



United States
Department of
Agriculture

Forest
Service

Region 1

200 East Broadway
P. O. Box 7669
Missoula, MT 59807

File Code: 1570 (215)

Date: June 29, 2000

Route To:

Subject: North Lochsa Face ROD; Appeals #00-01-00-0087, #00-01-00-0090, #00-01-00-0091, and #00-01-00-0092; Clearwater NF

To: Appeal Deciding Officer

This is my consolidated recommendation on disposition of the appeals filed protesting the North Lochsa Face (NLF) Record of Decision for Vegetation and Aquatic Management signed by the Clearwater National Forest Supervisor.

Appellants:

#00-01-00-0087 - Eric Espenhorst on behalf of Friends of the Earth (NW Office); Brian Dunkiel, Friends of the Earth; John Talberth, National Forest Protection Alliance; and Bryan Bird, Forest Conservation Council.

#00-01-00-0090 - Samuel N. Penney on behalf of the Nez Perce Tribe.

#00-01-00-0091 - Bill Mulligan and Phil Hughes on behalf of Resource Organization On Timber Supply (R.O.O.T.S.).

#00-01-00-0092 - Laird J. Lucas, Land and Water Fund of the Rockies, on behalf of The Wilderness Society, Idaho Conservation League, Friends of the Clearwater, Ecology Center, The Lands Council, Idaho Rivers United, Clearwater Biodiversity Project and Wilderness Watch.

The Forest Supervisor's decision adopts Alternative 3a for the Vegetation and Aquatic Management Record of Decision, with the following modifications: in the Fish and Hungry Creek drainages, the underburning and prescribed burning will follow the Alternative 3 design.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal records, including the appellants' objections and recommended changes, have been thoroughly reviewed.

The appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Clearwater Forest Plan, the Clean Water Act (CWA), the Endangered Species Act (ESA), the Wild and Scenic Rivers Act (WSRA), and the Settlement Agreement in the TWS v. Robertson litigation. The appellants request a remand of the ROD. An informal meeting was held but no resolution of the issues was reached.

RECOMMENDATION



I find that some of the proposed actions were not properly disclosed with regard to 24 miles of road obliteration in the Pete King drainage. While the North Lochsa Face project was being developed, a second smaller project, within the same area and involving the same road obliteration, was prepared. The effects were disclosed and a decision reached. There is thus, some ambiguity as to the nature of effects, especially with regard to the conclusion that there will be no measurable increase in sediment as required by the Settlement Agreement.

I recommend the Forest Supervisor's decision be reversed. I also recommend that the Forest Supervisor prepare a Supplement to the Final EIS on the Vegetation and Aquatic Management portion of the project. The Supplemental Final EIS should clarify the environmental analyses related to effects of road obliteration and provide a 30-day comment period before reaching a final decision.

/s/ Pamela J. Case

PAMELA J. CASE
Reviewing Officer