

United States
Department of
Agriculture

Forest
Service

R-1

Reply To: 1570 (215)

Date: February 24, 1997

Subject: Stevensville West Central Timber Sale Appeal #97-01-00-0019, Bitterroot
National Forest

To: Appeal Deciding Officer

This is my recommendation on disposition of the Appeal filed by James Olsen on behalf of Friends of the Bitterroot, Inc. protesting the Stevensville District Ranger's Decision Notice (DN) for the Stevensville West Central Timber Sale on the Bitterroot National Forest.

The District Ranger's decision adopts Alternative 1 (modified). This Alternative will implement prescribed burning on approximately 5,464 acres, ecosystem management thinning on 1,159 acres, and harvest of 2 MMBF of timber on 1,111 acres. This decision will also implement a watershed and fisheries restoration program, recreation access improvements, obliteration of some roads, and road-use restrictions on approximately 38 miles of road.

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.

APPEAL SUMMARY

The Appellant alleges violations of the National Environmental Policy Act (NEPA), the Bitterroot National Forest Land and Resource Management Plan (Forest Plan), and the Administrative Procedures Act (APA).

The Appellant requests the decision be remanded until completion of an Environmental Impact Statement and/or demonstration of full compliance with the NEPA/Council on Environmental Quality requirements and Forest Plan standards for open-road density year round.

An Informal Meeting was held with Friends of the Bitterroot on February 5, 1997; but agreement was not reached. No Interested Party comments were received.

FINDINGS

My recommendation is based upon the following evaluation:

Clarity of the Decision and Rationale

The DN is clearly written and easily understood. However, I believe the section 'Rationale and Logic for the Decision' would have been improved if the issues listed under "3. Environmental Issues" had been more clearly identified as the six key issues that drove the decision. Overall this is a very well-written document. The colored maps were sent to the public and were easy to comprehend.

The decision criteria were identified within the DN and provided the basis for the District Ranger's rationale for adopting modified Alternative 1. Rationale for the decision is clear, concise and easily understood. Modifications to the Alternative by the District Ranger indicate a sincere response to meeting public concerns while meeting the purpose and need for action. The DN clearly demonstrates that the selected alternative was a direct result of responding to public and agency concerns. The relationship between Forest Plan goals and direction and the decision criteria were fully addressed in the decision.

I feel the District Ranger evaluated all available information that was relevant in making the decision. The issues developed during scoping were utilized in the selection of modified Alternative 1. Modified Alternative 1 will accomplish a large majority of the purpose and need for action and the desired conditions while addressing the public's concerns, especially the harvest activities in a roadless areas.

I conclude the decision and the rationale leading to the decision are well documented and demonstrate the decision is reasoned and informed.

Comprehension of the Benefits and Purpose of the Proposal

The purpose and need identified are consistent with the desired conditions of the Forest Plan and the 5-Year Review. Forest-wide direction is identified, and the analysis and decision demonstrate that the project focuses on the appropriate resource values for the analysis area.

The no-action alternative was given full consideration throughout the analysis and decision document. It is apparent from the documentation why the action should be taken, and the DN demonstrates why the consequences of taking no action are not desirable. Also, taking no action does not meet the objectives of the purpose and need.

I find the District Ranger's decision demonstrates and supports the need for and the benefits of the proposed action.

Consistency of the Decision with Policy, Direction, and Supporting Information

The project is consistent with ecosystem management direction and serves as the basis for ecosystem enhancement. The existing condition of the area would continue to move further from the desired conditions and from historic ranges under the no-action alternative. An ecological approach was used incorporating encouragement of partnerships, participation by all

parties, and the best scientific knowledge available. The project also meets the objectives of the general planning model which includes assessment, decision implementation, and monitoring.

Alternative I (modified) incorporates an approach to sustain ecosystems and to restore watershed conditions in conformance with the Forest Plan and the 5-Year Review.

The purpose and need is developed from the need to address vegetation conditions and trends to avoid adverse consequences and to satisfy the demand for wood products. The project complies with "Forest Service Ethics and Course to the Future" and supports and achieves the goals, objectives, standards and guidelines of the Forest Plan.

I find the proposal is consistent with Agency policy and direction, the Forest Plan and regulatory laws.

Effectiveness of Public Participation Activities and Use of Comments

A public involvement plan was developed and detailed in the DN, and objectives were clearly outlined in the DN and in the plan. Field trips and public meetings were held, and the affected Tribal Governments were contacted and briefed about the project.

Issues were identified using scoping information, and the relationship between comments and issues is clearly identified.

The results of scoping were used to build alternatives. Two of the alternatives considered but eliminated from detailed study were suggested during scoping, and it is clearly detailed why they were not fully considered. The alternatives considered in detail were framed in response to public and management comment. The range of alternatives is more than adequate and is based on the purpose and need and public comments.

Comments were fully responded to in a positive tone. The District Ranger acknowledged the use of comments in making the decision.

I conclude the public involvement process was effective, appropriate in scope and responsive to the public. I commend the Responsible Official for effective use of public participation.

Requested Changes And objections of the Appellants

The Appeal is clearly written, easily understood; and their requested changes are clearly expressed. Their requested changes are based on interpretations of case law for roadless areas, and they assert that the Bitterroot National Forest is not following road-density standards in their Forest Plan for elk habitat effectiveness considerations. However, their requested changes are not based on clear and convincing logic when compared to the analysis and decision rationale in the Stevensville West Central project.

The Appellant's arguments reflect an understanding of the proposed actions and relationship to the project site. They centered on the analysis results to show a continuation of the District

Ranger's refusal to listen to their concerns. The District Ranger clearly tried to be responsive to their concerns; but their Appeal expressed disagreement with the answers provided.

The Appellants developed a clear relationship between the changes requested and the objections raised in their Appeal.

The Appellants failed to provide convincing arguments which would lead me to a different conclusion than the District Ranger's.

RECOMMENDATION

I recommend the District Ranger's decision be affirmed and the Appellant's requested relief be denied.

/S/ KATHERINE Q. SOLBERG

KATHERINE Q. SOLBERG
Appeal Reviewing Officer
Director, Human Resources