

United States
Department of
Agriculture

Forest
Service

R-1

Reply To: 1570 (215)

Date: March 3, 1997

Subject: Tobacco Roots Grazing Management, Appeal #97-01-00-0025
Beaverhead-Deerlodge National Forests

To: Appeal Deciding Officer

This is my recommendation on disposition of the Appeal filed by Sara Johnson on behalf of the Native Ecosystems Council protesting the Madison District Ranger's Decision Notice (DN) for the Tobacco Roots Grazing Management project on the Beaverhead-Deerlodge National Forests.

The District Ranger's decision adopts Alternative B. This Alternative will direct grazing management on the North Meadow, Willow Creek, South Meadow, Granite Creek, Noble/Indian, Wisconsin Creek, Nugget Creek, and Strawberry Ridge Allotments for the next 10 years. No more than 1,669 cow/calf pairs will be grazed between June 16 and October 20. Permittees will be required to follow standards to ensure moving toward Forest Service objectives for vegetation and riparian conditions. The following improvements will be constructed to improve distribution of cattle and to facilitate management: (1) riparian exclosures, (2) drift fences, (3) spring exclosures, (4) stock tanks, and (5) pipeline extensions. The Wisconsin/Nugget Allotment will be designated as two allotments.

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 violation of the National Forest Management Act, the National Environmental Policy Act (NEPA), the Multiple Use Sustained Yield Act, and the Administrative Procedures Act.

The Appellants request the Forest Service remand the decision; complete an environmental impact statement; develop a range of alternatives fully addressing the issues; disclose and evaluate all management activities, costs, and benefits; clearly define all proposed management actions; and fully disclose all associated wildlife/fisheries impacts.

An Informal Meeting was offered, but the Appellants were unavailable to meet. No Interested Party comments were received.

FINDINGS

My recommendation is based upon the following evaluation:

Clarity of the Decision and Rationale

The DN is clear when read in conjunction with the EA and other supporting documents. Because the standards in the DN are not specifically described, several documents will need to be consulted to implement the decision. The maps provided are clear and easy to understand.

Public comments were used to develop the decision criteria which are the same as the issues identified in the EA. I believe the DN would have been enhanced if

this connection had been clearly stated.

The DN, in conjunction with the EA, provides a complete picture that the selected alternative responds to public and agency comments. The selected alternative will meet the purpose and need and move the area toward the desired condition as described in the Forest Plan. The estimated timeframe for achieving "desired conditions" was based on professional judgement which is disclosed in the EA.

The DN is very brief and frequently refers to the Tobacco Roots Landscape Assessment for details. When the DN is read with the project file, it demonstrates why the proposed alternative was selected, and a comparison is provided relative to the criteria that supports the Ranger's conclusions.

I find the DN provides only a minimal discussion of decision rationale and conclusions. I do find, however, that when reviewed in its entirety the project record provides a convincing case that the District Ranger made a reasoned and informed decision.

Comprehension of the Benefits and Purpose of the Proposal

The purpose and need are consistent with desired conditions but are difficult to track. I feel the purpose and need would have been easier to comprehend if the District Ranger had stated in the DN:

- the ecosystem is health impaired and needs restoration,
- the Forest Plan identified these lands as suitable for grazing,
- new term permits must be considered that incorporate Forest Plan standards and guidelines.

It is apparent, however, the current situation does not meet Forest Plan goals and direction. The no-action alternative, which has been given full consideration in the analysis, will not move the area toward the desired condition.

I find the decision documentation demonstrates and supports the need for, and benefits of, the proposed action.

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

The DN makes a strong tie to ecosystem management principles. The District Ranger discusses existing conditions and the tendency of vegetation and hydrologic functions not moving toward desired conditions if the no-action alternative were implemented. The project is consistent with "Forest Service Ethics and Course to the Future" and the District Ranger does a good job communicating the desirability of restoring deteriorated ecosystems and providing multiple benefits.

The proposal is consistent with Agency policy and direction relative to updating allotment management plans. The proposal is also consistent with Forest Plan goals, objectives, and standards for providing forage while protecting other resources. Discussion of riparian area objectives is quite limited in the Forest Plan and is, therefore, quite limited in the DN. No amendment is necessary as Forest Plan guidelines for riparian areas are being incorporated into implementation of this project. It appears that Forest Plan grazing objectives are one basis for the purpose and need, but much of the project relies on refinement from the landscape analysis which is extensively referenced in the DN.

The Finding of No Significant Impact (FONSI) adequately explains the determination of no significance in both context and intensity and refers to specific chapters of the EA and the biological evaluation to support the determination. Mitigation measures are not spelled out in the FONSI, but are explained in an earlier section of the DN and tied to the decision.

I find the project file supports the FONSI. I conclude the action 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 used, objectives were well communicated, and the District Ranger used a content analysis process. A diverse array of individuals and groups, including the Confederated Salish-Kootenai Tribe, was contacted for input on the project.

Issues obtained from public scoping were used in development of the nine "potential" issues related to grazing. The original nine issues were then reduced to two "key issues."

Alternatives considered in detail had their origins in public comments, as did alternatives eliminated from further study. Comments on grazing management variations were not considered as alternatives. Rather, condition thresholds (standards) were included in the management plan to provide management flexibility to respond to condition changes. The EA also incorporates mitigation measures into the proposed action, thereby narrowing the range of alternatives that could fulfill the purpose and need.

Public comments were evaluated and fully responded to in Appendix F to the DN. The District Ranger acknowledges that comments were used in making the decision.

I conclude that public participation efforts were appropriate in scope and were responsive to the public.

Requested Changes And Objections of the Appellants

The Appeal would have been easier to respond to if it had been more focused. The Appellants tend to be redundant in their discussion of requested relief and objections and failed to successfully tie "reasons" to the requested changes.

The Appellants' arguments reflect an understanding of the proposal and are site specific, although most of the objections appear to be differences of opinion of how the land should be managed rather than explicit problems with laws, regulation or policy.

My review concludes the Appellants' objections are unsubstantiated, and the requested relief is not warranted.

RECOMMENDATION

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

/s/ J. Doug Glevanik

J. DOUG GLEVANIK
Appeal Reviewing Officer
Director, Ecosystem Assessment and Planning