

United States Forest R-1
Department of Service
Agriculture

Reply To: 1570 (215)

Date: April 30, 1997

Subject: Clear Creek Stablization Project, Appeal #97-01-00-0044
Lolo NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Aaron Jones on behalf of The Ecology Center protesting the Plains/Thompson Falls District Ranger's Decision Notice (DN) for the Clear Creek Emergency Stream Stablization Project on the Lolo National Forest.

The District Ranger's decision adopts Alternative 2 implementing emergency stream restoration work in Clear Creek. Activities authorized by this decision include increasing stream sinuosity by excavating approximately 3,000 feet of new channel and using the material to shape new streambanks, revegetating the disturbed areas in the riparian corridor, and buttressing vulnerable streambanks with rootwads.

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.

SUMMARY

The Appellants allege violations of the National Environmental Policy Act the Administrative Procedures Act, and INFISH.

The Appellants request a full remand of the DN; and if the Forest continues this project, Appellants request a reasonable range of alternatives be developed and analyzed and a complete analysis of cumulative effects be done.

An Informal Meeting was held, but no resolution was 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 very brief, but the decision and rationale are understandable. In addition, planned mitigation is identified and referenced. However, both the DN and the Environmental Assessment must be reviewed to fully understand the proposal.

The maps in the EA are readable but could have been improved by including more detail.

The DN provides a clear link between the decision criteria and the Forest Plan Management Area. It is apparent the decision criteria is motivated by achievement of the purpose and need.

Although the DN states that issues raised by the public influenced alternative development, it is unclear how the alternatives were influenced. The selected alternative is consistent with, and will accomplish, the purpose and need and

move the area toward the desired conditions of the Forest Plan. A comparison between the alternatives is provided; however, the DN would have been strengthened by including documentation of why the selected alternative was chosen.

The DN clearly discloses environmental risks and the need for immediate action.

I conclude the DN is adequate, and the rationale demonstrates the decision is reasoned and informed.

Comprehension of the Benefits and Purpose of the Proposal

The Responsible Official did a good job of linking the purpose and need to desired conditions in the Forest Plan. The purpose and need are clearly disclosed and site specific to the project.

It is quite clear that the no-action alternative would adversely affect resources and would not meet the purpose and need. The no-action alternative was given full consideration, and the consequences of no-action are adequately described in the EA.

I conclude the decision documentation demonstrates and supports the need for, and the benefits of, the proposed action.

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

The proposal complies with direction in the Forest Plan for Management Area 14 and for Forest Plan goals. Forest Plan direction is verified as part of the analysis. The proposal is also consistent with "Forest Service Ethics and Course to the Future."

The purpose and need address ecologic, economic and social concerns. The ecosystem process is used in displaying effects of the no-action alternative.

I conclude the proposal is consistent with all legal and regulatory requirements, as well as current Forest Service policy.

Effectiveness of Public Participation Activities and Use of Comments

Although a public involvement strategy is not apparent in the documentation, the public and affected tribes were included in scoping. Issues were identified using scoping information. However, the relationship between comments and issues was not clearly identified.

The process used to identify issues was referenced in the DN. It appears that issues were not verified with commentors; however, the response to comments addresses the issues and emphasizes the urgency of this action.

Comments were individually responded to and evaluated in a positive tone. Although some comments did not support the decision, the Responsible Official explained his rationale for proceeding with the project.

I conclude that public involvement efforts are adequate for the size and scope of this project.

Requested Changes and Objections of the Appellant

The appeal is clearly written and easily understood, including the reasoning for requested changes. However, the requested changes are inconsistent with the purpose and need for this project.

The Appellants' logic is generally clear, but reflects a basic disagreement with the purpose and need for action. I find the Appellants' logic is not convincing.

My review concludes the Appellants fully understand the proposal, but have a difference of opinion for management of Road #153.

RECOMMENDATION

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

Thomas Pettigrew, Jr.

THOMAS PETTIGREW, JR.
Reviewing Officer
Director, Engineering