



United States
Department of
Agriculture

Forest
Service

Coconino
National Forest,
Supervisor's Office

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File Code: 1570-1/2400

Date: June 28, 2004

Ms. Sharon Galbreath
Sierra Club Grand Canyon Chapter
P. O. Box 38
Flagstaff, AZ 86002

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RE: Appeal #04-03-04-0003-A215, Woody Ridge Forest Restoration Project, Peaks Ranger District, Coconino National Forest – Sierra Club Grand Canyon Chapter, et al.

Dear Ms. Galbreath:

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.



Ms. Sharon Galbreath

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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: Constance J Smith, Daniel Crittenden, Mailroom R3 Coconino, Arleen D Martinez, Gene Waldrip, Mailroom R3, Sandra Nagiller, Leonard Lucero, Roxane George, Brian Nowicki

REVIEW AND FINDINGS

of

Sharon Galbreath, Roxane George, and Brian Nowicki's

Appeal #04-03-04-0003-A215

ISSUE 1: The Woody Ridge Forest Restoration Project violates National Environmental Policy Act (NEPA).

Contention A: The Woody Ridge Forest Restoration Project fails to meet the purpose and need statement of reducing fire risk.

Response: The portion of the purpose and need that deals specifically with fire potential as stated in the EA (PR #137, p. 5) “decrease the potential for catastrophic stand-replacing wildfire,” is supported through further analysis in the EA and the Fire and Air Quality Specialist Report (PR #124). The EA demonstrates how the fuel treatments in the selected alternative meet the purpose and need of decreasing the potential for catastrophic stand-replacing wildfire by reducing hazardous fuels. The fuel treatments address fire hazard, not fire risk, where fire hazard is defined as the fire danger related to the fuels complex. The EA states on page 6 (PR #137) the “Overall fire hazard is quantified based on height to live crown, dead and down fuel, canopy closure, fuel type, stems per acre, slope and aspect. These factors combine to show fire hazard as extreme, very high, high, moderate, etc.”

The change or reduction in fire intensity is measured by treatment affects on flame length. “Flame length is a reliable indicator of fire intensity and the probability of tree mortality. Hence it can indicate how effectively the action alternative meets the other fire-related objects. Specifically, flame lengths — existing condition average 6 feet. Flame lengths — desired condition — average 4 feet or less.” (EA, PR #137, p. 7)

Indicators of fire hazard are used in the table “Comparison of Alternatives” (PR #137, p. 38) to summarize how the alternatives meet the purpose and need of reducing fire potential. The summary addresses how flame length, probability of tree mortality and probability of changing crown fire to ground fire and overall fire hazard varies among alternatives.

The change in fire hazard based on selected alternative and existing conditions is discussed on page 56 of the EA (PR #137). Crown bulk density (CBD) and crown base height (CBH), both significant factors in a fire transitioning from a surface fire to the crown (CBH) and being able to sustain movement through the crowns (CBD), are discussed in the first paragraph on page 56 (PR #137) and compared by alternative.

The Fire and Air Quality Report prepared by the District Fuels Specialist discusses existing flame length as an indicator of fire intensity and compares existing conditions and selected alternative (PR #124, p. 4). The software program Fuels Management Analyst Plus was used to predict changes in fire behavior and type of fire based on treatment application and the No Action Alternative. The model results include changes in flame length and type of fire. Available on disk in the project record (PR #124), the results show a decrease in the probability of crown fire based on post-treatments conditions under the Selected Alternative.

Finding: The Woody Ridge Forest Restoration Project's Purpose and Need is addressed through the analysis and selected alternative. The EA (PR #137) quantifies fire hazard in the project area and evaluates the change in fire intensity by alternative. A summary of how each alternative meets the purpose and need is included in the EA. The Fuels Management Analyst Plus model output shows a decrease in probability of crown fire under the selected alternative.

Contention B: The Woody Ridge Forest Restoration Project fails to provide scientific rationale or support that cutting of medium or large diameter trees is necessary to reduce fuels and decrease the risk of crown fire.

Response: The appellants contend the Forest Service is proposing to log medium and large trees, but the EA and attendant specialist reports state frequently the treatments under selected alternative are a "thin from below." Regarding the selected alternative treatments in the Fire Hazard Reduction Emphasis Area, the Silviculture Specialist Report (PR #127, p. 6) states, "Direct impacts to vegetation would consist of the removal of most of the post settlement trees less than 12" DBH and some of the post settlement trees up to 22" DBH in the Fire Risk Reduction Area. By thinning from below, competition between understory and overstory layers will be diminished." The "Addendum to Specialist Reports for Alt. C – 16 inch cap" (PR #136) states in the first paragraph of page 4: "The thin from below treatment would remove ladder fuels and reduce overall densities under both alternatives. The height to live crown, tons per acre of dead fuel, and stems per acre are similar under both action alternatives. However, canopy closure and CBD remains significantly higher under Alternative C. Both these factors make it easier for a crown fire to continue through the stands with the 16" cap". Literature shows, including Graham and others (2004), that crown bulk density is significant in crown fire progression and sustainability.

The specialist report (PR #136) continues to say that due to conditions warranted by wildlife habitat requirements in stands southwest of the Fire Hazard Reduction Emphasis Areas that allow a ground fire to progress in to the crowns, it is important that stands in the Fire Hazard Reduction Emphasis Areas are treated to decrease crown bulk density so the crown fire is not sustained.

Finding: The Woody Ridge Forest Restoration Project does provide the necessary scientific rationale to support the selected alternative.

Contention C: The Forest Service fails to address the extensive body of scientific literature suggesting that such logging can actually increase fire risk.

Response : The appellants contend the Forest Service is "logging medium and large trees," when actually it is stated most trees will be removed from the less than 12" DBH classes (PR #127, Silviculture Report, p. 6). Additionally, the appellants' use of the term "fire risk" causes confusion here. Current scientific literature suggests fuels treatments may increase "fire intensity." Graham, et al., (2004) suggest fuels treatments change stand structure and microclimate, therefore altering fire intensity. They emphasize strongly that all "fuel strata need to be managed (over time and space) to minimize the unwanted consequences of wildfires." A Forest Service Fire Ecologist reviewed this recent research during the appeal review and determined that it corroborates the environmental analysis because the treatments in the selected alternative do address the need to manage all fuel strata, treating surface fuel loading through broadcast burning and piling, and thinning canopy fuels. The Fire and Air Quality Specialist

Report (PR #124, p. 9) also recognizes the possibility of “short-term increases in wildfire hazard potential while treatments are occurring” and states it is a standard part of project administration to time thinning activities and slash treatments to minimize the hazard. It also states the activity fuel will be piled and burned on site to reduce the dead and down fuel loading.

Finding: The Forest Service does address the short-term increase in hazardous fuels and adequately mitigates the short-term increased hazard.

Contention D: The Forest Service has failed to respond to comments or provide meaningful information regarding the extent of such logging, preventing the public and the decision-maker from accurately gauging the environmental effects of the action.

Response: 36 CFR § 215.6(b) (1) requires the Responsible Official to consider all substantive written and oral comments. This requirement does not necessitate responding to each individual comment. The project record (PR #110, Analysis of Comments) as well as the Decision Notice and FONSI (PR #160, p. 6) document that the comments are considered.

The EA (PR #137, p. 53) states how many trees over 16” will be cut (20,000) and states that value averages to 1-2 trees per acres over the project area, meaning as an average some areas may have more and some less.

The document “Cap Rationale for Decision” (PR #168) provides a discussion of the objectives the cutting of trees 16” and over would help meet, including decreased insect and disease mortality by increasing tree vigor; increased natural regeneration providing for VSS classes that are severely lacking; and increasing vigor, longevity, and development of old growth yellow ponderosa pine.

The EA (PR #137) discusses the extent of thinning in Chapter 3 – Affected Environment and Environmental Consequences starting on page 40. Selected alternative effects are discussed in Chapter 3 beginning on page 55 and continuing through page 116. A comparison of alternatives is included on page 38. The EA provides examples of when trees 16”+ are to be cut, such as to achieve canopy closure objectives pertaining to fire hazard reduction and forest health and to create openings to provide for regeneration for stand diversity objectives (PR #137, EA, p. 28).

Findings D: The Responsible Official did consider all comments and has met the requirement under 36 CFR § 215.6(b) (1).

The EA does an adequate job of displaying the effects of the selected alternative for the public and Responsible Official.

Contention E: An Environmental Impact Statement (EIS) must be prepared for the project because the Forest Service failed to use the best scientific data in the 1996 EIS amending Forest Plans for Management Recommendations for the Northern Goshawk (MNRG). The Woody Ridge Forest Restoration Project has not adequately addressed the effects on the northern goshawk.

Response: Effects to the northern goshawk have been adequately addressed in the Environmental Assessment and the supporting Biological Evaluation/Assessment (PR #137, #126). The selected alternative and the goshawk effects analysis are consistent with current scientific literature, as detailed in a recent literature review conducted by Reynolds, 2004

(PR #156). The literature review concludes that goshawks are not limited to old growth forests. The project will not impact nesting goshawks within the Le Barron PFA, and provides for nesting and foraging habitat across the landscape outside the PFA. The EA and effects analysis takes into consideration old growth, breeding season restrictions, and other structural stages of habitat required by the goshawk for nesting and foraging in order to reach the determination of “May Impact, not likely to result in a trend toward federal listing.”

The Ninth Circuit 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 record provides supporting documentation that effects to the goshawk have been adequately addressed. In the absence of the Management Recommendations for the Northern Goshawk and the 1996 Forest Plan Amendment, the Woody Ridge Forest Restoration Project manages goshawk habitat toward higher VSS classes that provide future nesting habitat.

Contention F: The Woody Ridge Forest Restoration Project requires an EIS based on Context, and Intensity CFR § 1508.27 (a) (b).

Response: The Council of Environmental Quality regulations for implementing NEPA, at 40 CFR §1508.27, refer to significance such as the degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act. Northern goshawk is identified as a Region 3 sensitive species but is not listed as a threatened or endangered species.

A “May Impact, not likely to result in a trend toward federal listing” determination is reached in the Biological Evaluation/Assessment. The Woody Ridge Forest Restoration project will move goshawk habitat towards a desired VSS distribution across the landscape that will enhance nesting habitat (PR #126). Absent the 1996 Forest Plan Amendment, the project is consistent with current science regarding the habitat requirements for the goshawk, based on a recent literature review of all available goshawk research and science (PR #156). The Woody Ridge Forest Restoration Project will manage 20 percent of the project area for old growth, as well as move stands from VSS 3 toward nesting habitat (VSS 4 and 5) for the goshawk (PR #137). By managing for old growth and moving stands toward future nesting habitat, the project incorporates the scientific contention regarding old growth needs for the goshawk.

Finding: Impacts to the northern goshawk are not significant and do not rise to the level necessary to prepare an EIS. Actions in this project will not result in a trend toward federal listing.

Contention G: The Woody Ridge Forest Restoration Project lacks an adequate cumulative effects analysis.

Response: The EA (PR #137, pp. 112-126) and PR #120A list the past, present, and reasonably foreseeable future projects needed to conduct the cumulative effects analysis, including but not limited to residential/commercial development and vegetation management projects on adjacent state, county, and private lands, and fuels treatments, timber sales, grazing, roads, trails, and recreation and lands projects, facilities, and uses on National Forest System lands.

The EA summarizes and discloses the cumulative effects analysis from specialist reports (PR#124, #125, #126, #127) and, to the extent possible, quantifies those effects. The EA identifies the beneficial cumulative effects to forest vegetation, wildlife, soil, and water and shows that none of the past, present, or reasonably foreseeable future projects, when combined with the probable effects of the action alternatives, would result in significant cumulative environmental effects.

Finding: The EA cumulative effects analysis is adequate for an informed decision and for determining significance. Thus, it does not rise to level that necessitates an EIS.

Contention H: The Woody Ridge Forest Restoration Project fails to consider a reasonable range of alternatives.

Response: The selected alternative (Alternative A) was developed to address the site-specific purpose and need identified in the EA (PR #137, p. 5). Alternatives to the proposed action should meet the purpose and need and are developed to resolve significant issues identified in scoping and analysis of the proposed action (40 CFR §1501.2(c)).

The EA (PR #137, p. 13), scoping letter (PR #82), and public comments received (PR #89-99) show that the public was given a detailed description of the proposed action and the opportunity to comment. Analysis of public comments did not reveal any significant (key) issues that would drive development of alternatives to the proposed action. However, the Responsible Official directed development of Alternative C, which would limit the maximum size of trees to be cut at 16-inch dbh based on public comments.

Furthermore, three alternatives were initially identified based on public comments and subsequently eliminated from detailed study (EA, pp. 14-15). One input letter (PR #95) recommended components already included in the Proposed Action.

Finding: The Responsible Official appropriately defined the scope of analysis, conducted public scoping, identified the issues, and analyzed a reasonable range of alternatives.

ISSUE 2: The Woody Ridge Forest Restoration Project violates National Forest Management Act (NFMA).

Contention A: The Woody Ridge Forest Restoration Project fails to meet the Management Recommendations for the Northern Goshawk.

Response: The Woody Ridge Forest Restoration project does improve existing VSS distributions in the project area (PR #126). Nesting habitat for the Goshawk in VSS 4 and 5 does increase as a result of the project. VSS 6 will not see a change due to the lack of this structural stage currently within the project. Canopy cover in ponderosa pine stands outside the established PFA does retain the desired 40% canopy cover (PR #126, Table 10).

Finding: The Woody Ridge Forest Restoration project is consistent with Management Recommendations for the Northern Goshawk.

Issue 3: The Woody Ridge Forest Restoration Project violates the Administrative Procedure Act (APA).

Contention A: The Woody Ridge Forest Restoration Project is arbitrary and capricious.

Response: The project's purpose and need was to restore forest health and decrease potential for stand replacement fire (PR #137, EA, p. 5). No significant issues were identified with the proposed action (EA, p. 13). The EA analyzed effects from the proposed action and alternatives and disclosed the effects for public review. Alternative A moves acres from extreme, very high, and high fire hazard to low, moderate, and high hazard; and density is reduced in thinned areas below a risk threshold (EA, p.38). The Decision Notice (PR #160) describes the rationale for selection and balances negative effects such as soil disturbance against future benefits of wildfire risk reduction.

Finding: The Responsible Official made a reasoned and informed decision based on the analysis and has not violated the Administrative Procedures Act.



United States
Department of
Agriculture

Forest
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Cibola National Forest
and National Grasslands

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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, polices, 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.]