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Agriculture

Forest  
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File Code: 1570-1 (2400)

Date: December 20, 2000

**CERTIFIED MAIL - RETURN  
RECEIPT REQUESTED**

Mr. Sam Hitt  
Forest Guardians  
1411 Second Street  
Santa Fe, NM 87505

Re: Appeal #01-03-00-0008-A215, Fort Valley Ecosystem Restoration Project, Peaks Ranger District, Coconino National Forest.

Dear Mr. Hitt:

This is my review decision on the appeal you filed regarding the Decision Notice and Finding of No Significant Impact which provide for thinning dense stands of ponderosa pine to reduce the risks of wildfire, which also will restore the balance of tree overstory and grass/shrub/forb understory; reducing wildlife disturbance by closing some roads and relocating/constructing trails; restoring the natural role of wildfire; and restoring meadow and riparian habitats.

### **BACKGROUND**

On September 21,2000, Forest Supervisor Jim Golden issued a Decision on the Fort Valley Ecosystem Restoration Project. 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, you were contacted to discuss informal disposition of the appeal. The record reflects that informal resolution of the appeal 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 Fort Valley Ecosystem Restoration Project be affirmed.

### **APPEAL DECISION**

After a detailed review of the record documented in the enclosed review and findings and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision on the Fort Valley Ecosystem Restoration Project.



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

Enclosure

cc:  
Forest Supervisor (Coconino National Forest)  
District Ranger (Peaks Ranger District)  
Forestry Staff, R3  
Appeals/Litigation Staff, R3

## REVIEW AND FINDINGS

of

Forest Guardians

Appeal #01-03-00-0008-A215

of the

**ISSUE 1:** The Ft. Valley Timber sale violates the requirement of the National Forest Management Act (NFMA) to maintain minimum viable populations of all vertebrate species.

**Contention 1a:** The appellant contends the “NFMA requires that the Forest Service assure its management activities maintain existing native and desired non-native invertebrate species in the planning area. 36 C.F.R. S219.19. In order to achieve this objective, the regulations further require that the agency acquire and maintain population data on management indicator species and to monitor trends in that population data.”

**Response:** The planning area referred to under 36 CFR 219 is the National Forest. Standards and guidelines are developed to maintain the viability of species in the planning area and monitoring is conducted at this scale through adaptive management to ensure this is so. Project-level decisions such as Fort Valley that adhere to the standard and guidelines of the Forest Plan ensure that population viability is maintained. Surveys were conducted for a variety of species and are identified in the project record (PRD# 326, 348).

**Contention 1b:** The appellant contends that four out of nine management indicator species will likely decline as a result of the proposed action: hairy woodpecker, pygmy nuthatch, Abert squirrel, and Northern goshawk.

**Response:** Miller (1992 as described in Block, *et al.*, 1997) identified that hairy woodpeckers and pygmy nuthatch populations in Arizona and New Mexico are declining, primarily due to the loss of large trees and snags. The paucity of large trees in the Fort Valley area, and thus large snags, makes this area poor habitat for these two species. The proposed action limits tree removal to those less than sixteen inches diameter at breast height. In addition, recruitment old growth is being managed to reduce the time it takes to attain large trees and thus the Fort Valley area will once again provide good habitat for these two species (PRD# 326, 348).

Abert squirrel populations are managed through hunting regulations by the Arizona Game and Fish Department, who were a part of the team developing this project. The Department is not concerned about the viability of the Abert squirrel in Fort Valley (PRD# 238).

There are three post-fledging family areas in the Fort Valley area. Treatments proposed by the selected alternative will improve the diversity in the area. Although the population of the Abert squirrel will likely decline, it will still be abundant in the goshawk foraging areas and PFAs. Proposed treatments will result in increased populations of at least five of the goshawks' important prey species, including cottontail rabbits, robins, golden-mantled ground squirrels, and chipmonks (PRD# 326).

**Contention 1c:** “[T]he Coconino Plan requires the USFS to allocate 20% of each planning area to old growth management. The preferred alternative in this case allocates only 14% of the area as old growth (EA, p. 97).”

**Response.** The Forest designated 319 acres of existing old growth, stands that meet or essentially meet all of the old growth criteria identified in the Forest Plan standards and guidelines. In addition, they designated 1,298 acres of recruitment old growth. Thus, 23.7 percent of the Fort Valley area is in designated old growth. Just under 1,150 acres are in Ponderosa pine habitat types. The remaining 467 old growth acres are in mixed conifer. This amounts to 17.7 and 99.4 percent, respectively, of the existing vegetation of these two forest types in the Forest Valley area being in old growth (PRD# 326, 348).

**Finding:** Contrary to the appellant's three contentions, the decision to implement the proposed action in the Fort Valley Ecosystem Restoration Project will maintain viable populations and does not violate NFMA.

**ISSUE 2:** The failure to prepare an Environmental Impact Statement (EIS) violates the National Environmental Policy Act (NEPA).

**Contention:** Appellant contends that there is significant controversy as to whether or not the activities planned will decrease fire risk.

**Response:** As it relates to the determination of significance, the term "controversial" refers to a substantial dispute existing as to the size and nature of effects of the federal action. The past and present research that has been and is being done on the benefits of thinning from below and the benefits from prescribed fire is considerable. Thinning from below, fuel bed treatment, canopy spacing treatments, and periodic low intensity prescribed fire activities are supported by most scientists and researchers who work from within and study and research fire-adapted ecosystems.

It is inappropriate to make inferences about the impact of logging on fire potential without addressing the issue of fuels treatment. Logging without subsequent fuels treatment can be expected to increase the probability of fire occurrence and, under most conditions, the severity of fire. Logging, in conjunction with fuels treatment, can reduce the potential for catastrophic wildfires, if the fuels treatment is of good quality. Good quality fuels treatments effectively reduce the fuels that contribute to crowning, torching and spotting, and reduce the ecological damage of subsequent wildfires. Fuels change with time and the length of time that a treatment will remain effective varies with treatment and site potential. Therefore, proper fuels management must incorporate periodic reassessment and re-treatment.

The prediction of fire behavior and effects are not exact sciences. However, there is a substantial body of knowledge that supports the value of quality fuels treatments. There is also a strong body of evidence supporting the notion that crown fire potential is reduced by reducing canopy density and raising crown base height (c.f., <ftp:Hfire.org/pub/NEXUS>). The general consensus in the fire science community is that lower stand densities and reduced fuel volumes are necessary to maintenance of "fire safe" forests. As Agee points out (1996, pgs. 52-68 in: Proceedings 17<sup>th</sup> Forest Vegetation Management Conference, Redding, CA), "... "fire safe forests are not fire proof, but will have:

- Surface fuel conditions that limit surface fireline intensity;
- Forest stands that are comprised of fire-tolerant trees, described in terms of species, sizes, and structures;
- A low probability that crown fires will either initiate or spread through the forest."

**Finding:** The Forest has done a thorough search of the literature on the subject and has shown that there is no substantial dispute concerning the anticipated effects of the action. The Responsible Official appropriately decided to document the analysis in an environmental assessment, not in an environmental impact statement.

**ISSUE 3:** The failure to analyze the cumulative impact violates NEPA.

**Contention:** Appellant asserts: 1) the Forest Service inadequately analyzed cumulative effects related to other projects proposed by the Grand Canyon Forest Partnership; 2) the Forest Service inappropriately claims that the Coconino Forest Plan adequately addresses cumulative impacts of the proposed action; and 3) the Forest Service is legally obligated to complete the Flagstaff/Lake Mary Ecosystem Forest Plan Amendment before proceeding with the proposed action.

**Response:** The EA discloses cumulative effects on the following resources: landscape character, p. 66; vegetation, pp. 75-80, 84; wildlife, pp. 90-93, 97, 101-103, 105-106, 108-111, 119-120; soil and water, pp. 127-130; air, p. 133; recreation opportunities, pp. 136, 138, 140, 144; fire behavior, pp. 148, 151-152, 154-157; transportation system, p. 161; heritage resources, p. 163; and economics, p. 167. The EA discusses other actions considered on pages 56-58. The analysis concluded that while there is intent to investigate other parts of the Flagstaff urban interface, specific future activities are not known (EA, p. 57).

The Forest Service's statement that the Coconino Forest Plan adequately addresses cumulative impacts of the proposed action was made in Addendum #3 to the previous Fort Valley Environmental Assessment. Appellant's contention on this issue is moot since the previous EA, which included Addendum #3, was replaced with a new EA completed in July 2000. The referenced statements are not in the current EA. Further, additional cumulative effects analysis documentation has been added to the current EA.

The EA points out that another analysis is underway for the Flagstaff/Lake Mary Ecosystem, which might result in new management direction for the Flagstaff urban interface through a Forest Plan amendment. The Fort Valley Project is designed under current Forest Plan direction. Information learned from the Fort Valley will be incorporated in the Flagstaff/Lake Mary Ecosystem analysis (EA, p. 3). There is no requirement to complete the Flagstaff/Lake Mary Ecosystem analysis and Forest Plan amendment prior to the Fort Valley decision.

**Finding:** The record includes consideration of past, present, and reasonably foreseeable actions and their cumulative effects on the components of the human environment. The cumulative effects analysis is adequate for an informed decision, for the purpose of determining significance, and to determine whether an EIS is needed.

**ISSUE 4:** The public was not given key documents to review during the comment period.

**Contention:** The appellant contends “[a] key document in the analysis of this project is in the Biological Evaluation and Assessment. This document is meant to provide readers with important information on the impacts of logging, roads, prescribed fire and other proposed activities to threatened, sensitive and management indicator species. The Biological Evaluation and Assessment was not made available for public review until after the public comment period closed.”

**Response:** The biological assessment and evaluation (BAE) is a document that describes the proposed action and the effects this action would have on federally listed threatened, endangered, and proposed species and Regional Forester sensitive species. The BAE for Fort Valley was not finalized until just prior to release of the Decision Notice. Therefore, it was not available for public review until it was finalized. The EA which was circulated for public review summarized the effects of the proposed action from the BAE. Circulation of the EA for public review fully meets the requirements of 36 CFR 215.3 (proposed actions subject to notice and comments).

**Finding:** Contrary to the appellant’s contention, the Forest made available all documents required under 36 CFR 215.3.