



United States
Department of
Agriculture

Forest
Service

Region 1

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Reply To: 1570 (215)

Date: September 16, 1997

Subject: Tin Cup Dam Repair Project, Appeal #97-01-00-0106
Bitterroot NF

To: Appeal Deciding officer

This is my recommendation on disposition of the appeal filed by George Nickas on behalf of Wilderness Watch, Friends of the Bitterroot, Alliance for the Wild Rockies, and The Ecology Center protesting the Bitterroot National Forest Supervisor's Decision Notice (DN) for the Tin Cup Dam Repair Project.

The Forest Supervisor has selected Alternative 2 which will implement repair work related to deficiencies of the water transmission pipe, core drilling, and clearing debris and brush from the dam site.

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 and interested party comments, has been thoroughly reviewed.

APPEAL SUMMARY

The Appellants allege violations of the Federal Advisory Committee Act, the Wilderness Act, Forest Service Policy, and the National Environmental Policy Act.

The Appellants request the decision be rescinded and the Forest Supervisor be ordered to prepare an EIS, allow only routine maintenance with primitive tools, and complete dam operating plans.

An informal meeting was held on September 16, but no resolution was reached. Interested party comments were received from the Tin Cup Water Company, Inc. and Grassroots for Multiple Use.

FINDINGS

My recommendation is based upon the following evaluation:

Clarity

The decision to proceed with emergency repairs to the Tin Cup Dam in the Selway-Bitterroot Wilderness is clearly stated. The background information for the project places the decision in context. The proposed action is thoroughly explained, and details of the work plan are included. Rationale for the decision is reasoned and logical.

Critical mitigation measures and monitoring concerns are described, and additional mitigation measures are referenced to the Environmental Assessment (EA). The project maps are adequate, but it would have been helpful to show where the staging and helibase site is located on private land. A diagram of specific project details is available in the project file, but would have been helpful if appended to the DN.

I believe the decision documentation is well detailed and easy to follow.

Purpose of the Proposal and Comprehension of Benefits

The purpose and need for the proposed action are clearly stated and tied to the Forest Plan. The selected alternative meets the purpose and need and is consistent with Forest Plan goals and the Selway-Bitterroot Wilderness Management Plan Update (1992).

Consequences of the no-action alternative are explained, and it is demonstrated that it would not meet the purpose and need for the proposal. The no-action alternative, Alternatives 2-4, and the alternatives considered but not given detailed study were all compared with the purpose and need. The decision demonstrates the benefits of the selected alternative.

The criteria for the decision are explicitly stated, and comparison of alternatives is well described. The issues raised in scoping were clearly incorporated in alternative formation and the decision criteria. The decision document explains how the selected alternative meets the proponent's concerns, but the decision criteria are based on a broader set of issues.

I conclude the decision demonstrates and supports the need for the proposed action.

Consistency With Policy, Direction, and Supporting Information

The proposal is consistent with the Forest Plan, the desired condition described in the Selway-Bitterroot Wilderness Management Direction, the Dam Safety Act, and Forest Service policy and direction related to reconstruction of wilderness dams.

The analysis and information provided in the decision document support the selected alternative and clearly describe the reasons for not choosing another action alternative.

The FONSI determination is supported in the decision and in the EA. Although not tracked in the DN, the EA uses the most recent scientific information and measures such as INFISH and Riparian Management Objectives to assess stream stability.

I conclude the decision is consistent with all applicable laws, regulations, policy, and direction.

Effectiveness of Public Participation Activities and Use of Comments

A public participation strategy was developed for this project, and information from a previous scoping effort in 1993 was also used. A tie to the 1993 efforts would have been helpful. A video tape from 1992 was also available for those who could not visit the high elevation, wilderness site. Scoping letters were sent to interested parties; a legal notice, requesting comments, was published twice in the Ravalli Republic; and meetings were held with concerned citizens. The decision is tied to public, permittee, and internal comments, although it is difficult to track how each comment was used.

Alternatives suggested from public input were considered. There is an adequate range of alternatives. Public concerns are also represented in project design features.

Comments received on the EA were grouped effectively and answered in a straight-forward manner. Since public sentiment is divided on the project and its method of implementation, the choice between alternatives is discussed at some length.

I conclude the public involvement process was appropriate for the scope of the project and effectively solicited and utilized public concerns.

RECOMMENDATION

I recommend the Forest Supervisor's decision be affirmed and the Appellants' requested relief be denied.

/s/ WILLIAM W. BOETTCHER

WILLIAM W. BOETTCHER
Appeal Reviewing Officer
Director, Coop Forestry and Forest
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