



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570-1 (2400)

Date: April 3, 2000

Lally McMahan
Forest Guardians
1411 Second Street
Santa Fe, NM 87505

Certified Mail-Return Receipt Requested
P 556 954 746

Re: Appeal #00-03-00-0038-A215, McGaffey Timber Sale, Mount Taylor Ranger District,
Cibola National Forest

Dear Ms. McMahan:

This is my review decision on the appeal you filed regarding the Decision Notice, Finding of No Significant Impact and Environmental Assessment, which provide for silvicultural treatments covering 1,427 acres within the McGaffey Timber Sale project area of approximately 13,336 acres.

BACKGROUND

On January 3, 2000, Forest Supervisor Liz Agpaoa issued a Decision Notice on the McGaffey Timber Sale. The Forest Supervisor is identified as the Responsible Official whose decision is subject to administrative review under 36 CFR 215 appeal regulations.

Pursuant to 36 CFR 215.16, an attempt was made to seek informal resolution of the appeal. The record reflects that informal resolution was not reached.

My review of this appeal has been conducted in accordance with 36 CFR 215.17. I have thoroughly reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer. My review decision incorporates the appeal record.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer recommended that the Responsible Official's decision on the McGaffey Timber Sale be affirmed.



APPEAL DECISION

After a detailed review of the records and the Appeal Reviewing Officer's recommendations, I affirm the Responsible Official's decision on the McGaffey Timber Sale.

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

Sincerely,

/s/ James T. Gladen

JAMES T. GLADEN
Appeal Deciding Officer
Deputy Regional Forester, Resources

cc:
Forest Supervisor, Cibola NF
District Ranger, Mount Taylor RD
FFH, R3
Appeals & Litigation Staff, R3

REVIEW AND FINDINGS

of the

Forest Guardians

Appeal #00-03-00-0038-A215

regarding

The McGaffey Timber Sale

ISSUE 1: Minimum viable populations of all vertebrate species

Contention 1a: The appellant alleges, “(t)he McGaffey Timber Sale violates the requirement of the National Forest Management Act to maintain minimum viable populations of all vertebrate species.”

Response: The Forest identified relative population levels in the analysis area, ranging from “not particularly abundant” to “moderate to high”. The Forest identified lowered habitat quality as the primary reason cavity nesting species (snags) and deer populations (fawning and forage areas) are not particularly abundant or in a downward trend. The selected alternative is designed to remove trees invading meadows (fawning habitat), increase the grass, forb, and shrub component (forage and fawning habitat), realign roads out of meadows (forage and fawning habitat), and reduce the open road density (snag retention and fawning habitat). These activities will improve the habitat quality and/or quantity for deer and cavity nesting species, thus resulting in an opportunity for increased populations of these species in the future within the analysis area (Project Record (PR) 152, 168, 183).

The activities proposed in the selected alternative will also maintain or restore habitat conditions for the other Forest Plan management indicator species, federally listed Threatened, Endangered, or Proposed Species, Region 3 Sensitive Species, and Forest Species of Concern (PR 109, 110, 152, 168, 183).

Contention 1b: The appellant alleges, “(t)he Forest Service acknowledges that individuals of more than 46 Species of Concern will be destroyed by the proposed action. But then the agency shamelessly tell us that species diversity or viability will not (sic) harmed.”

Response: The Forest identified that individuals may be impacted, but this would not reduce species viability. Although the selected alternative may result in the death of an individual, it more likely means an individual may be harassed resulting in their reproductive success being reduced or interrupted for a breeding season, their area of choice may not be available and they may have to choose a less desirable location for all or part of the duration of the proposed action, etc. The Forest identified seasonal closures for mule deer fawning habitat, Mexican spotted owl habitat, and northern goshawk habitat to mitigate impacting these species.

Finding: The McGaffey Timber Sale project is estimated to improve habitat condition for MIS species, therefore, viable populations will be maintained. The decision does not violate the National Forest Management Act.

ISSUE 2: Population and habitat trends of management indicator species

Contention: The appellant alleges that because there was no population inventory data presented for MIS or non-game birds in the 1998 Annual Monitoring and Evaluation Report, the McGaffey Timber Sale is an action implementing the Cibola Forest Plan, without any serious understanding of the environmental consequences. Therefore, it is inconsistent with the Cibola Forest Plan.

Response: The adequacy of the forest annual monitoring report is outside the scope of this review. The purpose of forest plan monitoring is to evaluate the efficacy of programmatic forest plan direction. The environmental consequences related to the habitats of management indicator species from site-specific actions considered in the McGaffey Timber Sale analysis are adequately documented in the Environmental Assessment on pages 27-31.

Finding: The McGaffey Timber Sale is consistent with the Cibola National Forest Plan.

ISSUE 3: Mexican Spotted Owl Survey Data

Contention: The appellant alleges, “(s)urveys conducted for Mexican spotted owls in the McGaffey Timber Sale area are more than six years old” and therefore, outdated.

Response: The Forest conducted Mexican spotted owl refresher surveys within the McGaffey Analysis Area in 1997 using R3 protocol. These surveys are good through the end of 2000.

Finding: The Forest's Mexican spotted owl surveys for the McGaffey Timber Sale analysis area are not outdated.