



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570-1 (FOR)

Date: February 5, 1998

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

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED
P 079 744 017

RE: McGaffey Timber Sale Appeal #98-03-00-0012-A215
Cibola National Forest

Dear Mr. Talberth:

I have completed a review of your December 22, 1997, appeal of the McGaffey Timber Sale decision notice. This review was conducted in accordance with 36 CFR 215.

BACKGROUND: On November 5, 1997, Cibola Acting Forest Supervisor Robert Leaverton made the decision to implement alternative 5 of the McGaffey Timber Sale Environmental Assessment. The project is located on the Mount Taylor Ranger District, Cibola National Forest. The legal notice of the decision was published in the Albuquerque Journal on November 7, 1997. I received the appeal on December 24, 1997. I received the appeal record from the Acting Forest Supervisor on January 7, 1998.

On January 12, 1997, I received a letter from the Acting Forest Supervisor. In the letter, the Acting Forest Supervisor summarized the results of a telephone conference call held on the same day between Brian Byrd and yourself, and nine persons from the Forest. 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 "...there didn't appear to be sufficient information on the cumulative effects analysis in the record to support a finding of no significant impact. Based on this, I recommend that the decision be reversed."

APPEAL ISSUES: You allege that "The McGaffey timber sale, as planned, fails to protect and restore water quality and watershed conditions in the Rio Nutria and Rio Puerco drainages." (Appeal p. 10). In response to this allegation, I found that there were deficiencies in the watershed cumulative effects analysis for the project.

Other allegations that you raised in the notice of appeal were not reviewed once I determined that the cumulative effects analysis of the watershed was inadequate.



APPEAL DECISION: After reviewing the appeal record and the Appeal Reviewing Officer's recommendations, I find that the appeal record does not contain adequate documentation of watershed cumulative effects. It is my decision to reverse the Acting Forest Supervisor's decision of November 7, 1997. Prior to proceeding with the McGaffey Timber Sale project, the Forest Supervisor must prepare a new environmental document, provide for public notice and comment, and provide for a new appeal period.

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

Sincerely,

/s/ Gilbert Vigil
GILBERT VIGIL
Appeals Deciding Officer
Acting Deputy Regional Forester, Resources

Enclosure

cc:
Cibola NF
P.Jackson
C.Gonzalez
FOR