

United States Forest R-1
Department of Service
Agriculture

Reply To: 1570 (215)

Date: April 7, 1997

Subject: Christisen Creek Timber Sale, Appeal #97-01-00-0033
Bitterroot NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the Appeal filed by James Olsen on behalf of the Friends of the Bitterroot, Inc. protesting the West Fork District Ranger's Decision Memo (DM) for the Christisen Creek Timber Sale on the Bitterroot National Forest.

The District Ranger selected Alternative B which will harvest an estimated 228 MBF of timber on about 104 acres. This alternative will harvest mistletoe-infected Douglas-fir trees and green trees that lack characteristics necessary to a healthy ecosystem. Residual live old growth ponderosa pine will not be removed, and snags will be left to meet Forest Plan guidelines. Drive-through cross drains will be established along roads where appropriate.

APPEAL SUMMARY

The Appellant alleges violations of the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations, Forest Plan Standards, and the Administrative Procedures Act.

The Appellant requests the DM be remanded until NEPA/CEQ regulations and the Forest Plan are complied with.

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 DM is clear, well written, brief and easily understood when read in conjunction with the project file. Even though not a requirement, I believe the DM could have been improved by including a discussion of the purpose and need for action and the rationale for selecting Alternative B.

I also believe the DM could have been improved by clarifying that underburning to maintain ponderosa pine, which may occur in about 10-15 years, will not be implemented as part of this decision.

I conclude the District Ranger made a reasoned and informed decision.
Comprehension of the Benefits and Purpose of the Proposal

The purpose and need is clearly written and consistent with the Forest Plan goals and direction for the project area.

I believe the DM could have been improved by stating the benefits of the selected alternative and the consequences of taking no action. However, the benefits and purpose of the decision are adequately supported. It is apparent, when the documentation is read in its entirety, why the action must be taken.

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

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

Although the DM does not disclose a strong link between the purpose and need for action and the Forest Plan desired conditions, the purpose and need were developed from existing and desired conditions.

The project file includes a good description of the purpose and need for the action. Even though the project is narrow in scope and small in scale, ecosystem management principles and concepts are incorporated into the design.

The project is consistent with and implements Forest Plan direction. The project is also consistent with the "Forest Service Ethics and Course to the Future."

Analysis procedures and techniques used are based on accepted methodologies. The small scale of the project and the long history of experience with similar projects make the effects readily understandable.

The DM explains that there are no adverse effects to, or any extraordinary circumstances associated with, the project. Mitigation measures for the selected alternative are listed in Chapter 2 of the analysis.

Based on the description of the purpose and need and the action proposed, a categorical exclusion from documentation in an EA or Environmental Impact Statement is appropriate.

I am convinced the project is consistent with all legal and regulatory requirements, as well as current Forest Service policy.

Effectiveness of Public Participation Activities and Use of Comments

No public involvement plan was developed, but the public was encouraged to comment on the project.

Comments were used to design and develop the proposed action and were also used to design the treatment and action alternatives. The scope of the project was designed through issue identification with minimal impacts to other resources; therefore, development of other alternatives would have been beyond the scope.

Comments were identified and responded to in a timely, positive, and informative tone in a document which was sent to all commentors.

I find the public participation methods used were more than adequate for the size and scope of the project.

Requested Changes And Objections of the Appellants

The appeal and the reasons for requested changes are clearly expressed and easily understood. However, the Appellants' logic was taken from cases or regulations not similar in scope to this project, nor was their logic specific to the criteria for a categorical exclusion. I believe the Appellants' requested changes would not alter the decision and that they basically disagree with how the Forest Service complies with the National Environmental Policy Act and the National Forest Management Act.

The Appellants' arguments do not reflect a knowledge of the area or provide site-specific information. The Appellants do not demonstrate how the Responsible Official failed to consider their comments.

The Appellants provided a clear relationship between the changes requested and their objections. Their main objection appears to be a disagreement about what

the scope of the analysis should be.

I recommend you address the Appellant's concern related thermal cover for elk.

I conclude the requested relief is not warranted.

RECOMMENDATION

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

/s/ William W. Boettcher

WILLIAM W. BOETTCHER
Appeal Reviewing Officer
Director, Coop Forestry and Forest
Health Protection