



File Code: 1570 (215)
#97-01-00-0109

Date: October 27, 1997

Gary MacFarlane
Friends of the Clearwater
P.O. Box 9241
Moscow, ID 83843

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dear Mr. MacFarlane

This is my decision on disposition of the appeal you filed on behalf of Friends of the Clearwater; Alliance for the Wild Rockies; The Ecology Center, Inc.; Inland Empire Public Lands Council; Idaho Sporting Congress; Northern Rockies Preservation Project; Idaho Conservation League; and Clearwater Biodiversity Project protesting the Clearwater National Forest Supervisor's Record of Decision (ROD) for the White Pine Creek Timber Sale on the Clearwater National Forest.

The Forest Supervisor's decision adopts Alternative G. The decision will implement harvest of approximately 9.1 MMBF from 800 acres. Approximately 515 acres will be treated by prescribed burning. About 2.9 miles of short-term road will be built, 7.5 miles of long-term road built, and 16.2 miles of road reconstructed. About 2,000 feet of stream will be improved.

DECISION

After careful consideration of the Appeal Reviewing Officer's recommendation, I affirm the Forest Supervisor's decision to implement Alternative G. Your requested relief is denied.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.17 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have thoroughly reviewed the appeal record, including the recommendation of the Appeal Reviewing Officer (copy enclosed) regarding the formal disposition of your appeal. My decision hereby incorporates by reference the entire appeal record.

APPEAL SUMMARY

You allege violations of the National Environmental Policy Act, the National Forest Management Act, the Endangered Species Act, and the Clean Water Act.

Your central objections relate to range of alternatives, water quality, Forest Plan stipulated agreement, and old growth. You request the ROD be reversed.

An informal meeting was held, but no resolution was reached. Interested party comments were received from the Resource Organization on Timber Supply; Bennett Lumber Products, Inc.; and Gerry Snyder.



APPEAL REVIEWING OFFICER RECOMMENDATION

The Appeal Reviewing Officer recommends the Forest Supervisor's decision be affirmed and your requested relief be denied.

FINDINGS

Following is my evaluation of the objections raised in your appeal and your requested changes.

Scope of Decision

Decisions made in Forest Plans are subject to administrative review under 36 CFR 217 and are not subject to review in project or activity decisions [36 CFR 215.8(a)(1)]. These decisions are considered to be beyond the scope of the project-level decision, and the opportunity to challenge these decisions has been exhausted.

Similarly, Appellants may not request review of activities that are not "connected" to the project decision being challenged or ask that additional decisions be made that are not "ripe" for decision. Under NEPA, the Responsible Official has the discretion to propose actions and determine which actions warrant a decision and those that do not.

I have determined your objections are within the scope of the decision.

Scope of Decision Documentation

Your objections correspond closely to comments you raised in scoping and during the comment period. Because of your early participation in the pre-decisional process, the Forest Supervisor was able to analyze these concerns by incorporating them into the environmental analysis and consider them in making the decision.

Appeal Regulations at 36 CFR 215 allow for expanded opportunities for public involvement in Forest Service decisionmaking. The public is best served by mutual efforts to resolve differences during the decisionmaking process rather than after a decision is made.

Procedural Determination

I have thoroughly reviewed your arguments and the information referenced in the Forest Supervisor's October 9, 1997, Transmittal Letter (copy enclosed). The Transmittal Letter provides specific page references to discussions in the Environmental Impact Statement (EIS), the ROD, and project file which bear upon your objections. The objections you raise in your appeal are similar to the comments you made on the EIS. The project file indicates your objections were either addressed as environmental issues in the EIS or are discussed in the ROD. I specifically incorporate in this decision the references and citations contained in the Transmittal Letter. Based upon a review of the references and citations provided by the Forest Supervisor, I find the objections you raised were adequately considered in the EIS/ROD and the Forest Supervisor made a reasoned decision concerning those issues. I find the Forest Supervisor has complied with all laws, regulations and policy.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Kathleen A. McAllister

KATHLEEN A. MCALLISTER
Appeal Deciding Officer
Deputy Regional Forester

Enclosures (2)