



File Code: 1570-1 (FOR)

Date: July 20, 1998

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

CERTIFIED MAIL--RETURN RECEIPT
REQUESTED

RE: Wiggins Analysis Area Appeal #98-03-00-0029-A215
Apache-Sitgreaves National Forests

Dear Mr. Talberth:

This is my review decision on the appeal you filed (#98-03-00-0029-A215) regarding the Apache-Sitgreaves National Forests' Supervisor's decision to implement the management activities in the Wiggins Analysis Area project on the Chevelon-Heber Ranger District.

On April 17, 1998, Forest Supervisor John Bedell issued a decision notice concerning the vegetative treatments and associated activities for the Wiggins Analysis Area. The decision was subject to administrative review under the 36 CFR 215 appeal regulations.

My review of this appeal has been conducted pursuant to, and in accordance with 36 CFR 215.17. I have thoroughly reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer regarding the disposition of this appeal.

As directed in 36 CFR 215.16, the Forest Supervisor contacted the appellant to discuss informal disposition of the appeal, and arranged a teleconference meeting. The record reflects that the teleconference meeting occurred and none of the appeal issues were resolved.

APPEAL ISSUES AND FINDINGS

Appellant's issues and my response to his two issues are addressed as follows:

ISSUE I: Project Fails To Meet the National Forest Management Act (NFMA) and the Forest and Rangeland Renewable Resources Planning Act (RPA) Requirements Regarding Management of Forest Service Lands For Highest Net Public Benefits

Contention: "Economic considerations relevant to forest planning apply equally to the national forest system logging program as a whole, individual forest plans, and individual timber areas (36 CFR 219.27(b)(1))." (Appeal p. 3). Appellant also alleges that "If costs cannot reasonably be assessed on an individual timber sales basis, then the Forest Service must first complete the analysis on a national,



regional, or watershed scale and then assign a proportion of these costs to individual areas using established quantitative methods." (Appeal p. 3).

Response: The 36 CFR 219 regulations that appellant cites are relevant to overall forest planning and not site-specific project planning. Forest plans and their accompanying environmental impact statements (EIS's) document the results of RPA and NFMA planning requirements. Decisions concerning net public benefits pursuant to RPA and NFMA were made in the programmatic, forest planning process.

Management of forest lands for highest net public benefits was analyzed and decided upon in the preparation of the Apache-Sitgreaves Forests' Plan. The Forest Plan documents that the Wiggins Analysis Area is in Management Area 1, forested lands, with emphasis on timber management and consideration for other resources (A-S Forest Plan pp. 15, 119). Net public benefits were analyzed appropriately at the forest plan level, and are outside the scope of this analysis. I affirm the Forest Supervisor on this issue.

ISSUE II: Project Cannot Proceed Until Forest Service Completes an EIS for the National Forest System Logging Program as a Whole

Contention: Appellant asserts that "The decision to avoid preparation of a program-wide EIS violates NEPA as well because there are significant cumulative effects of the program which are hidden at the scale of an individual timber sale or forest, but visible only at the scale of an entire region, or, nationally." (Appeal p. 6). Appellant also asserts that "...the effects of the national forest system logging program on private timberland management must be considered at a national scale." (Appeal p. 6).

Response: The purpose of the Wiggins Analysis Area environmental analysis was to disclose the effects of the proposed project and to determine if the project would have significant impacts as described in 40 CFR 1508.27. Significance is evaluated in terms of context and intensity. The Responsible Official made a reasonable determination that the proposed project will not have a significant impact based on context and intensity (AR 114).

NEPA regulations clarify that "Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole." (40 CFR 1508.27(a)). Overall proposed actions in Wiggins Analysis Area include: harvesting approximately 3,500 CCF of sawtimber and fuelwood through a series of silvicultural treatments over approximately 3,079 acres, precommercial thinning approximately 1,700 acres, and prescribed burning approximately 3,385 acres (AR 114, 115). In this site-specific case, the effects of the project are localized in nature. Therefore, it would not be appropriate for the Forest Supervisor to consider the effects of the logging program for the entire U.S.D.A. Forest Service in this site-specific action.

I find that the Wiggins Analysis Area environmental assessment and decision document disclose the appropriate level of site-specific information required by CEQ regulations for NEPA. I affirm the Forest Supervisor on this issue.

Mr. John Talberth

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer (ARO) has recommended that the Acting Forest Supervisor's decision be affirmed and that your request for relief be denied. The ARO found that the decision was consistent with regional principles to support and maintain forest health, the Ranger was responsive overall to public comments, and the decision logic and rationale were clearly disclosed. I have enclosed a copy of the ARO's letter.

APPEAL DECISION

After a detailed review of the record, the notice of appeal, and the ARO recommendation, I affirm the Forest Supervisor's decision to implement the Wiggins Analysis Area project (Alternative 4), and deny your request for relief. My decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c)).

Sincerely,

/s/John R. Kirkpatrick
JOHN R. KIRKPATRICK
Appeal Deciding Officer
Deputy Regional Forester, Resources

Enclosure

cc:
A-S National Forests
Appeals/Lit
Forestry