

United States
Department of
Agriculture

Forest
Service

Region 1

Federal Building
P.O. Box 7669
Missoula, MT 59807

File Code: 1570 (215)
#97-01-00-0029

Date: April 14, 1997

Jonathan Coop
The Ecology Center, Inc.
1519 Cooper Street
Missoula, MT 59802

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dear Mr. Coop:

This is my decision on disposition of the Appeal you filed on behalf of The Ecology Center, Inc. protesting the Priest Lake District Ranger's Decision Memo (DM) for the Four Corners Timber Sale on the Idaho Panhandle National Forest.

The District Ranger's decision will harvest approximately 969 MBF of timber on 374 acres to remove the smaller, slower growing trees and give remaining trees additional space. Dying trees will be salvaged, and dense timber stands will be thinned. Timber will be harvested using existing roads with harvester/forwarder machinery. Some tree seedlings will be interplanted, and spot precommercial thinning and slashing will be done to improve the timber stands. Depending on funding, various wildlife, fishery, watershed and soil improvement projects will be conducted. All streams and creeks in the project area will be protected with vegetative bufferstrips.

DECISION

After careful consideration of the Appeal Reviewing Officer's recommendation, I affirm the District Ranger's decision. Your requested relief is denied.

My review of your Appeal was conducted pursuant to, and in accordance with, 36 CFR 215.17 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have thoroughly reviewed the Appeal Record, including the recommendation of the Appeal Reviewing Officer (copy enclosed) regarding the formal disposition of your Appeal. My decision hereby incorporates by reference the entire Appeal Record.

APPEAL SUMMARY

You allege violations of the National Environmental Policy Act (NEPA), Forest Service regulations, and the Forest Service Handbook.

Central objections of your Appeal are whether the project should be categorically excluded and lack of public disclosure of timber volume.

The Appellant requests the DM be remanded, a sufficient explanation be given of how this project meets the necessary criteria for categorical exclusion, and the timber sale volume be provided. The Appellant also requests the above inadequacies be corrected before further action is taken.

An Informal Meeting was held via conference call, but no resolution was reached. No Interested Party comments were received.

APPEAL REVIEWING OFFICER RECOMMENDATION

The Appeal Reviewing Officer recommends the District Ranger's decision be affirmed and the Appellant's requested relief be denied.

FINDINGS

Following is my evaluation of the objections raised in your Appeal and your requested changes.

Scope of Decision

Decisions made in Forest Plans are subject to administrative review under 36 CFR 217 and are not subject to review in project or activity decisions [36 CFR 215.8(a)(1)]. These decisions are considered to be beyond the scope of the project-level decision, and the opportunity to challenge these decisions has been exhausted.

Similarly, Appellants may not request review of activities that are not "connected" to the project decision being challenged or ask that additional decisions be made that are not "ripe" for decision. Under NEPA, the Responsible Official has the discretion to propose actions and determine which actions warrant a decision and those that do not.

I have determined your objections are within the scope of the decision.

Procedural Determination

I have thoroughly reviewed your arguments and the information referenced in the District Ranger's March 11, 1997, Transmittal Letter (copy enclosed). The Transmittal Letter provides specific page references to discussions in the project file which bear upon your objections. I specifically incorporate in this decision the references and citations contained in the Transmittal Letter. Based upon a review of the references and citations provided by the District Ranger, I find the objections you raised were adequately considered in the project file and the District Ranger made a reasoned decision concerning those issues. I find the District Ranger has complied with all laws, regulations and policy.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Richard M. Bacon (For)

KATHLEEN A. MCALLISTER
Appeal Deciding Officer
Deputy Regional Forester

Enclosures (2)