



File Code: 1570 (215)
#98-01-00-0001

Date: November 12, 1997

James Olsen, President
Friends of the Bitterroot
P.O. Box 442
Hamilton, MT 59840

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dear Mr. Olsen:

This is my decision on disposition of the appeal you filed on behalf of Friends of the Bitterroot, Inc.; American Wildlands, Inc.; and Alliance for the Wild Rockies, Inc. protesting the Bitterroot National Forest Supervisor's Decision Notice for the Camp Reimel Ecosystem Management Project.

The Forest Supervisor's decision adopts Alternative 1 modified to allow use of a ground-based yarding system in harvest unit 42. The decision will implement harvest of approximately 3.9 MMBF of sawlogs, roundwood, and pulp from approximately 1,241 acres. Prescribed fire will be used on 1,918 acres. Approximately 3.5 miles of road will be constructed, 24.9 miles improved, and 8.3 miles rehabilitated. Year-long travel restrictions will be imposed on 29.9 miles of road, and 5.2 miles of road will be partially restricted. Riparian area improvements will also be implemented.

The decision also includes a site-specific Forest Plan Amendment to allow lower than standard prescribed levels of elk habitat effectiveness in two third-order drainages.

DECISION

After careful consideration of the Appeal Reviewing Officer's recommendation, I affirm the Forest Supervisor's decision to implement Alternative 1 modified and to amend the Forest Plan. Your requested relief is denied.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.17 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have thoroughly reviewed the appeal record, including the recommendation of the Appeal Reviewing Officer (copy enclosed) regarding the formal disposition of your appeal. My decision hereby incorporates by reference the entire appeal record.

APPEAL SUMMARY

You allege violations of the National Forest Management Act, the Endangered Species Act, Federal and State water quality standards, the Forest Service Manual, and Forest Plan Standards.

Your central objections relate to cumulative impacts, water quality, bull trout, westslope cutthroat trout, old growth, roading, and range of alternatives. You request the decision be remanded and an Environmental Impact Statement be completed. An informal meeting was offered, but you declined; and no interested party comments were received.

APPEAL REVIEWING OFFICER RECOMMENDATION

The Appeal Reviewing Officer recommends the Forest Supervisor's decision be affirmed and your requested relief be denied.

FINDINGS

Following is my evaluation of the objections raised in your appeal and your requested changes.

Scope of Decision

Decisions made in Forest Plans are subject to administrative review under 36 CFR 217 and are not subject to review in project or activity decisions [36 CFR 215.8(a)(1)]. These decisions are considered to be beyond the scope of the project-level decision, and the opportunity to challenge these decisions has been exhausted.

Similarly, Appellants may not request review of activities that are not "connected" to the project decision being challenged or ask that additional decisions be made that are not "ripe" for decision. Under NEPA, the Responsible Official has the discretion to propose actions and determine which actions warrant a decision and which do not.

I have determined your objections are within the scope of the decision.

Scope of Decision Documentation

Your objections correspond closely to comments you raised in scoping and during the comment period. Because of your early participation in the pre-decisional process, the Forest Supervisor was able to analyze these concerns by incorporating them into the environmental analysis and consider them in making the decision.

Appeal Regulations at 36 CFR 215 allow for expanded opportunities for public involvement in Forest Service decisionmaking. The public is best served by mutual efforts to resolve differences during the decisionmaking process rather than after a decision is made.

Procedural Determination

I have thoroughly reviewed your arguments and the information referenced in the Forest Supervisor's October 16, 1997, Transmittal Letter (copy enclosed). The Transmittal Letter provides specific page references to discussions in the Environmental Assessment (EA), the DN, and project file which bear upon your objections. The objections you raise in your appeal are similar to the comments you made on the EA. The project file indicates your objections were either addressed as environmental issues in the EA or are discussed in the DN. I specifically incorporate in this decision the references and citations contained in the Transmittal Letter. Based upon a review of the references and citations provided by the

Forest Supervisor, I find the objections you raised were adequately considered in the EA/DN and the Forest Supervisor made a reasoned decision concerning those issues. I find the Forest Supervisor has complied with all laws, regulations and policy.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Kathleen A. McAllister

KATHLEEN A. MCALLISTER
Appeal Deciding Officer
Deputy Regional Forester