatments from EA Alternatives A, B, C, and D with some changes. The Selected Alternative defers treatment in 13 units (Units 2, 3b, 5a, 6, 7, 14, 16, 18a, 18b, 19, 24a, 24b, and 26) and decreases the size of one harvest unit (Unit 23). Though the Montana Legacy Project is still evolving, its consideration was one influence that led me to consider the use of temporary road permits from Plum Creek Timber Company (PCTC) lands in this decision to access harvest units on National Forest System (NFS) lands. As a result, I have also reduced the amount of temporary road construction from 4.8 miles proposed in the EA to **1.3 miles** and **0.4 miles** of forwarder road construction in the Selected Alternative. These changes are based on the resource concerns displayed in the EA and in response to public comments.

A summary of the actions in my decision includes:

- Mechanical harvest treatments on an estimated **454 acres** removing commercial products totaling an estimated volume of **2.2 million board feet** (MMBF). Materials that may be removed include sawlogs, posts, poles, pulp, and chips. Treatments will occur using hand, tractor, and forwarder logging systems.
- Mechanical treatment of **44 acres** of immature forest with the Pre-Commercial Thinning prescription using hand chainsaw.
- Hand planting of **120 acres** to promote desirable species, including western larch and ponderosa pine after commercial harvest.
- Treatment of an estimated **223 acres** in the Wildland Urban Interface (WUI).
- Application of Best Management Practices (BMPs) (Appendix 4) on all temporary roads constructed, roads temporarily opened, as well as all system haul roads as requirements of the timber sale. An estimated **20.8 miles** of system haul roads will have BMPs applied to reduce sediment yields.

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- Construction of an estimated **1.3 miles** of temporary road in order to implement prescriptions requiring mechanized treatment and to provide for product removal. These roads will be reclaimed following their use.
- Construction of an estimated **0.4 miles** of forwarder roads for forwarding logs with a tractor from the felled location to the landing, where they will be loaded on trucks and hauled away. These roads will be reclaimed following their use.
- Acquisition of Road Use Permits from PCTC to facilitate haul from harvest units on existing PCTC roads. Permits will be acquired on **4.4 miles**.
- Acquisition of public non-motorized trail access across private land in Section 35 to an isolated NFS parcel in T21N R17W Section 26 totaling **0.7 miles**.
- Implementation of project-specific Design Criteria (Appendix 2), Monitoring Actions (Appendix 3), and BMPs (Appendix 4).
- Implementation of the Resource Enhancement Projects described in Appendix 1 of this document (page 1-5).

Management actions are described in detail in this Decision Notice (DN) (pages 9 and 10) and in Appendix 2 (Design Criteria of the Selected Action). My decision authorizes mechanical and non-mechanical treatments of forest stands to reduce the intensity and severity of future wildland fires, restore forest health, and provide commercial and personal-use wood products for the local communities.

## II. Project Area

These activities will occur in the Hemlock Elk Project Area, which is located in the Swan Valley near Condon, Montana. The project area is bounded by Montana Highway 83 on the east, the South Fork of Cold Creek on the north, Kraft Creek on the south, and the ridges of the Mission Mountains to the west. National Forest System lands occupy approximately 26,915 acres of the project area (73 percent); PCTC owns about 5,989 acres (16 percent); and other private landowners own approximately 3,749 acres (10 percent). Elevation within the project area ranges from 3,800 feet along the Swan River to nearly 8,600 feet on the Mission Mountains Divide (See Map 1).

Lodgepole pine, spruce, subalpine fir, mountain hemlock, western larch, and Douglas-fir are the major tree species inhabiting the project area. The legal descriptions for the project area include T19N R17W Sections 4, 5, 6, 7, 8, 9, and 18; T19N R18W Sections 1, 2, 3, 4, 11, 12, and 13; T20N R17W Sections 1 through 12, 14 through 22, 27 through 34; T20R R18W Sections 1, 8 through 30, 32 through 36; T20N R19W Section 24; T20N R19W Section 24; T21N R 17W Section 14, 15, 22, 23, 26, 27, 28, 32 through 36, Principal Montana Meridian, Missoula County, Montana.

A large acreage of the mechanical fuel treatments in the project area lies within the Wildland Urban Interface (WUI), the highest priority area for hazardous fuels treatment in the National Fire Plan and is within the WUI described by the Seeley Swan Fire Plan.

Review of the stand inventories and stand-level diagnosis revealed the following major insect and disease agents present within the project area.

- Mountain pine beetle;
- Western balsam bark beetle;
- Douglas-fir beetle;
- White pine blister rust;
- Larch dwarf mistletoe; and
- Root disease

### III. Purpose and Need for Action

The need for the Hemlock Elk Project was derived from the differences between desired landscape conditions and current conditions related to fuels, forest health, and forest products on NFS lands. Several plans and other regulations also provide context to the management direction for these lands. These include the National Fire Plan, the Missoula County Community Wildfire Protection Plan, the Seeley Swan Fire Plan, the Healthy Forests Restoration Act, and the Flathead National Forest Land and Resource Management Plan (Forest Plan). The Purpose and Need for Action is discussed in detail on page 1-4 of the EA.

Based upon the existing condition of the project area, the Swan Lake Ranger District Interdisciplinary (ID) Team and I identified the following management activities to restore desirable vegetative conditions:

#### Hazardous Fuels Reduction

- Reduce the associated risk of high-severity landscape wildfire risk within the Wildland Urban Interface as identified in the Seeley Swan Fire Plan;
- Provide a safer environment for the public and firefighters should a wildfire occur within the proposed treatment areas;
- Increase the probability of stopping wildfires on NFS lands before they burn onto private lands.

#### Forest Health

- Restore and maintain forest health (restore historical tree species composition, structure and pattern);
- Reduce the growing risk for insects and chronic disease infestation;

#### Provide Wood Products for Local Economies

### IV. Public Involvement

Public participation helps the Forest Service identify concerns with possible effects of its proposals. It is also a means of disclosing to the public the nature and consequences of actions proposed for NFS lands.

A public involvement strategy was developed to ensure that potentially interested members of the public and other government agencies received timely information about the upcoming analysis so they would be able to participate in the process (Project File Exhibit A-1A). The Forest Service developed a list of public individuals, organizations, and agencies that would likely be interested in the Hemlock Elk Project. This includes members of the public within these general categories:

- Adjacent landowners
- County governments
- Advocacy or user-group organizations
- Tribal governments
- Adjacent Ranger Districts
- Other Federal agencies
- Montana State agencies
- Timber industry groups
- Local news media

On January 29, 2008, information on the Hemlock Elk Project (including a vicinity map and a map of the proposal) was mailed out (Project File Exhibit B-11). This information was mailed to approximately 290 individuals, agencies, and groups.

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A request for comments on the Hemlock Elk Fuels Reduction and Forest Health Project was published in *The Daily Interlake* on February 2, 2008 (Project File Exhibit B-67). Notification of this project proposal appeared in the April 1, 2008, July 1, 2008, October 1, 2008, USDA Forest Service's Schedule of Proposed Actions (SOPA) (Project File Exhibits, B-74, B-75, and B-76). This listing informed the public of our plan to analyze the Hemlock Elk Area for various land management activities. The SOPA list is displayed nationally and locally on the internet sites located at the Forest Service's Washington Office and the Flathead National Forest.

The Swan Lake Ranger District received approximately 45 responses, either in the form of letters, e-mails, or telephone contacts on the Hemlock Elk Project. Some of the responses to the Proposed Action cited scientific literature and requested the ID Team to consider this research. An attempt was made to locate and review this literature if ID Team members were not already familiar with the research referenced and provide it to Team Specialists. The results of this literature search is provided in Project File Exhibit D-2.

On May 5, 2008, a Field trip to the Hemlock Elk Project Area was held. This field trip was scheduled at the request of the Swan Ecosystem Center (SEC). In addition to Forest Service representatives, six members of the public participated.

On May 30, 2008, another field trip was conducted in the Hemlock Elk Project Area. On this day, in addition to Forest Service personnel, 17 members of the public participated in the field trip (Project File Exhibit B-66).

Participation with the Salish and Kootenai Tribe was conducted during quarterly meetings between Tribal Representatives and the Flathead National Forest Heritage Resource Specialists. The Tribe did not express any concerns with this project.

Using the comments received on the Proposed Action, the ID Team developed a list of issues to address. These issues are discussed in the next section of this document.

A Legal Notice was published in *The Daily Inter Lake* on August 9, 2008, announcing the completion and availability of the Hemlock Elk Project EA and a 30-day public comment period on the EA. Letters and copies of the EA were sent to the mailing list informing them of the availability of the EA. In addition, the EA was made available on the Flathead National Forest's website at <http://fs.fed.us/r1/flathead/nepa/nepa.htm>.

We received 13 letters commenting on the EA. These comments from the public and our responses are included in Appendix 5 of the DN. I considered these comments in my decision and used them to help shape the Selected Alternative.

In arriving at a decision for this project, I recognized that I would not be able to satisfy all public concerns, as many of them are mutually exclusive. I made a decision that is based upon sound analytical and ecological principles and that I feel appropriately balances concerns expressed while striving to meet the Purpose and Need of the project.

## V. Issues

The ID Team reviewed and compiled a list of potential issues based upon comments from the public, organizations, and government agencies. These issues were then evaluated against the following criteria to determine the appropriate methodology for resolution:

- Is the issue relevant to, and within the scope of the Purpose and Need, the decisions being made, and does it pertain directly to the Proposed Action?
- Is the issue already decided by law, regulation, or existing plans, or not supported by scientific or factual evidence?

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- Could the issue be resolved through design and location of activities in the Proposed Action or mitigated by avoiding the impact by not taking action, minimizing the impact by limiting the action, rectifying the impact by rehabilitation, reducing the impact by maintenance, or compensating for the impact by replacement?

Issues representing an unresolved conflict with the Proposed Action were brought forward as “Major Issues” and were used to help formulate the alternatives to the Proposed Action. Project File Exhibit D-1 provides a detailed description of the issues identified during the scoping process and describes how those issues were accounted for during the analysis process.

### **Key Issues Used For Alternative Development**

Internal and external comments revealed the desire to explore alternatives to the Proposed Action (Alternative B). Alternative C required winter logging to address the concerns associated with spread of noxious weeds and Alternative D proposed no regeneration harvest units in response to concerns expressed on this issue. More detail relative to those issues follows:

#### **Spread of Noxious Weeds**

There were concerns (both internally and externally) that the proposed actions would spread weeds. Examples of concerns about the Proposed Action follow:

- Management activities could increase the risk of weed spread to Sections 16 and 22. These sections are particularly vulnerable since it is moist (many wetlands), largely weed-free, and fairly unroaded.
- How will this project reduce or spread noxious weeds? (Project File Exhibit B-52)

#### **Regeneration Harvest**

Concerns were expressed externally about the regeneration harvest proposed. Examples of these concerns follow:

- With adjacent lands already heavily cut, is it necessary to treat these areas as extensively as what the District has proposed? (Project File Exhibit B-48)
- Some comments received viewed roads and lack of hiding cover as “forest health” problems, and that elements of the Proposed Action exacerbate these problems by improving roads, building more roads, and reducing wildlife hiding cover through clear-cutting, seed tree cuts, and various forms of salvage logging and thinning (Project File Exhibit B-51).
- Some comments received stated that clearcut logging adjacent to roadless areas would decrease habitat security and could possibly increase grizzly bear deaths. In addition, there was concern that harvest activities could also open up the forest understory and contribute to illegal motorized use. Some comments assert that there are plenty of clearcuts and roads in the Swan Valley but little low elevation secure habitat (Project File Exhibit B-52).
- Some concerns were expressed during scoping that the checkerboard ownership with PCTC has contributed to the fragmentation of wildlife habitat. This, in turn lead to concerns of whether the Proposed Action would impact old-growth forests by either building roads in or adjacent to old-growth forest and/or placing seed tree/clearcut units adjacent to old growth forest (Project File Exhibit B-52).
- Some comments from the public expressed a concern that the commentors would not like to see larger areas of clearcut, as has been done in the past (Project File Exhibit B-43).
- A particular concern expressed in some comments is the aggressive tree removal in Section 16 of the proposal map. This concern sought assurance that Elk Creek would not be environmentally violated with so much activity in that area (Project File Exhibit B-45).

## VI. Brief Description of Alternatives

This section describes and compares the alternatives considered by the Forest Service for the Hemlock Elk Project. The ID Team grouped the alternatives into two categories: 1) Alternatives Considered in Detail and 2) Alternatives Considered but Eliminated from Detailed Study.

### Alternatives Considered in Detail

The EA considered the Proposed Action (Alternative B) and two alternatives in detail, Alternatives C and D. Alternative A, the No Action Alternative required by the National Environmental Policy Act (NEPA), served as a baseline to compare action alternatives.

#### Alternative A – No Action

This alternative represents the existing condition in the Hemlock Elk Project Area. Under this alternative, none of the activities proposed for the Hemlock Elk Project would occur. No vegetative treatments, fuel reduction activities, temporary road and access management, or other activities associated with the action alternatives would occur at this time. Ongoing activities such as recreation, public firewood gathering, fire suppression, and normal road maintenance would continue. Activities identified in Chapter 3 of the EA as current and foreseeable actions would occur.

#### Alternative B – Proposed Action

**Intent:** Alternative B was developed to respond to the Purpose and Need for the Hemlock Elk Project

The Proposed Action focuses on reducing hazardous fuel buildup and improving forest health in the Hemlock Elk Project Area by using various vegetative treatments, both commercial and non-commercial. Features associated with this alternative include the following:

- Treatments that would remove commercial products, including sawlogs, post and poles, pulp, and chips on a total of about **668 acres**.
- Treatments on **321 acres** within the WUI.
- Road maintenance to meet BMP standards on approximately **21.4 miles** of haul roads as required for Timber Sale Contract.
- An estimated **4.8 miles** of temporary road construction to access harvest units.
- An estimated **0.7 miles** of road easement across private lands to access Unit #2.
- Approximately **0.2 miles** of new road construction across private lands to access Unit #2.

#### Alternative C

**Intent:** Alternative C was developed to respond to the issue of the spread of noxious weeds.

This alternative was developed based upon concerns that management activities could increase the risk of weed spread to vulnerable areas of the project area. Sections 16 and 22 are considered vulnerable, since in places they are moist (many wetlands), comparatively weed free, and fairly unroaded. This concern is addressed by proposing winter logging in some units. Features associated with this alternative include the following:

- Units **18a, 18b, 19, 20, 21, 22, 23, 24a, 24b, 25, 26, and 27** are proposed for winter logging.
- Treatments would remove commercial products, including sawlogs, post and poles, pulp, and chips on a total of about **668 acres**.
- Treatments on **321 acres** within the WUI.

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- Road maintenance to meet BMP standards on approximately **21.4 miles** of haul roads as required for the timber sale contract.
- An estimated **4.7 miles** of temporary road construction to access harvest units.
- An estimated **0.7 miles** of road easement across private lands to access Unit 2.
- Approximately **0.2 miles** of new road construction across private lands to access Unit 2.

Alternative C timber harvest and associated activities are summarized in the table below. A permutation of Alternative C is the consideration of forwarder logging with less temporary road construction on the same unit pool described above. This permutation was discussed to alleviate concerns that suitable winter logging conditions may not always be available in the project area.

### Alternative D

**Intent:** Alternative D was developed to respond to concerns about regeneration harvest.

This alternative was developed to address the concern about the amount of proposed regeneration harvest on NFS lands in combination with past regeneration harvest on private lands and the cumulative effects of these activities. This alternative proposes no regeneration harvest in the project area. A number of unit specific proposed treatment changes were made as a result of proposing no regeneration harvests. Where intermediate treatments could still meet all or some of the land management objectives, proposed treatments were changed from regeneration to intermediate treatments. In some situations, intermediate treatments could not meet stand objectives and, therefore, the units were deferred from this alternative. Within those stands dropped from consideration in Alternative D, intermediate treatments were not considered to be viable options based on past harvest, insect and/or disease conditions, and wind-throw concerns. Features associated with this alternative include the following:

- **Units #14, #16, and #25** were deferred. Proposed treatments changed for the following units:
  - Unit 10 changed from Clearcut with Reserves to Salvage
  - Unit 11 changed from Seed Tree with Reserves to Thin From Below-Commercial
  - Unit 20 changed from Clearcut with Reserves to Thin From Below-Commercial
  - Unit 21 changed from Clearcut with Reserves to Thin From Below-Commercial
  - Unit 22 changed from Seed Tree with Reserves to Thin From Below-Commercial
  - Unit 27 changed from Seed Tree with Reserves to Salvage
  - Unit 28 changed from Seed Tree with Reserves to Thin From Below-Commercial
- Treatments that would remove commercial products, including sawlogs, post and poles, pulp, and chips on a total of about **592 acres**.
- Treatments on **300 acres** within the WUI.
- Road maintenance to meet BMP standards on approximately **21.1 miles** of haul roads as required for timber sale contract.
- An estimated **4.5 miles** of temporary road construction to access harvest units as show in Table 2-9 below.
- An estimated **0.7 miles** of road easement across private lands to access Unit 2.
- Approximately **0.2 miles** of new road construction across private lands to access Unit 2.

### Alternatives Considered but Eliminated in Detailed Study

This section discusses an additional alternative that was considered, but not given detailed study. This alternative was initially proposed to address issues identified during the public scoping and ID Team process, but were not considered further for the reasons explained in the following narrative.

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**Harvest More Stands and Treat More Hazardous Fuels:** Based on both public and internal input, an alternative was considered that increased the acreage treated for forest health/fiber production and increased or intensified harvest in areas treated for hazardous fuel reduction. Under this alternative, more extensive harvest was considered in T20N R27W Section 28. This section adjoins the Crazy Horse Fire Area to the south and contains some stands that are beginning to decline due to insects and disease. This section is not within the WUI. This area was not carried into any of the action alternatives primarily due to its proximity to the 2003 Crazy Horse Fire where vegetation has not yet fully recovered from the effects of the fire. Preliminary field reviews indicated that wildlife use and travel in this area had likely increased after the fire. This led to a recommendation to delay harvest in this area until more time for recovery from the effects of the fire had occurred.

Similarly, other stands in the project area were considered for treatment for forest health/fuels in T21N R17W Section 22, and for forest health/timber management in T20N R17W Section 8. These areas were deferred from consideration for a variety of reasons. One stand in Section 8 was deferred as it was found to provide lynx habitat. Other stands in this section were considered for treatment but were deferred primarily to focus treatment on more critical needs within a landscape where extensive harvest, particularly on private lands has occurred. Treatment in Section 22, though in the WUI, was deferred also, primarily due to the relatively young age and generally thrifty condition of the stands in this area coupled with the logistic/economic concerns for the limited treatment that was considered necessary at this time.

Within the WUI, additional harvest or more intense harvest was considered in some stands. Based on preliminary public input and field reconnaissance, the Proposed Action reduced treatment recommendations in some of these areas where existing landowner treatments had already moderated fuels concerns, and/or where specific site reconnaissance indicated that less intense prescriptions could meet project objectives.

For these reasons, an alternative to treat more extensively and intensively within the project area was not considered in detail.

## VII. Decision

As the Responsible Official for the Flathead National Forest, I have selected a combination of Alternatives A, B, C, and D as my Selected Alternative. My decision incorporates the changes listed below. Appendix 1 of this DN contains a detailed description of the features of the Selected Alternative.

The Selected Alternative defers treatment in 13 units (Units 2, 3b, 5a, 6, 7, 14, 16, 18a, 18b, 19, 24a, 24b, and 26) and decreases the size of one harvest unit (Unit 23). These changes are based on resource concerns displayed in the EA and in response to public comments (See Appendix 5 for comments received on the EA and our agency's responses to those comments). Units deferred will need to undergo future site-specific analysis and decision.

The **Selected Alternative** does the following:

- **Unit 1** – Retains this unit as a Thin From Below treatment that will focus on reducing stand density to meet fuel reduction and forest health concerns. The prescription will retain key hiding cover and meet the Purpose and Need of the project while retaining the wildlife value for the area. Temporary road construction across PCTC lands will be required to access this unit.
- **Unit 2** – Defers treatment of the unit due to a combination of the limited size of the unit, the limited amount of harvest proposed, and the fact that the adjacent landowner has treated fuels on private property adjoining this unit and feels the existing conditions in Unit 2 would not currently or in the foreseeable future pose a significant risk. Public non-motorized recreational access to the

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parcel of NFS land in Section 26 will still be pursued using the same route proposed for the road displayed on Map 2 of this DN.

- **Unit 3a** – Retains this pre-commercial thinning unit that is in relatively close proximity to a nearby residence as it is consistent with the Purpose and Need for the project.
- **Unit 3b** – Defers the pre-commercial thinning of this unit because the concerns expressed by an adjoining landowner outweighed the necessity of fuels reduction treatments. This unit is adjacent to private property owned by a commentor who has done fuels reduction between Unit 3b and his home.
- **Unit 5a** – Defers treatment of this unit based on comments received from the public concerned that past harvest on adjacent PCTC lands has cumulatively affected wildlife values. Deferring this unit also eliminates the need to cross a stream for access.
- **Unit 5b** – Retains the proposed treatment of a Sanitation Harvest within the stand for forest health and to reduce canopy density for fuels reasons. The prescription will generally retain all healthy trees of all species and will retain larger larch with moderate to low mistletoe ratings. The resulting treatment will retain stand values for wildlife, while still contributing to achievement of the overall Purpose and Need of the project.
- **Unit 6** – Defers pre-commercial thinning in this stand due to soil conditions generated from the previous harvest that appear to best be alleviated by allowing the current stand to mature without additional disturbance.
- **Unit 7** – Defers treatment of this unit based on field surveys determining that this stand meets the criteria for old growth. No activities are proposed in old growth stands with the Hemlock Elk Project.
- **Unit 9** – Retains the proposed treatment of Thin From Below within the stand. Treatment will reduce stand density and address forest health concerns by increasing growing space for residual trees and removing dead, dying, and/or trees susceptible to insect and disease agents within the stand. The treatment will also reduce the canopy for fuels reasons. The prescription will retain stand values for wildlife, while still contributing to the achievement of the overall Purpose and Need of the project.
- **Unit 10** – Retains the proposed treatment of Clearcut with Reserves. This stand has a significant component of lodgepole pine affected by pine beetle and significantly declining areas of trees affected by root rot. The selected prescription will result in many reserve trees being left, but will treat those elements of the stand highly unlikely to survive until a future entry. The nature of the stand is such that areas within it will require regeneration due to concentrations of affected trees being removed. For these reason a designation of “Clearcut with Reserves” represents the optimal treatment for a stand in these conditions. Temporary road access is eliminated through the combination of use of an existing PCTC road and a forwarder logging system.
- **Unit 11** – Retains the proposed treatment of Seed Tree with Reserves. This stand has a significant component of lodgepole pine affected by pine beetle and mistletoe. The selected prescription will result in 5 to 15 reserve trees per acre being left, but will treat those elements of the stand highly unlikely to survive until a future entry. The nature of the stand is such that areas within it will require regeneration due to concentrations of affected trees being removed. For these reasons a designation of “Seed Tree with Reserves” represents the optimal treatment for a stand in these conditions.
- **Unit 12** – Retains this pre-commercial thinning unit, which is in relatively close proximity to a nearby residence, and is consistent with the Purpose and Need for the project. Treatment will reduce stand density and increase growing space.
- **Unit 13** - Retains this pre-commercial thinning unit, which is consistent with the Purpose and Need for the project. Treatment will reduce stand density and increase growing space.

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- **Unit 14** – Defers treatment in this stand due to soil conditions generated from previous harvest. As a result of this stand having a previous thinning to reduce stand densities, the fuels hazard has been reduced and is considered a lower priority for fuel reduction treatment. Stand composition in this unit will continue to trend toward Douglas-fir, grand fir, in contrast to the original Proposed Action, which would have promoted more larch and ponderosa pine, but overall stand conditions will remain largely intact for the foreseeable future.
- **Unit 15** – Reduces temporary road access and uses a forwarder logging system. The unit is prescribed to be a Thin From Below designed to improve overall forest health, which is somewhat declining within the stand, while preserving cover value for wildlife. The thinning would also have the benefit of increasing crown spacing and reducing the continuity of in the stand.
- **Unit 17** - This unit is retained as a Thin From Below treatment, which will improve the general forest health of the stand. The unit does not require temporary road and the prescription will retain wildlife cover and security values.
- **Units 16, 18a and 18b, 19, 24a and 24b** – Defers treatment based on comments received from the public concerned that past harvest on adjacent PCTC lands has cumulatively effected wildlife values in the area. These units are also deferred due to the amount of temporary roads needed to access the units and the impacts associated with temporary road. These units are largely dominated by species other than lodgepole. Though these stands do exhibit signs of forest health problems and contain some lodgepole pine, they appear likely to maintain their integrity as stands for 10 to 20 years while other recently harvested stands recover.
- **Unit 20** – Changes access through the use of temporary road originating from PCTC Road #91297 in Section 17. This change reduces the amount of temporary road miles originally proposed in Section 16 to access the unit. The unit is retained as a Clearcut with Reserves due to the high degree of ongoing pine beetle mortality in the lodgepole pine dominated stand. Though there are healthy trees, which will be retained within the stand, removal of the affected lodgepole will result in openings that will be reforested. Conditions in the stand are deteriorating rapidly and deferring it will not meet the Purpose and Need of the project, in that fuel loadings will increase, stand health will continue to decline, and the opportunity to make use of wood fiber from within the suitable timber base would be foregone.
- **Unit 21** – Reduces the amount of original temporary road access using a forwarder logging system and a minimal amount of temporary road construction originating from PCTC Road #91301. Stand conditions and the prescription for Unit 21 are the same as for Unit 20.
- **Unit 22** –Changes access using a forwarder logging system and a minimal amount of temporary road construction originating from PCTC Road #91301. As with Units 20 and 21, the stand is dominated by lodgepole pine that is in a deteriorating condition due to mountain pine beetle. This stand, however, contains a larger component of larch and other species, which are still in a healthy condition and will be retained. The resulting treatment will result in a Seed Tree with Reserves with a relatively extensive number of trees left on site, but treatment of affected lodgepole will result in areas where reforestation will occur. For these reasons, the prescription of a Seed Tree with Reserves is prescribed for this unit.
- **Unit 23** – Defers the northern portion of unit since this area is dominated by species other than lodgepole. This portion appears to be able to maintain its integrity as a stand for 10 to 20 years. The southern portion of Unit 23 will be treated as it is dominated by lodgepole pine. Thinning the lodgepole component in this unit will provide a higher percentage for success in reducing the rate of mortality from pine beetle than if left untreated and could likely extend the time period to keep this stand viable, while adjacent stands on current PCTC ownership regenerate further. Under the Selected Alternative, temporary road access is reduced using a forwarder logging system and a minimal amount of temporary road originating from PCTC Road #91301. Unit acres are reduced from 100 acres originally proposed in the EA to **87acres** in the Selected Alternative.
- **Unit 25** – Modifies unit boundaries to more accurately reflect actual patch cut treatment areas. This stand contains larger lodgepole pine that are susceptible to pine beetle, which are currently

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being heavily hit by the beetle. The prescription will take out infected lodgepole pine that are susceptible to pine beetle and leave all other healthy trees. This will result in two small 3-acre Patch Clearcuts that will need to be reforested.

- **Unit 26** – Defers treatment in response to public concerns regarding hiding cover on adjacent PCTC harvested lands and potential risk of blowdown. This unit was proposed as a non-commercial thinning of pole-sized lodgepole. The smaller lodgepole are generally not at risk from pine beetle and, though the treatment was designed to reduce canopy density to reduce crown fire potential, the possibility of blowdown in this stand of small lodgepole might offset the potential benefit of increased crown spacing. Conversely, the current conditions of the stand are such that it is not likely to be hard hit by pine beetle. That fact, coupled with the distance of the unit from homes to the north and east made it seem reasonable to defer the unit since its primary intent was fuel reduction.
- **Unit 27** - This 3-acre unit is retained as a Seed Tree with Reserves. The condition of the trees to be removed is very rapidly deteriorating. Though all healthy trees will be retained in the unit, the bulk of the trees on site are lodgepole pine, which are currently dead, dying, or down. Some reforestation will be necessary to adequately stock the site.
- **Unit 28** – Retains the unit using a Thin from Below treatment as proposed in Alternative D. This treatment will retain a large percentage of the stand while targeting some pine beetle and co-dominant trees in the stand. The treatment will not require regeneration as a healthy stand will be retained.
- **Resource Enhancements** - The Resource Enhancement Projects described in Appendix 1 on pages 1-5 and 1-6 are authorized under this decision.

### VIII. Rationale for the Decision

In finalizing the Selected Alternative, I have determined that my decision is consistent with all laws, regulations, and agency policy. I have considered the potential cumulative effects and reasonably foreseeable activities. I believe my decision provides the best balance of management activities to respond to the Purpose and Need, issues, and public comments while complying with all applicable laws and regulations. My decision needed to balance public interests and ecological desired conditions, such as managing forest vegetation reducing the threat of wildfire to Federal and private lands; providing for a diverse and healthy ecosystem; meeting threatened, endangered, sensitive plant and animal habitat needs; reducing water quality effects to streams, riparian areas, and wetlands; and providing forest products and economic opportunities to contribute to local economies.

My criteria for making a decision on this project was based on:

- Achievement of the project's Purpose and Need,
- Relationship to environmental and social issues and public comments received.

#### Meeting the Purpose and Need

The Hemlock Elk Area was selected for this project because of existing fuel hazard and forest health conditions and the opportunity it presents to reduce the effects that a future wildland fire may have on property and resource values. Treatment of these conditions also presents the opportunity to use the wood products removed from the suitable timber base for social benefit.

Relative to the reduction of fuel hazard, the existing condition in the project area is a result of fire suppression and exclusion combined with increasing mortality in some stands due to mountain pine beetle and other natural disturbance processes. I believe that reducing these fuel conditions in specific areas will create a safer environment for the firefighters and the public should a fire occur, and protect human and resource values in the event of a future wildfire on NFS lands within and near the project

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area. In the Swan Valley, there has been an increase in the number of people living in close proximity to NFS lands. Hazardous fuel reduction is one of the key points of the National Fire Plan, which emphasizes management in dense forest vegetation resulting from decades of fire exclusion, particularly within WUI areas. Approximately 7,300 acres of the Hemlock Elk Project Area lies within the WUI as identified by the Seeley-Swan Fire Plan (2004). The threat to life and property from high forest fuel hazards was unfortunately illustrated once again during the 2007 fire season in forestlands near the Flathead Valley, other parts of Montana and other western states.

Relative to the existing forest health stand conditions, we know from past analyses (The Upper Swan Valley Landscape Assessment 2004, Crazy Horse III Fire Salvage EA) that forest stands in the project area and throughout the Swan are some of the most highly productive sites found on the Swan Lake Ranger District. Stands in the project area have higher tree densities in multiple canopy layers than what commonly existed historically, often due to fire exclusion over the last century, but sometimes due to stand age and species composition combined with insect and disease conditions (as in several of the lodgepole dominated stands in the project area). The understory canopy layers are competing with trees in the overstory providing ladder fuels and fuel loadings that have the potential to support stand-replacing fires. Competition for moisture is reducing the vigor and resilience of the dominant overstory trees, resulting in poor growth, increased susceptibility to insects and disease, and increasing mortality.

Insects and disease have also led to mortality and greater fire hazard in many areas in the project area. Mountain pine beetle has been observed in numerous stands within the project area. As designed, the Selected Alternative will help restore forest health in specific stands with benefit to increasing western larch and western white pine presence and health in some stands. The Selected Alternative will also generally improve the health, resiliency, and sustainability of forest vegetative communities, and reduce the risk of insect and disease infestations within the project area.

Relative to the Purpose and Need to provide wood products to local economies, the Selected Alternative makes reasonable use of such products from the suitable timber base. In weighing the various combinations of alternatives, the Selected Alternative, does defer some areas of treatment, normally primarily to balance improvement of forest health or fuel reduction within specific stands with existing conditions in surrounding stands. Though the Selected Alternative does not provide as much wood product as do Alternatives B, C, or D, it does provide an estimated 2.2 MMBF. The units deferred will generally not forego the opportunity to make use of wood products in the future. The Hemlock Elk Project Area largely lies within the suitable timber base under the Flathead Forest Plan within Management Areas (MA) 15 (timber management) and 15C (timber management/white-tailed deer summer range).

### Comparison of Alternatives

I did not select Alternatives A, B, C, or D in their entirety, but rather selected a combination of portions of each alternative. Those units retained in the **Selected Alternative** have a combination of circumstances that either grow worse over time (such as active pine beetle infestation) or where I think the prescriptions and locations will serve to either reduce fuels or improve forest health, without causing significant offsetting impacts. Some of the treatments also provide a degree of timber products from the suitable timber base. I believe the Selected Alternative, as described in this decision, best meets the Purpose and Need for the Hemlock Elk Project, while also being responsive to resource issues and public input identified through the analysis process. Additional rationale is provided below.

I did not select the No Action Alternative in its entirety because this alternative does not address the concern of the risk of high severity wildfires in the WUI, forest health, nor would it provide forest products to the local economies. No action would mean forest canopies within the project area would continue to become denser and more closed in, and surface and ladder fuels would continue to accumulate. Trees would be less vigorous and less resilient to disturbances. Western larch and western white pine would continue to decline from disease issues, leading to reductions in this forest type. Regeneration of western larch and western white pine would be inhibited due to the increased shading within the stands and lack of disturbance. Trees and stands would continue to experience the effects of mountain pine beetle, white pine blister rust, western larch dwarf mistletoe, and root disease. The risk of larger-scale mountain pine

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beetle activity would increase. Conditions that favor mountain pine beetle population growth, windthrow, increased residual tree damage, and increased mortality would continue. Increasing insect or disease-related mortality would add to the existing fuel load accumulation. Natural fuels would accumulate faster than they are recycled, increasing the natural fuels hazards near private lands. The risk of stand-replacing fire would increase as long as these stand conditions persisted. Selection of the No Action Alternative would be inconsistent with the Purpose and Need for this project. Based on the environmental analysis, the long-term effect of selection of the No Action Alternative would likely yield greater adverse social and environmental affects than would the Selected Alternative. Some units (as discussed above) were deferred as in Alternative A. The rationale for deferring units that had been in one of the action alternatives is given above in the unit descriptions of the Selected Alternative, but where deferred, such units could be reasonably delayed without significantly compromising the Purpose and Need for the project.

I did not select Alternatives B, C, or D in their entirety, but rather selected a combination of portions of each alternative, including some elements of Alternative A (No Action) as discussed above. Those units retained in the **Selected Alternative** have a combination of circumstances that either grow worse over time (such as active pine beetle infestation) or where I think the prescriptions and locations will serve to either reduce fuels or improve forest health, without causing significant offsetting impacts. Many of the treatments also provide a degree of timber products from the suitable timber base. I believe the Selected Alternative, as described in this decision, best meets the Purpose and Need for the Hemlock Elk Project, while also being responsive to resource issues and public input identified through the analysis process.

The **Selected Alternative** will create sustainable forest conditions by reducing forest fuel conditions and improving overall stand health. Growing space, individual tree vigor, and the ability to withstand insect and disease will be improved in treated stands. Better opportunities for western larch and western white pine regeneration will result from the creation of more open stand conditions. In addition to creating sustainable forest conditions, I believe my decision will reduce potential fire intensities and improve the opportunity for fire suppression, and lessen the potential for fires on Federal land to ignite private structures. The estimated 2.2 million board feet of timber resulting from these management activities will provide economic opportunities to the local communities.

As summarized in the following table, the **Selected Alternative** is responsive to the Purpose and Need statements for the Hemlock Elk Project.

**TABLE 1.  
COMPARISON OF ALTERNATIVES – HOW THEY RESPOND TO THE PURPOSE AND NEED**

Purpose and Need Statement	Alt. A	Alt. B	Alt. C	Alt. D	Selected Alt.
<b>Hazardous Fuels Reduction</b>					
Reduce the associated risk of high-severity landscape wildfire risk within the WUI as identified in the Seeley Swan Fire Plan ( <i>Indicator: Acres treated within the WUI</i> ).	0	321	321	300	223
Reduce the associated risk of high-severity wildfire risk outside the WUI ( <i>Indicator: Acres treated outside the WUI</i> ).	0	418	418	363	275
Provide a safer environment for the public and firefighters should a wildfire occur within the proposed treatment areas.	No	Yes	Yes	Yes	Yes
Increase the probability of stopping wildfires on NFS lands before they burn onto private lands.	No	Yes	Yes	Yes	Yes
<b>Forest Health</b>					
Restore and maintain forest health (restore historical tree species composition, structure, pattern, and reduce the risk for insect and disease infestations [ <i>Indicator: Acres treated – Clearcut with Reserves, Patch Clearcut with Reserves, Seed Tree with Reserves, Thin From Below (commercial and non-commercial), Sanitation, Salvage, Pre-commercial Thinning, and Hand Planting</i> ]).	0	739	739	663	498

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TABLE 1.  
COMPARISON OF ALTERNATIVES – HOW THEY RESPOND TO THE PURPOSE AND NEED

Provide Wood Products for Local Economies					
Timber Harvest Acres	0	739	739	663	498
Timber Harvest Volume (MMBF)	0	3.1	3.1	2.3	2.2

## Consideration of the Issues and Public Comments

In addition to the Purpose and Need, I also considered how well each alternative responds to the issues: the spread of noxious weeds and regeneration harvest. The following section summarizes how I believe my decision responds to the issues identified in the EA and how it responds to more comments and concerns I received on the project. Individual comments received on other specific issues on the project are address in the Response to Comments Received on the Environmental Assessment in Appendix 5 of this decision.

### Spread of Noxious Weeds

Two comments were received on the EA concerned with the risk of weed spread associated with proposed activities. One commentor expressed concern that weed spread would have the potential affect of reducing site productivity; that native vegetation would be replaced with noxious weeds competing for soil moisture and nutrients. Another commentor proposed that winter logging and cut-to-length logging with a forwarder/processor be applied to reduce weed spread.

The winter logging feature was considered as a requirement for the Selected Alternative. However, with the exception of last winter, we have not, in recent years, experienced sufficient consistent snow depths and/or frozen ground in this part of the Swan Valley to reliably provide the beneficial affects normally attributed to winter logging. I will require forwarder logging on all regeneration harvest units (as well as require forwarder logging on some additional units shown in Table 1-1 in Appendix A). All of the units retained in the Selected Alternative that were proposed for winter logging in Alternative C will be forwarder logged. The equipment used in forwarder logging, especially on relatively gentle ground should result in less soil disturbance than conventional skidding and will allow purchaser flexibility in scheduling operations while achieving some of the desirable features of winter logging. The requirement for forwarder logging is a more reliable means to achieve many of the reduced impacts described for those units that would have been winter logged in Alternative C. This approach, coupled with the use of several existing PCTC roads will significantly reduce the need for temporary road construction with reduced soil disturbance and reduced potential for weed spread. The Selected Alternative reduces the amount of temporary road construction from 4.8 miles proposed in the EA to **1.3 miles** and **0.4 miles** of forwarder road construction. In addition, specific Design Criteria will be implemented to help reduce the spread of noxious weeds (See Appendix 2 of this document).

### Regeneration Harvest

Several comments were received on the EA concerned with treatments proposed as regeneration harvest in consideration of the adjacent past PCTC harvest that has occurred. The Selected Alternative recognizes that there has been considerable timber harvest on private lands that is in varying stages of re-growth. I weighed the public input and concerns about neighboring landscape conditions in coming to this Selected Alternative. The Selected Alternative defers treatment in stands where stand health/species composition is such that the stands appear likely to remain intact for 10 to 20 years and where it appears fuel loading is not a critical issue due to either stand conditions or stand location relative to homes or private property. These stands are expected to largely maintain their integrity until adjacent private stands grow sufficiently to provide cover and other habitat needs.

The prescriptions in stands with a high percentage of lodgepole pine which are currently experiencing mountain pine beetle infestation (and in some cases various insects and diseases in other species) are

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retained as Clearcuts with Reserves, or Seed Trees with Reserves in the Selected Alternative. In some areas within these stands, significant numbers of reserve trees (generally healthy larch, Douglas-fir, all hardwoods, and other species) can and will be retained creating a mosaic type of harvest with patches of reserve trees. However, the nature of these type stands is such that removal of the targeted trees will create openings that we will regenerate. Other stands where Clearcut with Reserves or Seed Tree with Reserves will be used (such as Units 20, 21, and 22) are more dominated by lodgepole that is very heavily infected with mountain pine beetle. The prescriptions for these units, while retaining the healthy trees available, will result in much of the area requiring regeneration. It is highly unlikely that the component of these stands targeted for removal will hold together until a future entry into the area. Deferring these types of stands would not serve to use the wood fiber within in them, would not move the stand towards healthier conditions, and would add to the dead fuel load. Treatments of these stands will have measurable benefits toward meeting the Purpose and Need of the project. The environmental effects of these prescriptions have been analyzed in the EA and were found to not have significant detrimental effects.

There are active forest health issues and/or fuel-loading issues in all stands originally proposed for treatment, but by weighing the matrix of conditions described above, I have decided to defer regeneration harvest Units 14, 16, and modify the prescription of Unit 28 from a regeneration harvest to an intermediate harvest. Unit 28 will be a Thin From Below-Commercial Treatment that will retain a large percentage of the stand, while targeting some pine beetle and co-dominant trees in the stand. A healthy stand will be retained.

**TABLE 2.**  
**COMPARISON OF ALTERNATIVES – HOW THEY RESPOND TO THE KEY ISSUES**

Indicator	Alt. A	Alt. B	Alt. C	Alt. D	Selected Alt.
Spread of Noxious Weeds <i>(Indicator: Acres of Winter Logging)</i>	0	0	281	0	0
Regeneration Harvest <i>(Indicator: Acres of Regeneration Harvest)</i>	0	203	203	0	120

### Summary

The Selected Alternative (a combination of Alternatives A, B, C, and D) best meets Forest Plan direction while meeting the Purpose and Need for action. At the same time, it responds to public comments and desires and implements direction from the National Fire Plan. It seeks to balance the site-specific stand conditions and urban interface conditions that vary from one treatment unit to the next with the overall wildlife, fisheries and other values that add to the complexity and value of the project area.

Current fuels and forest health conditions in the Hemlock Elk Project Area can move towards historical conditions by applying appropriate management actions. The most cost efficient method of meeting the Purpose and Need objectives involves commercial timber harvest. A large amount of mechanical treatments will occur within the WUI helping to reduce the risk of fire adjacent to private property. The Timber Sales are expected to be sold in **2010**. It is anticipated that timber harvest will be completed within 2 to 3 seasons after the sale date. Implementation of road work associated with timber sales should begin once the project is awarded. Reforestation activities will be completed no more than 5 years after logging is completed.

## IX. Finding of No Significant Impact

In accordance with CFR 1508.13 and direction provided in the Forest Service Handbook (FSH 1909.15, Chapter 40, Section 43.1), I have determined that the management actions included in the Selected Alternative of the Hemlock Elk Project do not constitute a major Federal action, and that the implementation of the Decision will not significantly affect the quality of the human environment. Accordingly, I have determined that an EIS need not be prepared for this project. I have followed the

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implementing regulation for NEPA (40 CFR 1508.27) and other criteria for determining the significance of effects.

Before making my determination, I carefully reviewed and considered the following information:

- The direct, indirect, and cumulative effects of these actions as documented in the EA for the Hemlock Elk Project;
- The analysis documentation in the project file for the Hemlock Elk Project;
- Comments received during all scoping and after the EA was published for this project;
- Past experiences with fuel reduction and forest health projects on the Flathead National Forest.

The ID Team and I have “screened” the management actions included in the Hemlock Elk Project for “significant impact.” The results of this screen are summarized on the following pages.

**Significant**, as used in NEPA, requires consideration of both context and intensity.

**Context** means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the Proposed Action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short-term and long-term effects are relevant (40 CFR 1508.27).

The effects of the proposed actions are limited in context. The proposed treatments encompass a limited area (**454 acres** of mechanical treatments and **44 acres** of hand treatments) and the activities are limited in duration. The project is expected to be awarded in **2010**. It is anticipated that timber harvest will be completed within 2 to 3 seasons after the sale date. Implementation of roadwork associated with timber sales should begin once the project is awarded. Reforestation activities will be completed no more than 5 years after logging is completed. Management activities not involving timber harvest (sale layout) could begin in 2009. Effects are local in nature and are not likely to significantly affect regional or national resources.

Some of the treatment units are located adjacent to private property. As such, the forestland surrounding these private lands will be affected by this decision. The people most affected by the project will be the local residents on the adjacent lands. This action is also a continuation of fuel reduction and forest health and projects that have occurred for many years on the Flathead National Forest and elsewhere across the Northern Region and the nation as a whole. Short-term adverse effects will be mitigated through implementation of the Standards and Guidelines in the Flathead’s Forest Plan, BMPs (Appendix 4), and the Design Criteria (Appendix 2) developed specifically for this project.

The project’s Design Criteria minimize and avoid adverse impacts to the extent that such impacts are almost undetectable and immeasurable, even at the local level. These Design Criteria include, but are not limited to the following:

- Protection of the soil resource;
- Protection of leave trees,
- Control of noxious weed spread,
- Protection of sensitive or threatened plant species;
- Protection of riparian habitat;
- Retention of snags and woody debris for wildlife,
- Protection of threatened, endangered, or sensitive wildlife species,
- Seasonal and operational restrictions to avoid impacts to wildlife populations and habitat;
- Reclamation of temporary roads; and

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- Protection of Heritage Resources.

Within the context of the landscape as a whole, or at the stand level, the ecological consequences are not found to be significant in the short or long term.

**Intensity** refers to the severity of impact. Responsible Officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following 10 aspects are considered in the evaluation of intensity (40 CFR 1508.27):

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the balance of effects will be beneficial.

Both beneficial and adverse effects have been taken into consideration when making a determination of significance. While there will be beneficial effects, this action does not rely on those effects to balance adverse environmental impacts. Detailed Specialist Reports, included in the EA and project file, contain comprehensive effects analyses and the findings from these resource specific reports form the basis for my decision.

It is my determination, based on review of these analyses and consultation with Specialists that the Selected Alternative, including fuels management, vegetation management, and road management activities will not have a significant impact on the environment. All effects will be small or short-lived. None is deemed irreversible or irretrievable and do not set in motion further effects. The EA, Specialist Reports, and Biological Assessments (BA) and Evaluations (BE) evaluated all potential direct, indirect, and cumulative effects.

2. The degree to which the Selected Action affects public health or safety.

The fuel reduction and forest health treatments are designed to increase the efficiency of fire suppression efforts and reduce risks to firefighters, local residents, the public, structures, and natural resources. The implementation of these treatments will result in improved community safety because fuel reduction will increase the chance of suppressing a fire before it reaches private property. All burning of thinning slash and natural fuels will comply with State Air Quality Standards and be coordinated through the Montana Airshed Group. Dust from timber hauling activities will be controlled using the dust abatement requirements within the Stewardship or Timber Sale Contract provisions.

Herbicide treatments of weeds will comply with label directions and in accordance with and under decision authority of the Flathead National Forest Noxious and Invasive Weed Control EA and DN (USDA May 2001), to which the Hemlock Elk Project EA tiers.

Project Design Criteria were developed to address public safety concerns associated with proposed harvest and association actions (See Appendix 2). I believe that the Selected Action is not likely to have any significant impact to public health or safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

In general the design of the Hemlock Elk project avoids such areas. Specific detail in regard to that design follows.

The Hemlock Elk Project Area contains botanical sites that were identified through field reconnaissance. Impacts to these sites will be avoided during project layout and under contract provisions for vegetation treatments (Design Criteria, Appendix 2).

Heritage Resource Surveys have been completed, and no previously undiscovered sites within the project area boundaries were found. The project area includes wetlands and riparian areas, but

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impacts to wetlands and riparian areas will be avoided during project layout and under contract provisions for vegetation treatments (See Design Criteria, Appendix 2).

The project area does contain a trail (Foothills Trail) no longer maintained by the Forest Service. This trail will be protected to the extent that it will not be used as a forwarder trail and slash will not be placed on it. Designated forwarder crossings will occur (Design Criteria, Appendix 2).

Based on this information, I conclude that the Selected Alternative will have no effects on unique resources.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Based on the limited context of the project, my review of comments received during the scoping of this project, and the analysis documented in the EA and project file, I do not find any highly controversial effects to the human environment.

I conclude that the effects of the Selected Alternative are not considered highly controversial by professionals, specialists, and scientists from associated fields of forestry, wildlife biology, soils, fisheries, and hydrology.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Based on my review of comments received during the scoping of this project, the comments received after the publication of the EA, and the analysis documented in the EA and project file, I find the possible effects on the human environment that are uncertain or involve unique or unknown risks are minimal or non-existent.

Given the nature of the trees and lesser vegetation to be removed and the large proportion to be left, the effects to the quality of the human environment are not significant. The agency has considerable experience in such projects and the consequences of such actions are well established and predictable.

A technical analysis (EA and project file) that discloses potential environmental impacts (which is supportable with use of accepted techniques, reliable data, and professional opinion) has been completed, and I believe that the impacts of implementing this decision are within the limits that avoid thresholds of concern.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Hemlock Elk Fuels Reduction and Forest Health Project represents a site-specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any proposed future project must be evaluated on its own merits and effects. The Selected Action is compatible with the Forest Plan and the capabilities of the land. I believe that this action does not represent a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Connected, cumulative, and similar actions have been considered and included in the scope of the analysis. The analysis accounts for past, present, and reasonably foreseeable actions of the Forest

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Service, Montana Department of Natural Resources and Conservation, private timber companies, and private landowners within the project area (EA, Chapter 3 and Resource Cumulative Effects Worksheets in the project file).

Based on my review of the analysis and disclosure of effects in the EA, Specialist Reports, BAs and BEs, and other analyses in the project file, I conclude that the Hemlock Elk Project does not represent potential cumulative adverse impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

My decision to approve this project will not have adverse affects on, nor cause the loss or destruction of, significant scientific, cultural or historic resources.

Heritage Surveys have been completed in the Hemlock Elk Project Area and no previously undiscovered sites within the project area boundaries were found (Project File, Section N, and the Hemlock Elk EA (pages 3-241 through 3-244). The potential for influencing undiscovered sites is mitigated by compliance with Forest Plan standards and guidelines, and through the Design Criteria included as part of the Selected Action (Appendix 2). In the event such resources are discovered during project implementation, they will be evaluated and protected.

I believe that this action will not have a significant effect on scientific, cultural, or historical resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

No threatened or endangered species or its habitat is likely to be adversely affected by the implementation of the Selected Action. Biological Assessments for threatened and endangered species have been completed for this DN and are in the project file. These BAs and supporting documentation led to the following determinations for listed species. The USFWS concurred with these determinations (Project File Exhibits E-3, E-4, and E-5). The Resource Enhancements included in this decision relative to bull trout were found to have a “may affect-likely to adversely affect individuals” due to short term impacts related to sediment created in replacing some culverts and/or removal of native timber bridge abutments no longer in use. These Resource Enhancements were covered by a programmatic Biological Opinion issued by the USFWS for these type of actions. These actions are considered to have a long-term positive affect and are not likely to adversely impact the species.

**TABLE 3.  
THREATENED & ENDANGERED SPECIES DETERMINATIONS FOR THE  
HEMLOCK ELK FUELS REDUCTION AND FOREST HEALTH PROJECT**

Species	Determination
Grizzly Bear	May affect – not likely to adversely affect
Gray Wolf	May affect – not likely to adversely affect
Canada Lynx	May affect – not likely to adversely affect
Bull Trout	May affect – not likely to adversely affect
Spalding’s Catchfly	No Effect
Water Howellia	May affect – not likely to adversely affect

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10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

As described in the EA (Regulatory Framework and Consistency Sections for each resource area in Chapter 3), the Selected Action is consistent with all applicable Federal, state, or local laws or requirements imposed for the protection of the environment, including:

- The National Forest Management Act
- The National Environmental Policy Act
- The Endangered Species Act
- The Clean Water Act and Montana State Water Quality Standards
- The Clean Air Act
- The Migratory Bird Treaty Act
- The National Historic Preservation Act
- The American Graves Protection and Repatriation Act
- American Indian Religious Freedom Act
- The Environmental Justice Act
- The Healthy Forests Restoration Act

The Selected Action is consistent with Forest Plan direction.

I have concluded that the Selected Action does not violate any federal, state or local laws or requirements imposed for the protection of the environment.

## X. Findings Required by Law, Regulation, and Agency Policy

Numerous laws, regulations, and agency directives require that my decision be consistent with their provisions. I have determined that my decision is consistent with the laws, regulations, and agency policies related to this project. The following summarizes findings required by major environmental laws.

### A. The National Forest Management Act (NFMA)

The NFMA and accompanying regulations require that several specific findings be documented at the project level. These are:

#### Consistency with the Forest Plan

The Flathead National Forest Land and Management Plan of 1986 (Forest Plan) establishes management direction for the Flathead National Forest. This management direction is achieved through the establishment of Forest-wide goals and objectives, standards, and guidelines. Additional goals and accompanying standards and guidelines have been established for specific MAs across the forest. Project implementation consistent with this direction is the process in which desired conditions described by the Forest Plan are achieved. The NFMA requires that all project-level resource plans, such as this DN, are to be consistent with the Forest Plan (16 USC 1604 (i)). The EA displays the Forest Plan and MA goals and objectives and the standards and guidelines applicable to the Hemlock Elk Project (EA, Chapters 1, 2, and 3). The alternative development process is detailed in Chapter 2 of the EA and in the project file, while the

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management goals and the environmental consequences of the alternatives in relation to the Forest Plan standards and guidelines are displayed in Chapter 3 of the EA. The activities authorized in the Selected Alternative are consistent with Forest-wide goals, objectives, standards, and guidelines, and specific MA goals and standards.

### **Suitability for Timber Production**

The NFMA directs that no timber harvesting shall occur on lands classified as not suited for timber production pursuant to 36 CFR 219.14(a) except for salvage sales, sales necessary to protect multiple use values, or activities that meet other resource objectives on such lands if the Forest Plan establishes that such actions are appropriate [36 CFR 219.27(c)(1)].

Stands proposed for harvest treatment in the Hemlock Elk Project Area were examined for suitability in accordance with 36 CFR 219.14 by a Certified Silviculturist. Inclusions of non-suitable land were identified within stands proposed for harvest (such as wet areas), and no treatment will occur in these areas. I believe that the remaining portions of these stands are suitable for timber production based on the following:

- Meet the definition of forestland as described in 36 CFR 210.3.
- Technological feasibility exists to ensure soil productivity and watershed protection. All sites considered for treatment will use established harvesting and site preparation methods. Resource protection standards in the Forest Plan, Project Design Criteria (Appendix 2) and applicable BMPs (Appendix 4) will be sufficient to protect soil and water resource values.
- None of the stands considered for harvest have been withdrawn from timber production as specified in 36 CFR 219.14(4).
- There is reasonable assurance that all lands can be restocked within 5 years of final harvest.

### **Clearcutting and Even-aged Management**

*When timber is to be harvested using an even-aged management system, a determination that the system is appropriate to meet the objectives and requirements of the Forest Plan must be made. Where clearcutting is to be used, it must be determined to be the optimum harvest method [16 USC 1604(g)(3)(F)(i)].*

**Determination that, where used, clearcutting is the optimum method:** Clearcutting is planned under the Selected Alternative. A Certified Silviculturist documented the rationale for this method; this documentation can be found in Project File Exhibit G-1.

**Determination that even-aged management system is appropriate to meet the objectives and requirements of the Forest Plan:** Silvicultural site-specific prescriptions for the Hemlock Elk Project have been prepared by a Certified Silviculturist and reviewed by the ID Team Members. Target stand conditions were developed based on management objectives and site characteristics. The prescriptions considered existing stand conditions, the target stands, and resource constraints in determining the biological and technological feasibility of all silvicultural systems, including uneven-aged systems, and their appropriateness for the site.

I have determined that prescribing even-aged systems under the Selected Alternative is appropriate for Units 10, 11, 20, 21, 22, 25, and 27. Clearcut and Seed Tree harvest will take place in stands that currently are not meeting target stand objectives. Examples of these types of stands are:

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- Stands with a high percentage of lodgepole pine which are currently experiencing mountain pine beetle infestation
- Stands with elevated levels of root disease where intermediate harvest is not appropriate

Regeneration harvest using Clearcut and Seed Tree systems, as these treatments are compatible with site-specific stand conditions, will retain the largest healthy trees on site, while allowing regeneration of healthier trees than existing conditions will permit. Where these treatments are used, the species to be regenerated are compatible with the even-aged management methods proposed.

After reviewing the silvicultural information for the Hemlock Elk Project, along with the site-specific management objectives developed from Forest Plan direction, I have determined that the management practices described in the Vegetation Section of the EA and supporting documents (Project File Exhibits G1 and G-3) are appropriate methods to achieve the multiple resource objectives on the sites selected for harvest.

### **Vegetative Manipulation**

I have determined that the management practices in the Hemlock Elk Project shall:

**Be best suited to the multiple-use goals stated in the Forest Plan for the area.**

These goals are stated in the EA within Chapters 1 and 3. Based upon review of pertinent information from the EA, ID Team Field Review, the project file, and the comments I received, I have determined that the Selected Alternative, compared to the No Action and other action alternatives, is best suited to meet these goals. All proposed treatments comply with Forest Plan direction and meet the multiple-use goals established for the area. The vegetation treatments address the Purpose and Need for action.

**Assure that the technology and knowledge exist to adequately restock the lands within 5 years after final harvest (16 USC 1604(g)(E)(ii)).** An estimated 120 acres will be planted in Clearcut with Reserve, Patch Clearcut with Reserve, and Seed Tree with Reserve Tree Units. Previous regeneration harvests in this area have been successfully stocked within 5 years. Regional reforestation indices also support that reforestation techniques have been successful.

**Management prescriptions shall not be chosen primarily because they would give the greatest dollar return or the greatest output of timber.** My decision to implement the Hemlock Elk Project is based on a variety of reasons discussed elsewhere in this DN. The decision is not based primarily on the greatest dollar return, but rather reducing hazardous fuels and the vulnerability of the forest to large scale, dramatic disturbances. However, tree harvest resulting from the vegetation treatments will generate revenue from the sale of forest products and will help fund several aspects of the project.

**Management prescriptions shall consider the effects on residual trees and adjacent stands.** In making my decision, I did consider the effects on residual trees and adjacent stands as discussed in the EA on pages 3-50 through 3-63. I find the selected stand treatment methods and the Design Criteria as listed in Appendix 2 of this decision document are adequate to protect reserve trees and adjacent stands near timber harvest, pile burning, and hand treatment areas.

**Management prescriptions shall avoid permanent impairment of site productivity and ensure conservation of soil and water resources.** The Selected Alternative will avoid impairment of site productivity. This determination is supported by the disclosures

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in the EA on pages 3-9 through 3-32 and 3-127 through 3-139, the application of Design Criteria (Appendix 2) and the application of BMPs (Appendix 4) to prevent the loss of soil. Units 5b and 12 will be monitored to see if proposed activities exceed the Region One Soil Quality Standards. If after implementing the Selected Alternative activities, there is 15 percent or more detrimental disturbance, then restoration activities described in the Design Criteria, Appendix 2, will occur to move the units back towards improved condition.

**Management prescriptions shall provide the desired effect on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation use, and aesthetic values.** The information provided in the project file documents that the vegetation management treatments included in my decision will achieve the desired forest vegetation conditions described in the EA, Chapter 3 (Vegetation Section) and the Silviculturist Report (Project File Exhibit G-1). Desired conditions for other natural resources are described in the Forest Plan and in the Upper Swan Valley Landscape Assessment (Project File Exhibit Q-4). After reviewing the social and environmental effects of the alternatives (EA, Chapter 3), I have determined that my decision is consistent with Forest Plan direction for the management of natural resources, including water quality/quantity, wildlife and fish habitat, recreation uses, and aesthetic values.

**Management prescriptions shall be practical in terms of transportation and harvesting requirements, and total cost of preparing, logging, and administration.** The Selected Alternative is a practical selection. The specified transportation and harvesting systems to be used in the implementation of this decision have been analyzed in combination with the other requirements of the management prescriptions. Implementation of the project will not require significant investments in roads, since a road system is already in place. The preparation, logging, and administration are practical for achieving the resource objectives and progress toward the desired future condition in the project area. The economic analysis included in the EA on pages 3-257 through 3-265 along with its supporting documentation in the project file, demonstrates this finding.

### Roads

The NFMA requires that the necessity for roads be documented, and that road construction be designed to "standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources [16 USC 1608(c)].

Management actions associated with the Hemlock Elk Project do not include the construction of specified permanent roads. An estimated **1.3 miles** of temporary roads and **0.4 miles** of forwarder roads will be constructed and reclaimed after their use (See Design Criteria, Appendix 2) to access treatment units. I believe that we have met the requirements of 16 USC 1608 (c).

### NFMA Diversity

The Forest Plan contains an array of components that contribute to the wildlife/fisheries habitat capability of the Flathead National Forest. Each of these components reduces the risk to a reduction of species' diversity. Based upon consideration of these components of the Forest Plan (as amended), as well as:

- The configuration of the Selected Alternative with its Monitoring Plan and Design Criteria,
- An analysis of effects of the Hemlock Elk Project at the Forest and Regional Scale,
- The BAs and BEs (Project File Exhibits F-1, H-2, and L-1),

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I conclude that my decision will have no impact on some species, or may impact individuals or habitat but are not likely to result in a trend toward Federal listing or reduced viability for other populations or species. In addition, my conclusion is based on a review of the project file that shows a thorough evaluation was made of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

### **B. Clean Water Act and Montana State Water Quality Standards**

Water quality standards (Section 303(c)) established in Montana for the Clean Water Act classify all waters in the Hemlock Area to be B-1. This means that the waters are suitable for drinking after treatment, culinary and food processing after conventional treatment; bathing, swimming, and recreation; growth and propagation of salmonid fisheries and associated aquatic life, waterfowl, and furbearers; and agricultural and industrial water supply.

The Hemlock Elk Project Area does not contain water quality impaired streams; however, streams in the project area are tributary to the Swan River and Swan Lake, which are on Montana's Clean Water Act Section 303(4) list of impaired waters. A Total Maximum Daily Load (TMDL) and Water Quality Protection Plan for the Swan Lake River Watershed has been prepared by the Montana Department of Environmental Quality. The Hemlock Elk Project includes specific Design Criteria and BMPs (Appendix 2) to ensure beneficial uses are protected. In addition, existing sediment sources have been identified to be treated as funding is available to promote water quality improvement and restoration of full support of beneficial uses for impaired waters (Resource Enhancement Projects, Appendix 1, page 5).

Upon review of the Hemlock Project EA and the project file, I find that activities associated with the Selected Alternative will comply with the Clean Water Act and Montana State Water Quality Standards. My decision includes project Design Criteria (Appendix 2) and BMPs (Appendix 4) to protect the water resource and achieve water quality standards.

### **C. Clean Air Act**

After reviewing Chapter 3 of the EA, I find that the activities in the Selected Alternative will be coordinated to meet the requirements of the State Implementation Plans, Smoke Management Plan, and Federal Air Quality requirements.

### **D. National Historic Preservation Act, American Indian Religious Freedom Act, and Native American Graves Protection And Repatriation Act**

Cultural Resource Reviews have been completed on all areas to be impacted by ground-disturbing activities. No Cultural Resources are expected to be affected by the Selected Alternative. Recognizing that the potential exists for unidentified sites to be encountered or disturbed during project activity, special provisions for their protection will be included in all contracts used to implement this project. These provisions will allow the Forest Service to unilaterally modify or cancel a contract to protect cultural resources, regardless of when they are identified. This provision will be used if a site were discovered after a harvest operation had begun. This project complies with the Region One programmatic agreement (1995) with the State Historic Preservation Office and the Advisory Council on Historic Preservation.

### **E. Government-To-Government Relations**

The Forest Service consulted with the Confederated Salish and Kootenai Tribes during the analysis process. The intent of this consultation has been to remain informed about the Tribal concerns regarding the American Indian Religious Freedom Act and other tribal issues. In addition, the Salish (Flathead), Kootenai and Upper Pend d'Oreilles reserved rights under the Hellgate Treaty of 1855 (July 16, 1855). These rights include the "right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed

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land.” The Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with the tribes through the project planning helps insure that these trust responsibilities are met.

### **F. The Endangered Species Act (16 USC 1531 et. seq.)**

Under the provisions of this Act, Federal agencies are directed to seek to conserve endangered and threatened species and to ensure that actions are not likely to jeopardize the continued existence of any of these species. Upon review of the BAs for wildlife, plants, and fish for the Hemlock Elk Project (Project File Exhibits F-1, H-2, and L-1), I find the Decision meets the requirements of the ESA. The USFWS concurred with determinations as described above on page 18.

### **G. Administration of The Forest Development Transportation System – Roads Policy – 36 CFR Part 212 et al. (Published in the Federal Register on January 12, 2001)**

This project does not include any system road construction on public lands. I find that the Selected Alternative complies with the terms of this new rule and policy.

### **H. Migratory Bird Act**

On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of Federal agencies to protect migratory birds. Upon review of the information in the EA, (pages 3-229 through 3-235), I find that the Selected Alternative complies with this Executive Order.

### **I. Environmental Justice**

The action alternatives were assessed to determine whether they would disproportionately impact minority or low-income populations, in accordance with Executive Order 12898 (EA, page 3-265). No impacts to minority or low-income populations were identified during scoping or the comment period.

### **J. Compliance with Other Laws, Regulations, and Policies**

Compliance with other laws, regulations, and policies are listed in various sections of the project file, the Forest Plan, and the EA (primarily in the “Regulatory Framework and Consistency” discussions at the end of the resource sections of Chapter 3.

## **XI. Appeal Provisions and Implementation**

Copies of the Hemlock Elk EA are available for review at the Swan Lake Ranger Station in Bigfork, Montana, and at the Forest Supervisor's Office in Kalispell, Montana. The supporting project file is available for review at the Swan Lake Ranger Station, 200 Ranger Station Road, Bigfork, MT 59911.

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in *The Daily Inter Lake* Newspaper, Kalispell, Montana. 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**

