United States Department of Agriculture

Forest Service

Pacific Northwest Region

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File Code: 1570-1_03-06-(029-030)-15 **Date:** September 3, 2003
Route To:

Subject: Bamber Cluster Range Allotment (Bamber, Henry, and Empire Range Allotments) Administrative Appeal Review

To: Regional Forester

On May 30, 2003, Colville National Forest District Ranger Carol Boyd signed a Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Bamber, Henry, and Empire Range Allotments, analyzed in the Bamber Cluster Range Allotment Environmental Assessment (EA). The decision includes range improvements and range management on the Republic Ranger District, Colville National Forest. The selected alternative would also combine two of the three allotments.

The Ferry County Board of Commissioners and the Kettle Range Conservation Group appealed the decision. The appellants raise concern that the EA was inadequate in its analysis of range, wildlife, watershed, road, economic, and fire issues. In addition, appellants assert that the project violates the National Environmental Policy Act, the National Forest Management Act, and the Colville National Forest Land and Resource Management Plan.

Based on my review, I recommend you affirm Ranger Boyd's decision. I conducted my review in accordance with 36 Code of Federal Regulations, Part 215. My review is to ensure that the analysis and decision are in compliance with applicable laws, regulations, and policies. The appeal record, including the appellants' objections and requested relief, have been thoroughly reviewed. I have enclosed a briefing on each of the appellants' concerns along with a short description of my findings.

I believe that Ranger Boyd made a reasoned and informed decision as described by the DN. The decision documentation demonstrates and supports the purpose and need for and the benefits and environmental consequences of the alternatives, including the selected alternative.

The decision documentation is consistent with the Colville National Forest Land and Resource Management Plan, as amended, the National Environmental Policy Act and the National Forest Management Act. The project proposal is consistent with agency policy and direction. The decision documentation indicates that Ranger Boyd carried out a process for providing public participation opportunities and responding to comments.

The appellants' requested relief is that the decision be withdrawn. After reviewing the appellants' assertions and supporting rationale, granting the requested relief is not warranted.

/s/Calvin N. Joyner
CALVIN N. JOYNER
Appeal Reviewing Officer
Director, Natural Resources

Enclosure

Ferry County Board of Commissioners Appeal
Bamber, Henry, and Empire Range Allotments
Colville National Forest
Appeal #03-06-029-15

Appeal Issue #1: Cumulative effects on permittees are inadequate.

Response: This issue is addressed as part of a significant issue in the project decision. Cumulative effects are adequately displayed in the EA (EA, 75-78).

Appeal Issue #2: Cumulative effects of road closures are inadequate.

Response: There are no decisions to close roads in this Decision Notice. (The EA addressed allotments on both the Colville and the Okanogan National Forests. A Decision for the Okanogan section will be made separately.)

Appeal Issue #3: Fencing off cattle from the riparian area will not affect water quality.

Response: The fencing of the riparian area is documented to promote the development of riparian vegetation and habitat that helps resolve the amount of streambed trampling, sedimentation, and other adverse impacts to streams. It allows streambanks to stabilize (DN, 3; EA, 19-21).

Appeal Issue #4: The allotment and grazing (including riparian areas) is a property right that cannot be reduced.

Response: The District has the responsibility of obeying all laws including the Clean Water Act. Grazing on Federal Land in the State of Washington is not a property right, but it is a permitted activity subject to conditions imposed by law and policy.

Appeal Issue #5: The use of prescribed fire is dangerous and ineffective and should be reconsidered:

Response: The DN does not include any use of prescribed fire.

Appeal Issue #6: The cost of building fence along intermittent streams is high ($27,510) and not justified.

Response: The cost for fencing is documented at $4,800 and is its effects are adequately disclosed in the document.

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