

United States Forest R-1
Department of Service
Agriculture

Reply To: 1570 (215)

Date: April 16, 1997

Subject: Mire Creek Thinning Timber Sale, Appeal #97-01-00-0041
Clearwater NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the Appeal filed by Natalie Shapiro on behalf of the Friends of the Clearwater, Inc., Idaho Sporting Congress, and the Northern Rockies Preservation Project protesting the Powell District Ranger's Decision Memo (DM) for the Mire Creek Thinning Timber Sale on the Clearwater National Forest. The Idaho Sporting Congress requested their name be removed from the Appeal.

The District Ranger's decision will implement harvest, by commercial thinning, of approximately 260 MBF of sawtimber on about 32 acres. Riparian Habitat Conservation Areas (RHCA) of 300 feet will be established along the two Class I streams, and two Class II streams nearby will be protected by a 100-foot RHCA. No timber will be harvested within the RHCAs. No new roads will be built and no clearcutting will be done.

APPEAL SUMMARY

The Appellants allege violations of the National Forest Management Act, the National Environmental Policy Act, the Administrative Procedures Act, and the Clean Water Act.

The Appellants request the DM be withdrawn and an environmental assessment or environmental impact statement be done addressing the legal and factual deficiencies noted in this Appeal.

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 and understandable when read in conjunction with the project file. However, the DM could have been strengthened with a more clearly stated purpose and need in the introduction.

It is apparent that public issues were incorporated into the analysis for this project. The DM clearly responds to public comments on fish, soils, water and wildlife.

The decision criteria appear to be related to management area emphasis but are not clearly disclosed in the DM. The Responsible Official recognizes risks and uncertainty and evaluated them through the professional assessments of specialists.

I conclude the decision is clearly stated and the rationale is trackable.

Comprehension of the Benefits and Purpose of the Proposal

The objectives for thinning treatments are well documented and are specific to the project. The DM and project file provide rationalization for silvicultural treatment; however, a stand diagnosis was not included in the project file. The DM would have been strengthened by providing a stand diagnosis in the project file to clearly track the methodology for stand selection and the appropriateness of treatments. It is apparent the no-action alternative would not move the stand to the desired condition as quickly as the selected alternative. In addition, the risk of fire would continue to increase.

I conclude that benefits of and the need for the project are apparent.

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

When the DM is read in conjunction with the project file, it is apparent the proposed action incorporates ecosystem management principles by reducing potential mortality while maintaining ecological integrity for the area. Two of the project's objectives are considered as vital components of a healthy ecosystem, and the third represents part of the social aspect.

The DM demonstrates the proposed action is consistent with management area direction. Forest Plan direction, goals, and standards provide the basis for the purpose and need.

The project is consistent with "FS Ethics and Course to the Future," current Forest Service policy and follows the direction in the Forest Plan.

The DM states that an appropriate analysis for a Categorical Exclusion is included in the project file. However, it appears the project does not comply with the Categorical Exclusion requirement, in the Forest Service Handbook, that limits green sales to 250 MBF or less. Since the DM does not explain how this sale might fit under the definition of salvage, I consider it as a green sale of 260 MBF.

I conclude that the project proposal is consistent with all legal and regulatory requirement and with current Forest Service policy with the exception of the decision to categorically exclude harvest of 260 MBF of green material. FSH 1909.15, Chapter 31.2.4, limits green sales (for which categorical exclusions are allowed) to 250 MBF.

Effectiveness of Public Participation Activities and Use of Comments

A public involvement plan was not evident, but was not necessary for a project of this size and scale. A content analysis process was used in considering comments. The Columbia River Intertribal Fish Commission and two Nez Perce Tribe fisheries biologists were included in scoping.

Issues were identified from scoping; however, it doesn't appear that issues were verified with commentors except for the United States Fish and Wildlife Service and Mike Beckwith. Comments were fully responded to in a positive tone. The decision would have been easier to track by establishing a link between comments and the decision. It is obvious the Responsible Official was involved throughout the public participation process.

I conclude the public involvement process was adequate for this project.

Requested Changes And Objections of the Appellants

The Appellants participated in scoping and provided comments during the comment period.

The Appellants' reasons for requested changes are clear; however, they include issues not relevant to this project. It appears that many of the Appellants' concerns would have been allayed if Appellants were more familiar with the

project.

The Appellants raised issues that they had not raised prior to the Appeal and attempted to demonstrate that the Forest Service did not adequately address new information. The Appeal could have been strengthened and streamlined by stating the objections and the reasons they believe they were not adequately considered. The Appellants' arguments wandered and could have been improved by being more clear and concise.

The Appellants' requested relief would not change the decision.

RECOMMENDATION

I recommend the District Ranger's decision be reversed, as it fails to meet Forest Service Handbook direction for use of a Categorical Exclusion.

/s/ Jerry T. Williams

JERRY T. WILLIAMS
Appeal Reviewing Officer
Director, Fire, Aviation, and Air