

United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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Reply To: 1570-1 (FOR)

Date: April 24, 1997

Mr. John Talberth
Forest Guardians/Forest Conservation Council
1413 Second Street
Santa Fe, NM 87505

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED
P 293 931 370

RE: Gentry Analysis Area Appeal #97-03-00-0028-A215
Apache-Sitgreaves National Forests

Dear Mr. Talberth:

I have completed a review of your March 9, 1997, appeal of the Gentry Analysis Area project. The review was conducted in accordance with 36 CFR 215.

BACKGROUND: On January 17, 1997, Forest Supervisor John Bedell made the decision to implement alternative #2 of the Gentry Analysis Area on the Chevelon Ranger District, Apache-Sitgreaves National Forests. The legal notice of Mr. Bedell's decision was published in the White Mountain Independent on January 24, 1997. I received your appeal on March 11, 1997. I received the appeal record (AR) from the Forest Supervisor on March 18, 1997.

Between March 13 and 25, 1997, I received Interested Party comments from five parties. Comments from the following Interested Parties were given consideration in my review decision:

Lorin Porter, Precision Pine and Timber, Inc.
Ron Christensen, Eastern Arizona County Organizations
Liz Wise, White Mountain Conservation League
Duane Shroufe, Arizona Game and Fish Department
Suzanne Jones, The Wilderness Society.

On April 2, 1997, I received a letter from Forest Supervisor John Bedell. In the letter, Mr. Bedell summarized the results of his March 24, 1997, tele-conference call with you and other involved parties. I understand that resolution of the appeal issues was not possible during the informal disposition meeting.

RECOMMENDATION OF APPEAL REVIEWING OFFICER (ARO): The Appeal Reviewing Officer has reviewed the appeal record and forwarded his recommendations to me. I have attached a copy of the ARO's letter. The ARO found that the Gentry Analysis Area project complied with applicable laws, regulations, policies, and the Forest Plan Amendment.

APPEAL ISSUES: In the statement of reasons, you addressed two issues where you alleged that the Forest Supervisor violated the National Forest Management Act.

In the first issue you were concerned that the project failed to comply with the Forest Plan Amendment as issued by the Regional Forester on June 5, 1996. In the second issue you were concerned that the project did not maintain population viability for certain species. Both issues are addressed as follows:

ISSUE 1: "The Gentry Analysis Area project, as designed, does not comply with the requirements of the 6/5/96 forest plan amendments. The E.A. does not disclose how the forest plan amendments are being implemented." (Appeal p. 3)

You were concerned that the project was not consistent with Forest Plan direction concerning old growth and distribution of VSS classes. You suggested that prescribed treatments will degrade old growth stands to the point where they will no longer function as old growth. Additionally you stated that the reduction of vegetation structural stage (VSS) 5 from 19% to 18% is inconsistent with Forest Plan guidelines to maintain 20%.

The appeal record indicates one stand (Compartment 4113, stand 17) presently meeting the Regional criteria for old growth will be treated (AR 138). The prescribed treatment consists of thinning 26 acres of this stand, from below, in the 5" to 18" diameter classes. The EA indicates the treatment is oriented toward managing for old growth characteristics and moving the stand toward threshold habitat conditions for nest/roost sites used by the Mexican spotted owl (AR 145, pp. 9, 42-44). The record also shows that the post-treatment stand characteristics are intended to meet the Forest Plan Amendment old growth criteria (AR 131). Treatment of stand 17, as prescribed, will not reduce the amount of acres currently meeting the Regional old growth definition. The record indicates nine additional stands in the analysis area presently meet the Regional old growth criteria (AR 138). These stands are not proposed for harvesting. The Forest Plan requirement for allocation of "...no less than 20% of each forested ecosystem management area to old growth..." has clearly been met (Forest Plan Amendment ROD p. 95). The Forest allocated 26% of the Gentry ecosystem management area (EMA) to old growth.

Forest Plan guidelines for protection of the northern goshawk outside of post-fledging family areas include direction to maintain 20% VSS 5. This direction also includes an acceptable range of +/- 3% (Forest Plan Amendment ROD p. 92). Therefore, the one percent reduction that you pointed out is within the range directed in the Forest Plan. The Forest Supervisor properly applied Forest Plan standards and guidelines with respect to treatments in old growth stands and VSS class distribution.

In your appeal, you were also concerned that "The analysis of cumulative effects to wildlife habitat has not been completed beyond the ecosystem management area scale," and that "This requirement also extends to analysis of old growth..." (Appeal p. 4).

Wildlife cumulative effects were considered at the stand level and aggregated upwards to the EMA level as required in the Forest Plan Amendment. The Forest Supervisor completed an analysis of old growth cumulative effects at a scale above and below the EMA, i.e. at the Forest Plan level, EMA, and stand level, which meets the requirements of the Forest Plan Amendment.

ISSUE 2A: "The Gentry Analysis Area project, as planned, does not maintain the viability of species dependent upon late successional and old growth forests.

The E.A. fails to discuss and disclose the impacts to late successional and old growth dependent species." (Appeal p. 5)

The E.A did discuss and disclose possible impacts to habitat that supported late successional stage and closed canopy wildlife species (AR 145, pp. 30-32). While existing old growth was deficient, the allocation to old growth exceeded the minimum required in the Forest Plan Amendment. The selected alternative did not decrease the amount of existing old growth. After 20 years, the amount of VSS 5 and 6 would be approximately 38% of the Gentry Analysis Area (AR 137, 145).

The Biological Evaluation and supporting documentation analyzed and disclosed effects to all TE&S species that occur or might occur in the area. The resulting determinations, based on the analyses, are proper (AR 98). Also, Management Indicator Species (MIS) were chosen to reflect the different habitat types, including late successional and old growth, used by wildlife in the analyzed area. Effects to MIS were properly analyzed and disclosed (AR 145). The project will maintain population viability of species dependent on late successional and old growth forests.

You raised a point that the Arizona and New Mexico Departments of Game and Fish recommended thinning existing old growth at 5 inches and less dbh, and thinning "at risk" old growth stands up to 12 inches dbh as it relates to impacts on old growth species (Appeal pp. 5-6). This comment was made during the analysis for Forest Plan Amendments and is outside the scope of this site specific project.

You also expressed concern that mistletoe should remain in the area as an "...important old growth forest structure..." (Appeal p. 6). Based on the intermediate treatments proposed, there is no possibility that mistletoe will be eliminated from the stands (AR 131).

ISSUE 2B: "The Gentry Analysis Area project, as planned, will not maintain the viability of neo-tropical migrant bird species and other species dependent upon interior forests. The E.A. for the project fails to discuss and disclose impacts to NTMB species or discuss the adverse effects of fragmentation." (Appeal p. 6)

Field inventories were conducted by Forest Service and Arizona Department of Game and Fish personnel. Data was collected on current habitat conditions including vegetative structural stages, canopy cover, snags, stand composition, water developments, road densities and habitat diversity. Analyzing these parameters, effects to TE&S and MIS species were estimated using stand data projections, and techniques such as the Habitat Capability Index model, as well as professional judgment (AR 145).

Habitat for wildlife, including birds such as neotropical migratory birds, will be maintained. Population viability will be maintained. Possible effects to threatened, endangered, and sensitive birds, including neotropical migratory birds, were analyzed and disclosed (AR 98). Management Indicator Species were properly used to analyze possible effects to all birds using the analysis area (AR 145).

A 1500-acre contiguous block of forest is designated to be managed for long-term old growth characteristics (AR 145). The Forest looked at spatial components of the habitat. Wildlife travel corridors will be maintained. The travel

corridors are designed to provide cover for wildlife within the analysis area (AR 145). Therefore, adverse effects of fragmentation are not predicted to occur.

You raised a concern that old growth aspen would be cut and, thereby, eliminate neotropical bird habitat (Appeal p. 7). No old growth aspen is proposed to be cut in the project. Cutting of pine trees in VSS 3 and 4 are proposed in several stands adjacent to decadent aspen clones in order to establish young aspen suckers (AR 131).

APPEAL DECISION: After reviewing the appeal record and considering the recommendations from the Appeal Reviewing Officer, I find that the project complies with the Forest Plan Amendment, and that the project will maintain population viability of species. Therefore, the project complies with the National Forest Management Act. I also found that the appeal record which includes the Environmental Assessment, Decision Notice, and Finding of No Significant Impact includes adequate disclosure of environmental impacts. It is my decision to affirm the Forest Supervisor's decision to implement alternative #2 of the Gentry Analysis Area.

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

Sincerely,

/s/ John R. Kirkpatrick

JOHN R. KIRKPATRICK
Appeals Deciding Officer
Deputy Regional Forester

Enclosure

cc:
Interested Parties (5)
A-S NFs SO
A-S NFs Chevelon/Heber RD
P. Jackson
C. Gonzalez
EAP
WL
FOR