



File 1570 (215)  
Code:  
Route  
To:  
Subject: Shoot Creek Timber Sale, Appeal #99-01-00-0071  
Clearwater National Forest  
To: Appeal Deciding Officer

Date: December 15, 1998

This is my recommendation on disposition of the appeal filed by Bryan Bird on behalf of Forest Guardians, Forest Conservation Council, Tim Hermach (Native Forest Council), Brock Evans (Federation of Western Outdoors Clubs), Chad Hanson (The John Muir Project), Rene Voss, David Derringer (Wild Horse/Derringer Ranch), Laura Erickson, Emily Miggins (ReThink Paper), Brian Dunkiel (Friends of the Earth), Thomas J. Vuyovich, Robert Fenner, Andy Mahler, Timothy J. McDevitt (Breitenbush Hot Springs Retreat and Conference Center, Inc.), Ron Mitchell (Idaho Sporting Congress), and Jeffrey A. Hollander (Seventh Generation, Inc.) protesting the Shoot Creek Timber Sale and Watershed Restoration Project Decision Notice signed by the Clearwater National Forest Supervisor (Lochsa Ranger District, Powell Ranger Station).

The Forest Supervisor's decision adopts Alternative 2, including regeneration harvest of 338 acres and watershed restoration.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the Appellants' objections and recommended changes, has been thoroughly reviewed.

## FINDINGS

### Appeal Review Findings

The Appellants allege violations of the National Environmental Policy Act (NEPA), the Clean Water Act, and the National Forest Management Act (NFMA). The Appellants request the decision be withdrawn. No informal meeting was held, and interested party comments were received from Dan Johnson of ROOTS, and John R. Swanson.

### **Objection 1 - The Shoot Creek Timber Sale EA fails to follow Forest Service Manual and Forest Service Handbook guidance for economic and social analysis.**

Response: Economic concerns were identified and analyzed in the IDT process, and considered by the Forest Supervisor. The decision to approve the selected alternative was based, in part, on the ability to meet the goals, standards and objectives of the Clearwater National Forest Plan, and responsiveness to the purpose and need.

### **Objection 2 - The Shoot Creek Timber Sale fails to meet NFMA and RPA requirements regarding management of Forest Service lands for the highest public net benefits.**

Response: This objection refers to regional or forest-wide economic analysis, which is not within the scope of this decision.



**Objection 3: The Shoot Creek Timber Sale cannot proceed until the Forest Service completes an environmental impact statement on the national forest system logging program as a whole.**

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

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

I recommend the Forest Supervisor's decision be affirmed and the Appellants' requested relief be denied.

/s/ Katherine Q. Solberg

KATHERINE Q. SOLBERG  
Reviewing Officer  
Director, Human Resources