



File 1570 (215)

Date: July 22, 1998

Code:

Route

To:

Subject: Huckleberry and Briery Creek Blow Down Salvage Timber Sale
Appeal #98-01-00-0065, Kootenai NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by John Talberth on behalf of the Forest Guardians protesting the Huckleberry and Briery Creek Blow Down Salvage Timber Sale Decision Notice signed by the Rexford District Ranger (Kootenai National Forest).

The District Ranger's decision adopts Alternative 2 and the Briery Creek Blowdown Salvage Timber Sale proposal.

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.

FINDINGS

My recommendation is based upon the following evaluation:

Clarity of the Decision and Rationale

The decisions to be made are stated on the first page of the Decision Notice (DN); however, the actual decision is not stated until page 9. It is confusing to have one DN cover two separate actions with one covered by the Environmental Assessment (EA) and the other without an EA.

Purpose of the Proposal and Comprehension of Benefits

The Purpose and Need is clearly stated and relatively straightforward. The relationship with the Forest Plan is well documented. The no-action alternative was adequately considered. The DN adequately explains the rationale for the decision, based on three decision criteria.

Consistency with Policy, Direction, and Supporting Information

The project is consistent with Forest Plan direction with two non-significant forest plan amendments incorporated. Ecosystem management principles were used, especially those of the fire process. References to scientific literature regarding the fire process and ecosystem management would be helpful.

Effectiveness of Public Participation Activities and Use of Comments



The public participation effort was appropriate to the scope of the project. It was particularly thorough as regards the local tribes. However, it was confusing to have done scoping and presented an EA for the Huckleberry project, and then added the Briery Creek Salvage Sale after comments were received.

Appeal Review Findings

An attempt on June 19, 1998, to resolve the appeal issues with the appellants was unsuccessful.

Objection 1. The Huckleberry and Briery Creek Blowdown projects do not meet the requirements of NFMA and RPA regarding management of Forest Service lands for highest public net benefit.

Response: This objection refers to regional or forest-wide economic analysis, which is not within the scope of this decision.

Objection 2. Timber sale projects cannot proceed until the Forest Service does an EIS on the entire National Forest System logging program.

Response: NEPA does not envision a multi-layered assessment of all agency policies and programs that have a significant effect on the environment. NEPA's purpose is not to generate paperwork---even excellent paperwork---but to foster excellent action (40 CFR 1500.1).

NEPA analysis for timber sales is undertaken at the programmatic level in NFMA forest plans and at the site-specific level in project NEPA documents. Ohio Forestry Association v. Sierra Club (1998). There is no "national forest system logging program", at least not in the sense recognized as an identifiable final agency action for the purposes of NEPA. Lujan v. National Wildlife Federation (1990). Thus, a third level of NEPA analysis is not required.

RECOMMENDATION

I recommend the Forest Supervisor's decision on the Huckleberry Blowdown Salvage Sale be affirmed and that the Briery Creek Salvage Project be dropped. I recommend the Appellants' requested relief should be denied in the former case and upheld in the latter.

/s/ Maureen McBrien

MAUREEN MCBRIEN
Reviewing Officer
Deputy Director, Recreation, Minerals, Lands,
Heritage and Wilderness