

United States Forest R-1
Department of Service
Agriculture

Reply To: 1570 (215)

Date: February 24, 1997

Subject: Stevensville West Central Timber Sale
Appeal #97-01-00-0018, Bitterroot National Forest

To: Appeal Deciding Officer

This is my recommendation on disposition of the Appeal filed by Jeff Juel on behalf of Alliance for the Wild Rockies, The Ecology Center, and American Wildlands 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 Appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act, the Bitterroot National Forest Land and Resource Management Plan (Forest Plan), and the Clean Water Act (CWA).

Appellants request the decision be withdrawn and the Forest Service: (1) complete an EIS analyzing cumulative impacts on the entire roadless area, (2) commit to a policy on roadless area entries, (3) choose an alternative that does not directly impact inventoried or otherwise roadless areas, (4) comply with the CWA for Big Creek, (5) complete a watershed analysis complying with Forest Plan standards for RMOs (as amended by INFISH), (6) refrain from logging and burning inside INFISH standard-width RHCAs, (7) rescind all claims that Alternative 1 (modified) would improve old growth, (8) provide a sound, scientific basis for determining why old-growth standards in the Forest Plan are sufficient to maintain viable populations of old growth dependent species, (9) provide a sound, scientific basis for ignoring other scientific information that reveals 10 percent retention is below the historical average and may not maintain viable populations of old-growth-dependent species, (10) select an alternative that does not log in old-growth forests, (11) use scientifically sound methodology for determining population viability of old-growth management indicator species, and (12) analyze the cumulative impacts from precommercial thinning on the habitats and viability of populations of lynx and fisher.

An Informal Meeting was held by conference call with the Appellants 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 1 (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.

The District Ranger acknowledged the use of comments in making the decision, and fully responded to them in a positive tone.

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 requested changes are clearly expressed. However, the Appeal appears to be based on opinions, interpretations of case law, and decisions from other Forest

Service units that often have little or no relationship to this project, but are used to support their assertions of faulty analysis for this project. When taken in context, these same analyses and litigation results may well have further supported this project, or at least supported the analysis process used to provide functional information to the District Ranger. The Appellants' request for change does not provide convincing arguments that the analyses and resulting decision are flawed.

The Appellants' requested changes would only serve to create a more intense analysis. I am not convinced that the results of a more intensive analysis would have altered the decision.

I believe the Appellants have masked their philosophical differences under the guise of finding flaws in specific analysis results. Although the District Ranger made repeated attempts to involve the Appellants in public meetings and field trips and modified the proposed action to especially address concerns expressed in their comments on the EA, the Appellants chose to appeal and request relief that would stop or slow down implementation of the project. Despite the responsiveness shown by the District Ranger and his staff to the Appellants' concerns during public involvement phases of this project, their Appeal shows little understanding of specific conditions in the project area and reflects instead a difference of opinion on land management philosophy. This appearance is further enforced by the documentation of the informal meeting with the Appellants when they refused to discuss specific project-level resource issues unless the District Ranger agreed to grant their requested relief before the meeting proceeded.

My review concludes the Appeal is based on a difference of opinion on land management philosophy rather than any flaw in the analysis. I also feel the requested relief is unwarranted.

RECOMMENDATION

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

/s/ Katherine Q. Solberg

KATHERINE Q. SOLBERG
Appeal Reviewing Officer
Director, Human Resources