

United States Forest R-1
Department of Service
Agriculture

Reply To: 1570 (215)

Date: March 31, 1997

Subject: Porcupine Allotment, Appeal #97-01-00-0030, Gallatin NF

To: Appeal Deciding Officer

Due to an unavoidable schedule conflict, I am replacing John Drake as Appeal Reviewing Officer. This is my recommendation on disposition of the Appeal filed by William Haskins on behalf of The Ecology Center and the Alliance for the Wild Rockies protesting the Livingston District Ranger's Decision Notice (DN) for the Porcupine Allotment on the Gallatin National Forest.

The District Ranger's decision adopts Alternative 2 reauthorizing reissuance of two 10-year term grazing permits allowing grazing of 68 cow/calf pairs from July 1 to October 25 in pasture 1 and 94 cow/calf pairs in pasture 2 from July 1 to October 30. Total use is 135 animal months or 178 animal-unit months in compliance with prescribed utilization levels. A spring will be developed to increase livestock distribution in pasture 2.

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.

APPEAL SUMMARY

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

The Appellants request that an environmental impact statement be prepared which will review suggested alternatives; water, fish, riparian, and soil erosion guidelines; impacts to wildlife evaluations; soil studies; compatibility with the Forest Plan; and a cumulative effects analysis. You also request a moratorium on grazing in the Porcupine allotment and the adjacent Horse Creek allotment.

An Informal Meeting was offered, but Appellants declined. No Interested Party comments were received.

FINDINGS

My recommendation is based upon the following evaluation:

Clarity of the Decision and Rationale

In general the decision and rationale are trackable; however, both the DN and Environmental Assessment (EA) must be read to understand the decision and rationale for the selected alternative.

A brief discussion of the existing conditions on the allotment would have provided a clearer picture of why issues raised during scoping were found to be insignificant. This would have also made it easier to understand the reason for developing an additional spring.

Using the Finding of No Significant Impact (FONSI) criteria to disclose the environmental consequences of the alternatives made it difficult to understand how public comments were considered in the decision or the environmental effects of the selected alternative.

Since meeting Forest Plan standards and guidelines provides the foundation for the decision and the criteria for selecting alternative 2, it would have been helpful to display how Forest Plan monitoring has proven the effectiveness of the proposed mitigation measures.

A map in the DN would have also helped clarify the decision.

Based on the entire record, I believe the District Ranger made a reasoned and informed decision.

Comprehension of the Benefits and Purpose of the Proposal

The purpose and need are clear and consistent with Forest Plan goals. The consequences of not re-authorizing cattle grazing in this allotment are disclosed and are consistent with the purpose and need.

The relationship of the decision to Forest Plan goals, standards and guidelines is the foundation for the action. Public issues were found to be non-significant primarily because the existing conditions on the allotment are within Forest Plan standards, and the selection of the no-action alternative would not meet Forest Plan goals for livestock production.

I believe it would have been helpful to have the purpose and need clearly disclosed and summarized in an individual section of the DN to demonstrate consistency between the DN and EA.

I conclude the decision documentation supports the need for and the benefits of the proposed actions.

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

Because of the narrow scope of the decision, the project is not an ecosystem management (EM) project. However, EM principles were considered and documented in the EA and serve to put effects into a context of "non-significance" rather than to provide a basis for management objectives.

Both the DN and EA are clearly consistent with Forest Plan standards and guidelines and Management Area goals and objectives.

The decision rationale is consistent with supporting information, but is based mostly on professional experience and judgement augmented by long-term, site-specific observations.

The FONSI is adequate in addressing impacts in terms of intensity by considering all 10 significance elements. Context is addressed in element 3 of the FONSI by referencing the EA. Although the FONSI does not clearly describe required mitigation measures or evaluate their effectiveness, it does reference where these measures are adequately reviewed in the EA.

I find the the decision is adequate and is consistent with all legal and regulatory requirements as well as Forest Service policy.

Effectiveness of Public Participation Activities and Use of Comments

A public involvement plan was developed and utilized. The project was listed on the quarterly schedule, and 100 scoping letters containing maps and fact sheets were mailed to individuals, groups, and other agencies. Another 45 information packets specific to the Porcupine proposal were mailed to

interested individuals. The District met with the Crow Cultural Committee and the Montana Department of Fish, Wildlife, and Parks.

No site-specific comments were received; however, a content analysis process was used for all comments identifying 53 issues, some of which were deemed outside the scope of the decision or not relevant to this proposal. The analysis was tracked in the project file with a "Issue Disposition Strategy" matrix. The remaining 24 issues were verified with the commentors, and it was explained why suggested alternatives were not carried forward. These issues were addressed in Appendix A of the EA, documenting the rationale for why they were not deemed significant.

Since the Forest identified no significant issues, two alternatives were deemed to be a reasonable range of alternatives to be carried forward.

Public involvement efforts were effective, and the decision and analysis are responsive to public comment.

Requested Changes And Objections of the Appellants

The Appeal is clearly written and easily understood, and the Appellants' arguments provide specific information relative to the proposal. It is clear that the Appellants are well informed about the Porcupine area.

Although their arguments are clearly expressed and supported with logic, it appears they do not fully understand the limited scope of the project decision. The decision basically addresses the question of whether or not to graze, whereas the Appellants raise questions about suitability and management direction.

I believe the basis of the Appeal is a difference of opinion on the management direction for the Porcupine. I conclude the requested relief is not warranted.

RECOMMENDATION

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

/s/ Katherine Q. Solberg

KATHERINE Q. SOLBERG
Appeal Reviewing Officer
Director, Human Resources