Forest Service

Bitterroot National Forest

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Subject: 1570 (215) A&L - ARO Letter - Doc Denny Vegetation Management Project - Nez Perce Clearwater National Forests - Artley - #13-01-00-0060

To: Appeal Deciding Official

This is my recommendation on disposition of the appeal filed by Dick Artley of the Doc Denny Decision Notice, signed by Rick Brazell, Forest Supervisor of the Nez Perce National Forest.

The Forest Supervisor's decision to implement Alternative 2 includes timber harvest on 925 acres, precommercially thin 40 acres, 1.2 miles of road decommissioning which will remove six culverts, 16 miles of road improvement which will replace two culverts, and 3.4 miles of temporary road construction followed by decommissioning after use.

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 appellant's objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The appellant alleges violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), Clean Water Act (CWA) and the Administrative Procedures Act (APA). The appellant requests that the decision be vacated and the project be cancelled in its entirety.

The opportunity for an informal resolution meeting was offered. The appellant declined to participate.

ISSUE REVIEW

Issue 1: The appellant contends that in violation of NEPA, the fisheries values of streams were not adequately disclosed or considered. The project did not consider the significance or intensity of foreseeable effects on a site specific level.

Response: The appellant contends a violation of NEPA because of failure to adequately disclose fisheries values and that the analysis did not consider foreseeable actions on a site-specific level.

NEPA requires that all important aspects of a problem be considered, and that reasonably foreseeable actions should be included in any cumulative effects analysis. The regulatory

framework for watershed and fisheries is described in the Decision Notice on pages 16, 17 and 21.

Fisheries values are disclosed on EA pages 35-36, identifying Mill Creek as providing important spawning and rearing habitat for steelhead trout, westslope cutthroat trout, and Chinook salmon. Use by bull trout is also described. Designated critical habitat for applicable threatened fish species in the project area is also disclosed. Fisheries values were considered for the three listed fish species in the project design and mitigation measures, effects analysis, the biological assessment, and in the concurrence letter from the US Fish and Wildlife Service.

Site-specific effects for foreseeable actions in combination with effects from the project are considered on pages 36-43 of the EA, and address sedimentation and water yield. Vegetation management activity is not occurring in riparian areas and therefore large woody debris for fish habitat is not affected. The two temporary stream crossing are occurring at streams that do not contain fish (EA pages 37-38). The Biological Assessment and Evaluation summarize effects to fish habitat on pages 49 and 54.

I find the relevant and important aspects for the fisheries resource are adequately considered in the analysis, the Finding of No Significant Impact and the Decision Notice, and there is no violation of NEPA.

Issue 2: The appellant asserts that BMP effectiveness is overstated and misapplied in violation of the Idaho State Practices Act and 40 CFR 1500.1(c) and 40 CFR 1500.2(f). Non-implementation of BMP's must be considered reasonably foreseeable and impacts analysis adjusted accordingly.

Response: Best Management Practices and PACFISH riparian buffers are designed into the project and are not optional. BMP effectiveness monitoring reports are available on the Nez Perce Clearwater Forest website. Cutting units are not placed in wetlands, riparian areas, or directly adjacent to streams, and the project is in compliance with the Idaho Forest Practices Act Title 38, Chapter 13, and the Soil and Water Conservation Practices Handbook 2509.22 (DN pp. 3-6, 16; EA pp. 138, 139, 145).

The Responsible Official demonstrates an understanding of the environmental consequences in the FONSI and Decision Notice for Doc Denny, and the project applies all practicable means to avoid or minimize any possible adverse effects upon the quality of the human environment.

Issue 3. The appellant states that the EA does not respond to opposing views in a meaningful manner in violation of 40 CFR 1502.9(b).

Response: 40 CFR 1502 pertains to Environmental Impact Statement requirements. 40 CFR 1502.9(b) states "Final environmental impact statements shall respond to comments as required in part 1503 of this chapter. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised."

"Opposing views" embodied in comments from the public were used to develop alternatives to the proposed action (EA pp. 4-6). The Decision Notice was published with a section (Appendix C pp. 122-132) devoted to the consideration of over 70 science documents and literature submitted by the public. It includes information regarding how each piece was considered and the rationale for the conclusion. While the appellant may disagree with the practice of giving little credence to opinions expressed in newspaper or magazine articles, newsletters, and websites, the Forest Service will continue to consider and incorporate relevant scientific research and findings into project analyses.

There is no violation of 40 CFR 1502.9(b).

Issue 4: The appellant contends that in violation of 40 CFR 1500.1(c) and 40 CFR 1500.2(f), important, accurate project-related information is not made reasonably available to the public.

Response: 40 CFR 1500.1(c) states "…..The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. These regulations provide the direction to achieve this purpose."

40 CFR1500.2(f) states "Federal agencies shall to the fullest extent possible use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

The public involvement process is described in the EA at page 4, the DN at page 13, and the project record contains all documents involved in communication with the public and regulatory agencies. It is made clear in EA Chapter 1 (pp. 3-4) that the documentation of the analysis is designed to comply with 40 CFR 1500.4 and that detailed effects analysis and background information are in the project record. The effects analysis portion of the EA relies on summarizing salient points. Project record documents are always available for public review.

The project does not violate 40 CFR 1500.

Issue 5: The appellant contends the EA fails to consider the cumulative sedimentation effects of landings and skid trails on watersheds and aquatic habitat. The EA violates 40 CFR 1500.1(c) and 40 CFR 1500.2(f).

Response: Regulations cited by the appellant are written above in Issue 4.

Sediment yield is modeled using NEZSED (See Hydrology Report, PF, Doc. 10da-0001, p. 1). NEZSED is based on the Region 1 and Region 4 "Guide for Predicting Sediment Yields from Forested Watersheds", and landings and skid trails are incorporated into the model as part of the area disturbed by logging (PF, Doc. 10db-0017, p. 15-27). This is consistent with the Forest Plan (EA p. 44).

The EA addresses project impacts on water quality and aquatic habitat on pages 41-44, 50-52,

54-56, and 134.

Cumulative sedimentation effects are included in the Biological Assessment and Evaluation for threatened and sensitive fish (DN pp. 49, 54). Measurable increases are not expected to occur in Mill Creek or the South Fork of the Clearwater River. Temporary roads will not be located on fish-bearing streams (DN p. 17) and the National Marine Fisheries Service concurs that the project is not likely to adversely affect any threatened or endangered species or their critical habitat (p. 94-106). The project is in compliance with the National Forest Management Act, protecting streams and creating no irreversible damage to watersheds (DN pp 20-21). The consideration of issues and concerns for the protection of resources are included throughout the Decision Notice (pp. 3, 5, 7, 8, 9, 20, 32-35, 65). The project is consistent with the Forest Plan soil objectives and sedimentation (DN pp. 10, 113, 116).

I find no violation of 40 CFR 1500.

Issue 6: The appellant asserts that in violation of NFMA and NEPA, the EA fails to provide an adequate justification for clearcutting and failed to show any evidence that the Forest considered wildlife and other forest resource values, instead relying on timber economics. The project failed to take a "hard look" at the intensity of the project area clearcuts and failed to candidly disclose the risks posed by the project.

Response: Page 1 of the EA describes how a subbasin assessment (see EA page 144) determined that patch size, structure and composition are outside the natural range of variability that has historically occurred in the area. There is the need to manage towards local characteristic landscape level vegetation patterns, structure, patch size, fuel loading and species composition (p. 2-3). It is explained in EA (pp. 7-8, 81-89; also DN p. 12-13) why regeneration harvest is proposed rather than intermediate harvest, and it does not involve economics. Design features for regeneration units include the retention of coarse woody debris to maintain soil productivity (p.15).

Given that the preponderance of acres treated in Doc Denny are regeneration harvest (clearcut with reserves, seed tree harvest, and shelterwood harvest), it would follow that the analysis would include a hard look at the effects from these specific treatments on wildlife and other resource values. This is done in the EA in pages 21 to 128, where there is consideration of direct, indirect and cumulative impacts to resources - including cultural, recreation, visual quality, fisheries, soils, invasive, threatened and sensitive plant species, vegetation and wildlife. Forest Plan consistency and regulatory compliance are covered at length on DN pages 9 to 11and 19-23. Regeneration harvest is determined to be appropriate due to high mortality and low growth rates.

The context and intensity of the project are disclosed in the FONSI (DN pp. 14-16). The setting of the project is an intensively managed roaded area with Forest Plan management direction for timber harvest (EA pp. 139-144, also see map at EA Appendix C). The project area is limited in size and the activities are limited in duration.

The project complies with NFMA and NEPA.

<u>Issue 7:</u> The appellant contends the EA fails to acknowledge the size of the individual clearcut units in violation of 40 CFR 1500.1(b).

Response: The EA describes three methods of regeneration harvest where 14 to 26 trees per acre will be retained (pp. 8-9). EA page 151, Appendix A, Figure A-1 displays which numbered units are regeneration treatments, and the table on page 153 gives acreage by unit number. Additionally, a table with proposed units, treatments and estimated acreages was included in the April 18, 2011 scoping letter for Doc Denny, as well as a numbered unit map. The appellant's June 1, 2011 scoping comment email indicates he reviewed this scoping letter.

Information was not withheld and there is no violation of 40 CFR 1500.

<u>Issue 8:</u> The appellant contends that in violation of 40 CFR 1500.1(b), the EA analysis and disclosure arbitrarily excludes post-project costs. The EA analysis discounted the significant public cost of mitigating and ameliorating habitat damage caused by this logging project and associated trail construction.

Response: Environmental information must be made available to public officials and citizens before decisions are made and before actions are taken.

An economic analysis was completed for Doc Denny and disclosed in the EA on pages 22-27. Brush disposal from logging operations, and essential reforestation are included in the costs. Other associated costs are described on pages 24 and 25.

There are no significant costs of mitigating and ameliorating habitat damage because this project is designed to avoid or limit environmental damage (DN, p. 3-7, 8). The Finding of No Significant Impact on DN pages 14-16 is based on the environmental analysis conducted by an interdisciplinary team of resource specialists and given public review. Biological, social and economic issues were considered in the EA and DN, and the project is in compliance with the Nez Perce Forest Plan and other regulatory framework (EA pp. 130 – 149).

<u>Issue 9:</u> The appellant asserts that, in violation of NEPA and APA, the EA fails to consider road-stream connectivity when analyzing aquatic resource damage. The EA does not consider road-stream connectivity when evaluating cumulative watershed and fisheries effects in terms of peak flow and sediment. *The project violates 40 CFR 1500.1 and 40 CFR 1500.2 by omitting this information from the analysis.*

Response: The agency must consider important aspects of a problem, concentrating on issues that are significant to the action in question, and make the information available to the responsible official and to the public.

Contrary to the appellant's assertion, road-stream connectivity is considered in the project design (EA p. 16) and throughout the water quality and quantity analysis (EA pp. 44-47, 50-56). It is discussed in numerous places in the Decision Notice (pp. 5, 9, 40, 43-44, 48, 50-53). Finding and eliminating problematic stream crossings has been an ongoing effort on the Forest, in partnership with the Nez Perce Tribe, for the last decade (DN p. 9). Further, both the fisheries and hydrology reports in the project file consider hydrologic connectivity to roads and road crossings (Docs. 10ca-0003, 10da-0001)

There is no indication that an important aspect was not considered, or that pertinent information was withheld.

<u>Issue 10:</u> The appellant contends the EA fails to reasonably disclose, and fails entirely to consider, the presence and impact of existing and proposed roads in Riparian Management Areas (RMAs) and in close proximity to streams. This compounds the failure to assess road-stream connectivity, in terms of sedimentation effects in violation of 40 CFR 1500.1(c) and 40 CFR 1500.2(f).

Response: The agency must consider important aspects of a problem, concentrating on issues that are significant to the action in question, and make the information available to the responsible official and to the public.

The Doc Denny EA considers and discloses the presence and impact of existing roads in riparian areas and/or in close proximity to streams. This relationship and its significance are discussed in the fisheries analysis (EA pp. 33, 36,43) and in the watershed analysis (EA pp. 45-47, 49-55). Effects from roads is a key part of the sedimentation analysis (EA p. 51-52; watershed report PF Doc. 10da-0001; fisheries report PF Doc. 10ca-0003). Road-stream crossings and streamside road density are both slightly reduced by the project. Forest Plan consistency and PACFISH compliance are documented in the EA (pp. 135, 145). Much of the information presented in the EA on this topic is reiterated in the Decision Notice (pp. 4, 7-9, 32, 39-48).

Road stream connectivity is fully addressed at Issue 9. There is not a failure to consider roads and sediment, and thus no violation of 40 CFR 1500.

<u>Issue 11:</u> The appellant asserts the EA does not analyze effects on ecologically meaningful scales and fails to explain or justify the scales of analysis in violation of 40 CFR 1500.1(b) and NEPA.

Response: The scope and scale of the analysis is described early in the EA (p.3), and states that the extent of an analysis area will vary by resource and may extend beyond the project area. It further states that the area for each resource is defined in (EA) Chapter 3. The analysis area, indicators and methodology, and cumulative effects analysis area are described at the beginning of each resource topic in the EA. For example, the water quality and quantity section, beginning on EA page 44, describes that the analysis area is the Mill Creek and Dry Gulch watersheds; the indicators to be used are condition, quality and quantity/yield; and the analysis methodology including what models and data sources are applied. This approach is repeated throughout Chapter 3. Each resource specialist chooses the scale they determine to be ecologically meaningful for their resource. The appellant did not ask for further justification when he commented on the EA (PF 06c-0001).

There is no violation of NEPA.

<u>Issue 12:</u> The appellant contends the EA contains no market demand analysis for timber. Neither does it contain an analysis of the economic condition of local communities yet the P&N emphasizes the need to "provide long-term sustained timber yield to help satisfy demands for timber". Since the analysis does not discuss this relationship, the EA violates

40 CFR 1500.1(b).

Response: The delivered sawlog price is a reflection of market demand (EA p. 23).

The appellant misquotes the purpose and need for the Doc Denny project. The purpose and need includes the desire to provide forest products to support local communities, as directed by the 1987 Nez Perce Forest Plan (PR, 11b-0008, p. B-51 to B-142). Harvesting mature and overstocked stands and regenerating them with seral species will help create and maintain long-term sustainable yields of forest products (EA pp. 2-3). The scientific assessment for the Columbia River Basin identified Grangeville as a timber dependent community. Jobs created and income to communities from the Doc Denny project are relevant to communities in the current economic situation (DN p. 19), and do not relate directly to long-term sustained yield of forest products. It is not possible to forecast future market demand.

There is no violation of 40 CFR 1500.1(b).

Issue 13: The appellant asserts that the EA fails to use high quality information or address gaps in data in violation of APA and 40 CFR 1500.2(d).

Response: The Decision Notice (p. 24) affirms the use of the best available science. Scientific literature applied to the analysis is included in Appendix F of the EA (pp. 160-168). The majority of the references are research papers. The appellant is dismayed that many of the papers appear to be authored by USFS employees. However, most are in the research branch of the National Forest System, and this branch was created in 1905 to be an objective body with no stake in the outcome of their research findings.

The work that research and development does "has a steady focus on informing policy and land-management decisions, whether it addresses invasive insects, degraded river ecosystems, or sustainable ways to harvest forest products. The researchers work independently and with a range of partners, including other agencies, academia, nonprofit groups, and industry. The information and technology produced through basic and applied science programs is available to the public for its benefit and use." http://www.fs.fed.us/research/about/

Data gaps (if they exist) and assumptions are included in descriptions of analysis methodology, such as on EA pages 31-32, 44-45, 57-59, 71.

Scientific literature applied to the analysis is disclosed in the EA, as are data gaps. Articles and literature submitted by the public was considered and its applicability documented (DN pp. 122-132). There is no violation of the APA or NEPA.

Issue 14: The appellant contends the watershed and fisheries data in the EA is inadequate and unreliable in violation of NEPA and 40 CFR 1500.1(a). The lack of baseline data severely hampered the ability of the EA to consider impacts.

Response: Data collection by the fisheries biologist is documented extensively in the EA on pages 31 and 32. Data collected in the project area in 2011 was compared to data collected in the mid-1990s. A discussion of baseline conditions in Mill Creek and a summary of fish data are

found in the DN on pages 39-43. Culvert inventory, survey maps, pebble counts, and substrate and fish population surveys for the project area are found in the project file at Doc. 10cd – 0001 to 0024.

Data sources and field review for the water resource are described on page 45 of the EA. The project record holds the surveys, data, road logs, and notes used to inform and conduct the analysis (PF Doc. 10dd-0001 – 0008; Doc. 10md-s0001 – 0002).

Data applied in the EA is recent, adequate and reliable, and there is no violation of NEPA.

Issue 15A: The appellant asserts that the Forest Service violated NFMA and NEPA in developing the Doc Denny EA by predetermining the scale, location and duration of this project through a number of unlawful pre-project procedures. 40 CFR 1501.2 and 1502.5 require that the agency "integrate the NEPA process with other planning at the earliest possible time" and "as close as possible to the time the agency is developing or is presented with a proposal".

Response: The agency may determine the scope (or "scale" and "duration") of a project (40 CFR 1508.25). This is described in the EA on page 3. The location of the project is based on conditions revealed by the 1998 South Fork Clearwater River Landscape Assessment (PF Doc. 11b-0012 – 0013) and the goals for management areas defined in the Nez Perce Forest Plan. This is described in the EA on pages 1 and 2. It is unclear what the appellant feels is unlawful in this regard.

Issue 15B: The appellant contends the Forest maximized timber harvest with little, if any regard for consequences to plant or animal species or populations, in violation of NFMA.

Response: The Decision Notice is based on purpose and need, the environmental assessment process completed by the interdisciplinary team, and the finding of no significant impact. Biological Assessments and Evaluations were completed for threatened, endangered and sensitive plant species, and concurrence from the regulating agencies was received (DN pp. 17-18). The consequences to plants and animals were fully considered. The rationale for the decision is found on DN pages 7 to 10.

There is no violation of the NFMA.

Issue 16: The appellant asserts that the EA analysis of water temperature impacts is inadequate in violation of 40 CFR 1500.1(b) since the Responsible official cannot make an informed decision without measured temperature data.

Response: 40 CFR 1500.1(b) states "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail."

Solar radiation effects stream temperature. Vegetation loss within a tree length of a stream increases solar radiation. There are no vegetation treatments proposed in riparian habitat conservation areas (EA pp. 36, 41, 48, 49, 139, 145), therefore the project will not impact water temperature. Resources which are not affected do not need to be analyzed, in accordance with 40 CFR 1500.1(b), especially the part about "most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail."

Stream temperature data was not required for the responsible official to make an informed decision, and there is no violation of 40 CFR 1500.

Issue 17: The appellant contends the EA and DN violate NEPA and the APA by failing to evaluate the project's impacts to climate change and climate change impacts to forest resources and ecosystem services.

Response: Issues are derived from public and agency scoping comments. The appellant (PF Doc. 05c-0009, 06c-0001, -0003, -0004) did not raise this issue at any time during project development, nor did any other commenters. An article entitled "Fire-induced erosion and millennial scale climate change in northern ponderosa pine forests" was submitted by the public, and found to be not pertinent to the analysis for the Doc Denny project (DN p. 129). Subsequently, climate change did not arise as an issue important in this project, therefore the analysis was not included in the published EA. The climate change analysis is found in the project record at Doc. 10bb-0021.

I find analysis concerning climate change was conducted for the Doc Denny project. There is no violation of NEPA or the APA.

Issue 18: The appellant asserts that Forest Supervisor Brazell has violated 40 CFR 1505.2 because the EA does not "state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted" as required by law.

Response: 40 CFR 1505.2 applies to requirements for a Record of Decision. Doc Denny was decided with a FONSI and Decision Notice. The project was designed to minimize or avoid effects, the environmental assessment revealed no significant impacts, and therefore supports the FONSI. See DN pp. 3-8, 14, 15, 16, 19, 20, 22, 24, 31, 33-35, 47, 63, 65, 66, 68, 75, 77, 79.

Issue 19: The appellant contends a violation of 40 CFR 1503.4 because the EA does not respond to each comment submitted by the appellant during the formal 30-day comment period on the pre-decisional EA.

Response: 40 CFR 1503.4 pertains to EIS and states "An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement."

The Decision Notice Appendices B and C are the response to comments received on the EA and the consideration of science submitted by the public, respectively. Documentation of how scoping comments were used to develop the project is at PF Doc. 05d-0001.

Neither the EA nor DN violate 40 CFR 1503.4.

Issue 20: The appellant asserts that the EA violates 40 CFR 1507.2(b) because it does not "identify methods and procedures required by section 102(2)(B) of NEPA to insure that presently unquantified environmental amenities and values may be given appropriate consideration."

Response: 40 CFR 1507.2 addresses agency capability to comply with the regulations for implementing NEPA "in terms of personnel and other resources." Section 102(2)(B) of the National Environmental Policy Act is directed at Federal agencies. It states "all agencies of the Federal Government shall—(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality…" Those methods and procedures have been developed, and they include (for example) the development of EISs, RODs, EAs, Decision Notices, and FONSIs; consultation with other agencies; methods to document impacts; and procedures to inform and involve the public. This has been done by the Forest Service in consultation with CEQ in development of the Forest Service's NEPA procedures. The result is Forest Service Manual 1950 and Forest Service Handbook 1909.15.

Those established methods and procedures were followed throughout the project. An interdisciplinary team was established, consultation with other agencies was conducted, the public and tribal government was informed through scoping letters, the IDT ensured the project was consistent with NFMA, considered issues and concerns from the public, documented potential impacts to relevant resources, considered science and literature submitted by the public, responded to public comment, the responsible official made an informed decision and stated his rationale. Evidence of this process is found throughout the project file and EA and FONSI/DN.

Issue 21: The appellant contends the EA does not discuss how the timber sale's logging and slash/RX burning activities will affect bird species protected under the Migratory Bird Treaty Act of 1918. The EA does not comply with the USFS-funded Partners in Flight Council's North American Landbird Conservation Plan. The proposed actions in the EA are inconsistent with FS Agreement #8-MU-1113-2400-264.

Response: An analysis of effects to neotropical and other migratory birds is included in the EA (pp. 91, 122-124), with the full discussion in the wildlife report found in the project file (Doc. 10ja-0001). Consistency with the Migratory Bird Treaty Act, Partners in Flight Conservation Plan, E.O. 13186, and the Memorandum of Understanding between the USDA Forest Service and the USDI Fish & Wildlife Service (01-MU-11130117-028) are documented.

Effects of agency actions were evaluated, and this is consistent with 08-MU–1113-2400-264 Section D. Consistency with neotropical migratory bird laws are documented in the EA on pages 147-148.

Issue 22: The appellant contends the EA does not discuss the effect of logging-related noise and dust on recreation or wildlife in violation of 42 USC 7641.

Response: In the past, EPA coordinated all federal noise control activities through its Office of Noise Abatement and Control (per 42 USC 7641 – Noise Control Act of 1972). EPA phased out the office's funding in 1982 as part of a shift in federal noise control policy to transfer the primary responsibility of regulating noise to state and local governments. The project is consistent with all applicable state and local laws. (The Noise Control Act of 1972 and the Quiet Communities Act of 1978 were never rescinded by Congress and remain in effect today, although essentially unfunded.)

Noise and dust effects on recreation were not raised as issues or concerns during comment periods or through the interdisciplinary process and therefore were not considered, in compliance with 40 CFR 1500.1(b). However, soil and water conservation practices will reduce non-point source pollution (dust) (EA p. 15; DN pp. 31, 32, 34, 48, 63, 64). Noise impacts to wildlife are considered in the wildlife report ((PF Doc. 10ja-0001) and effects are determined to be minor. The project is consistent with Forest Plan direction for the roaded area, laws, regulations and policies (EA p. 129-149) and the DN documents NFMA compliance regarding the protection of soil and water, as well as the finding of no significant impact (DN pp. 14-16, 20).

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellant. I recommend the Forest Supervisor's decision be affirmed and the appellant's requested relief be denied.

JULIE K. KING
Forest Supervisor

cc: Norma Staaf, Rick Brazell, Jennie Fischer, Ray G Smith, Kim Smolt, Allen Byrd