United States Department of Agriculture | Forest Service | R-1

Reply To: 1570 (215) Date: March 3, 1997

Subject: Petty Rock Project, Appeal #97-01-00-0017, Lolo National Forest

To: Appeal Deciding Officer

This is my recommendation on disposition of the Appeal filed by Kimberly Davitt on behalf of American Wildlands protesting the Lolo National Forest Supervisor's Decision Notice (DN) for the Petty Rock Project.

The Forest Supervisor's decision adopts Alternative 4. This Alternative will harvest 6.8 MMBF of forest products from 2,865 acres, build and return to contour 1.7 miles of road, correct drainage on 18.8 miles of road, close 3.7 miles of existing road, and conduct ecosystem maintenance burning on 6,630 acres.

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 Appellant alleges violations of the National Environmental Policy Act, the Administrative Procedures Act, and the National Forest Management Act.

The Appellant requests the decision be withdrawn until an Environmental Assessment (EA) is completed addressing the following: (1) a complete watershed analysis for Petty Creek, (2) an assessment of impacts to water quality and fisheries using the best science and most conservative methods available, and (3) a thorough cumulative effects analysis.

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

FINDINGS

My recommendation is based upon the following evaluation:

Clarity of the Decision and Rationale

Although it is evident that the decision criteria were developed in response to Forest Plan direction and public and agency comment, the DN does not fully display this information. Review of the EA in conjunction with the DN is needed to fully comprehend the basis for the decision criteria. All aspects of the proposed action are presented in either the DN or the EA and are understandable if combined. I believe a map within the DN/EA would have provided insightful information.

It is clear that concerns from the interested public and agencies were utilized in determining the decision criteria. The EA/DN clearly illustrate the issues identified during scoping and analysis of the proposed action and how these issues guided the selection of Alternative 4.

The selected alternative is consistent with and will accomplish the stated purpose and need and will move the project toward achievement of the desired

conditions outlined in the Forest Plan. It is clear, through comparison of the purpose and need and review of range of alternatives, why Alternative 4 was selected.

I conclude the Forest Supervisor made a reasoned and informed decision.

Comprehension of the Benefits and Purpose of the Proposal

The purpose and need identified is consistent with the desired condition of the Forest Plan and is specific to the project area. However, I believe it would have provided more consistency between the analysis and public comment if the purpose and need statement had been highlighted in the DN.

It is apparent from the documentation why the action should be taken. The no-action alternative does not meet the objectives of the purpose and need, and the consequences of the no-action alternative are clearly and consistently displayed in the DN and supporting documentation. However, I believe, the consequences of no action could have been better defined and expanded upon in the DN.

I find the decision documentation, when read in its entirety, displays a tie between the purpose for the project and its benefit.

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

This project will incorporate ecosystem practices that will trend the project area toward the desired range of variability. Ecosystem processes are recognized and documented in describing the effects of the no-action alternative. A list of management practices proposed to reflect the protection of ecosystem components is disclosed in the EA. The no-action alternative would postpone the trend toward the desired range of variability.

The project is consistent with the National Forest Management Act and Forest Plan goals and direction. Forest Plan direction provided the foundation for the purpose and need and is described in detail in the EA. The DN/EA and selected alternative are tiered toward the guiding principles listed in "Forest Service Ethics and Course to the Future". The project area is currently in conflict with Forest Plan goals, but implementation of the Petty Rock proposal will move the area toward the desired vegetative condition envisioned by the Forest Plan.

The decision is based upon environmental assessments and analysis performed by an interdisciplinary team of professionals and consideration of public comments.

The Forest Supervisor considered both the context and intensity of the project in determining the Finding of No Significant Impact (FONSI). However, I believe referencing the findings to the EA, project file, or other supporting information used in making the FONSI determination would have more clearly disclosed the basis for the findings. The FONSI clearly describes mitigation measures proposed to reduce effects of the project and assures direction provided by the EA will be followed.

I am convinced the project is consistent with all legal and regulatory requirements, as well as current Forest Service policy.

Effectiveness of Public Participation Activities and Use of Comments

A formal public involvement plan was not documented for this project. However, an aggressive public involvement strategy was outlined and followed in the project initiation letter to the ID team members. I believe a formal public involvement plan such as the outline in the project initiation letter would have been helpful.

The Responsible Official did not clearly identify the objectives for each public involvement activity. However, it is clear that his objectives for a "pro-active" scoping effort were met during the project analysis. Scoping documents were sent to the Salish/Kootenai Tribe.

The Responsible Official verified issues with commentors in at least one follow-up letter to local residents and during the course of several field trips. Also, an attempt was made to verify initial scoping results obtained from public comments.

Public comments were used to identify issues and frame alternative development, but no alternative suggested in public comments was elevated. It was clearly explained why some alternatives were considered, but not subjected to a detailed review. The range of alternatives considered appears adequate considering public and agency comments and the scope of the project. Indirect verification of the range of alternatives occurred through the opportunity to comment on the EA.

The Responsible Official evaluated comments and fully responded to them in a positive tone. Comments were summarized and answered in the EA, and their use acknowledged in making the decision. The content analysis process was used and presented to the interdisciplinary team.

I find the public participation methods used were appropriate for the size and scope of the project. The Responsible Official and interdisciplinary team are to be commended for their early recognition of the importance of public involvement and their effective use of public comments to frame the issues in the analysis.

Requested Changes And Objections of the Appellants

The Appeal was clear and well written. The objections raised by the Appellant are general in nature, with the focus on postponing the activities related to the project rather than addressing specific actions.

I believe the Appellant could have improved the quality of the Appeal by addressing the proper project throughout the appeal.

The Appellant failed to provide any convincing arguments which would lead me to a different conclusion than that of the Forest Supervisor.

RECOMMENDATION

I recommend the Forest Supervisor'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