



United States
Department of
Agriculture

Forest
Service

Coconino
National Forest,
Supervisor's Office

1824 S. Thompson Street
Flagstaff, AZ 86001-2529
Phone: (928) 527-3600
Fax: (928) 527-3620

File Code: 1570-1/2400

Date: June 28, 2004

Mr. Sam Hitt
Wild Watershed
P. O. Box 1943
Santa Fe, NM 87504

**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**
7002 3150 0000 0306 2175

RE: Appeal #04-03-04-0002-A215, Woody Ridge Forest Restoration Project, Peaks Ranger District, Coconino National Forest – Forest Guardians, et al.

Dear Mr. Hitt:

This is my review decision on the appeal filed regarding the Decision Notice (DN), Environmental Analysis (EA), and Finding of No Significant Impact (FONSI) on the above-referenced project, which provides harvesting of 8,599 acres and other activities on the Peaks Ranger District, Coconino National Forest.

BACKGROUND

District Ranger Gene Waldrip made a decision on March 23, 2004, for the Woody Ridge Forest Restoration Project. The District Ranger is identified as the Responsible Official, whose decision is subject to administrative review under 36 CFR § 215 appeal regulations.

Pursuant to 36 CFR § 215.17, an attempt was made to seek informal resolution of the appeal. The record indicates that informal resolution was not reached.

My review of this appeal has been conducted in accordance with 36 CFR § 215.18. I have 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 found that: a) the decision logic and rationale were generally clearly disclosed; b) the benefits of the proposal were identified; c) the proposal and decision are consistent with agency policy, direction, and supporting information; and d) public participation and response to comments were adequate.



Mr. Sam Hitt

2

APPEAL DECISION

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision on the Woody Ridge Forest Restoration Project.

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

Sincerely,

/s/ Joseph P. Stringer

JOSEPH P. STRINGER
Appeal Deciding Officer
Deputy Forest Supervisor

Enclosures (2)

cc: Daniel Crittenden, Constance J Smith, Gene Waldrip, Sandra Nagiller, Nancy Walls

REVIEW AND FINDINGS

of

Sam Hitt and John Horning

Appeal #04-03-04-0002-A215

ISSUE 1 The Woody Ridge Forest Restoration Project violates the National Forest Management Act (NFMA).

Contention A: The analysis relies on Management Recommendations for the Northern Goshawk (MRNG) that has been struck down by the 9th Circuit Court of Appeals.

Response: The site-specific project analysis supports the protection and maintenance of goshawk habitat within the Woody Ridge Forest Restoration Project Area (PR #126, #127). The proposed action will move goshawk habitat toward the desired conditions that will support nesting and foraging habitat across the landscape as defined by the most recent science in Reynolds, 2004 (PR #156).

The Ninth Circuit Court order of November 18, 2003, regarding the Final EIS for Amendment of Forest Plans in Arizona and New Mexico (1996) did not set aside or stay implementation of amended Forest Plans pending the issuance of a required supplemental environmental statement.

Finding: The project provides for appropriate management of goshawk habitat, and is consistent with current science regarding habitat requirements and the Coconino Land and Resource Management Plan (LRMP).

Contention B: Woody Ridge Forest Restoration Project failed to conduct surveys for the Abert squirrel as well as other Management Indicator Species (MIS). NFMA requires that quantitative population data be acquired and analyzed to determine population trends of MIS.

Response: The analysis relies on population studies and research being conducted on the forest by Dodd, et al., and others (PR #126, Forest MIS Report), which is the best available information for this species. Other MIS have been surveyed and inventoried by cooperating agencies, such as the Arizona Department of Game and Fish. The wildlife report (PR #126) provides population trends across the forest, and statewide, based on the best available information.

The selected alternative will result in reductions of Abert squirrel numbers within four of the eight treatment areas due to loss of nesting habitat. Even with reduced nesting habitat and loss of squirrel numbers, the selected alternative still meets LRMP habitat capability requirements for the Abert squirrel. By meeting LRMP habitat capability, Abert squirrel viability across the forest is maintained. This is supported by the fact that: 1) the overall distribution of squirrels does not change across the forest; 2) nesting habitat (high quality) is present on 43.9 percent of the project area; and 3) four other ongoing projects are retaining and maintaining nesting habitat across the forest (PR #137) for the Abert squirrel. For other MIS, the analysis concludes that the selected alternative will affect population trend positively for elk, antelope, and turkey; and will have no population trend change on hairy woodpeckers, northern goshawk, and pygmy nuthatch (PR #126).

Finding: Sufficient population data exists to support findings for population trend determinations for the Abert squirrel and other management indicator species. Although localized reduction of squirrel numbers will occur within the project area, the viability of all management indicator species, are maintained on a forest-wide basis as a result of implementing the selected alternative.



United States
Department of
Agriculture

Forest
Service

Cibola National Forest
and National Grasslands

Kiowa and Rita Blanca
National Grasslands
714 Main Street
Clayton, NM 88415
(505) 374-9652 FAX: 374-9664

File Code: 1570-1/2400

Date: June 21, 2004

Route To:

Subject: ARO, Appeals #04-03-04-0002&3-A215, Peaks Ranger District, Coconino National Forest

To: Coconino National Forest Supervisor, Appeal Deciding Officer

This is my recommendation on the disposition of the appeals filed in protest of Woody Ridge Forest Restoration Project Decision Notice and Finding of No Significant Impact concerning the Peaks Ranger District, Coconino National Forest.

District Ranger Gene Waldrip signed the decision on March 23, 2004. The District Ranger is herein termed as the Responsible Official. Forest Guardians/Wild Watershed (Appeal 0002) and Sierra Club/Southwest Forest Alliance/Center for Biological Diversity (Appeal 0003) filed appeals of this decision under the 36 CFR 215 appeal regulations.

Informal Disposition

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of these two appeals. The record reflects that informal resolution was not reached.

Review and Findings

My review was conducted in accordance with 36 CFR 215.19 to ensure that the analysis and decision are in compliance with applicable laws, regulations, policies, and orders. The appeal records, including the appellants' issues and requests for relief have been thoroughly reviewed. Having reviewed the Environmental Assessment (EA), decision, and the project record file, as required by 36 CFR 215.19(b), I conclude the following:

- 1) The decision describes the actions to be taken in sufficient detail that the reader can easily understand what will occur as a result of the decision.
- 2) The selected alternative should accomplish the purpose and need established. The purpose and need stated in the EA reflect consistency with direction in the Forest Plan for the Coconino National Forest.
- 3) The decision is consistent with policy, direction, and supporting evidence. The record contains documentation regarding resource conditions and the Responsible Official's decision documents are based on the record and reflect a reasonable conclusion.



- 4) The record reflects that the Responsible Official provided ample opportunity for public participation during the analysis and decision making process. The Responsible Official's efforts enabled interested publics the opportunity to comment and be involved in the site-specific proposal.

After considering the claims made by the appellants and reviewing the record, I found that the Responsible Official conducted a proper and public NEPA process that resulted in a decision that is consistent with the Coconino National Forest Plan. I found no violations of law, regulations, or Forest Service policy.

Recommendation

I recommend that the Responsible Official's decisions relating to this appeal be affirmed with respect to all of the appellants' contentions.

/s/ Nancy L. Walls
NANCY L. WALLS
District Ranger
Appeal Reviewing Officer

cc: Daniel Crittenden, Leonard Lucero, Mailroom R3, Mailroom R3 Coconino, Sandra Nagiller, Constance J Smith, Arleen D Martinez, Gene Waldrip

[Hard copy of this letter to be attached to ADO letter sent to appellants.]