



United States
Department of
Agriculture

Forest
Service

Region 1

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

File 1570 (215)

Date: November 3, 1998

Code:

Route

To:

Subject: Mill Creek Vegetation Modification Project Decision Memo,
Appeal #98-01-00-0147, Gallatin National Forest

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Bryan Bird on behalf of Forest Guardians protesting the Mill Creek Vegetation Modification Project Decision Memo (DM) signed by the Livingston District Ranger (Gallatin National Forest).

The District Ranger's decision removes approximately 200-250 MBF of overstocked, and disease- and insect-infested trees through timber harvest on approximately 350 acres, removes hazard trees in dispersed recreation areas and burns approximately 2,500 acres in three units.

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.

FINDINGS

My recommendation is based upon the following evaluation:

Appeal Review Findings

The Appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act, and the Renewable Resources Planning Act (RPA). The Appellants request the decision be canceled, the project postponed until a national economic assessment is completed for the "national forest system logging program," and an EIS is prepared as well. A telephone call was made to the Appellants offering to meet for informal resolution. The meeting was declined.

Objection 1. The Mill Creek Vegetation Modification has been improperly characterized as a categorical exclusion, thus violating NEPA and the cumulative effects of the sale when analyzed in conjunction with other past, present, and future categorical exclusion projects on the Livingston Ranger District are significant and require an EIS.

Response: Extraordinary circumstances were analyzed by a staff specialists and were summarized in Document #36, and further summarized in the DM (Document #01) in the section Consideration of Extraordinary Circumstances.

Cumulative effects related to watershed, fish, and roads were raised as concerns from public comments and were analyzed by staff specialists (Watershed input, Document #37 and Wildlife input, Document #39) and summarized in the DM (Document #01) in the section Other Resource Analysis. The



Responsible Official concluded from the environmental analysis for this project (proposed action), that this project will be of limited size, duration and degree of disturbance and will not, individually or cumulatively, have a significant effect on the human environment.

Objection 2. The Mill Creek Vegetation Modification CE fails to follow Forest Service Manual and Forest Service Handbook guidance for Economic and Social Analysis.

Response: Economic concerns were identified and analyzed in the IDT process, and considered by the District Ranger. The decision to approve the selected alternative was based, in part, on its ability to meet the goals, standards and objectives of the Gallatin National Forest Plan, and responsiveness to the purpose and need.

Objection 3. The Mill Creek Vegetation Modification Project fails to meet NFMA, MUSYA and RPA requirements regarding management of Forest Service lands for the highest public net benefits.

Response: This objection refers to regional or forest-wide economic analysis, which is not within the scope of this decision.

Objection 4. The Mill Creek Vegetation Modification Project cannot proceed until the Forest Service completes an environmental impact statement on the national forest system logging program as a whole.

Response: NEPA does not envision a multi-layered assessment of all agency policies and programs that have a significant effect on the environment. NEPA's purpose is not to generate paper---even excellent paperwork---but to foster excellent action (40 CFR 1500.1).

NEPA analysis for timber sales is undertaken at the programmatic level in NFMA forest plans and at the site-specific level in project NEPA documents. Ohio Forestry Association v. Sierra Club (1998). There is no "national forest system logging program," at least not in the sense recognized as an identifiable agency action for the purposes of NEPA. Lujan v. National Wildlife Federation (1990). Thus, a third level of NEPA analysis is not needed.

RECOMMENDATION

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

/s/ Elizabeth L. Horn

ELIZABETH L. HORN
Reviewing Officer
Director, Public and Governmental Relations