



United States
Department of
Agriculture

Forest
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Southwestern
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File Code: 1570-1 (FOR)

Date: April 10, 1998

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

CERTIFIED MAIL--RETURN RECEIPT
REQUESTED P 293 931 353

RE: Mint Springs Analysis Area Appeal #98-03-00-0017-A215
Coconino National Forest

Dear Mr. Talberth:

This is my review decision on the appeal you filed (#98-03-00-0017-A215) regarding the Coconino Acting Forest Supervisor's decision to implement Modified Alternative C in the Mint Springs Analysis Area on the Mormon Lake Ranger District.

On January 9, 1998, Acting Forest Supervisor Art Matthias issued a decision notice concerning the vegetative treatments and associated activities for the Mint Springs Analysis Area. The decision is subject to administrative review under the 36 CFR 215 appeal regulations.

My review of this appeal has been conducted pursuant to, and in accordance with 36 CFR 215.17. I have thoroughly reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer regarding the disposition of this appeal.

As directed in 36 CFR 215.16, the Acting Forest Supervisor contacted the appellant to discuss informal disposition of the appeal, and arranged a teleconference meeting. The record reflects that the teleconference meeting occurred and none of the appeal issues were resolved.

APPEAL ISSUES AND FINDINGS

Appellant contends that the project violates the National Forest Management Act (NFMA), Resources Planning Act (RPA), and National Environmental Policy Act (NEPA). The appellant's issues are addresses as follows:



ISSUE 1: Project Fails To Meet NFMA & RPA RE: Managing Lands For Highest Net Public Benefits.

Contention: "Economic considerations relevant to forest planning apply equally to the national forest system logging program as a whole, individual forest plans, and individual timber sales (36 CFR 219.27(b)1)." (Appeal p. 2). Appellant also alleges that "If costs cannot reasonably be assessed on an individual timber sale basis, then the Forest Service must first complete the analysis on a national, regional, or watershed scale and then assign a proportion of these costs to individual sales using established quantitative methods." (Appeal pp. 3-4).

Response: The 36 CFR 219 regulations that appellant cites are relevant to overall forest planning and not site-specific project planning. Forest plans and their accompanying environmental impact statements (EIS's) document the results of RPA and NFMA planning requirements. Decisions concerning net public benefits pursuant to RPA and NFMA were made in the programmatic, forest planning process.

NEPA regulations specify that effects to be disclosed include: "...ecological, aesthetic, historic, cultural, economic, social, or health..." (CEQ Regulations 40 CFR 1508.8). After reviewing the appeal record, I find that the Coconino National Forest completed an economic analysis for the Mint Springs Analysis Area which estimated the costs, revenues and revenue/cost ratio for the action alternatives and the no action alternative (AR 29 p. 4, AR 35, AR 63 pp. 25 & 35, AR 47 pp. 24 & 35). The Forest evaluated the economic effects of the project, thereby, complying with NEPA.

Management of forest lands for highest net public benefits was analyzed and decided upon in the preparation of the Coconino Forest Plan. The Forest Plan documents that the Mint Springs project area is suitable for timber production and has a timber production management emphasis (Coconino Forest Plan p. 117). Net public benefits were analyzed appropriately at the forest plan level, and are outside the scope of this analysis. I affirm the Acting Forest Supervisor on this issue.

ISSUE 2: Forest Service Must Complete An EIS For the National Forest System Logging Program As A Whole.

Contention: "The Mint Springs Analysis Area Timber Sale cannot proceed until the Forest Service completes an environmental impact statement on the national forest system logging program as a whole." (Appeal p. 5). Appellant asserts that "The decision to avoid preparation of a program-wide EIS violates NEPA as well because there are significant cumulative effects of the program which are hidden at the scale of an individual timber sale or forest, but visible only at the scale of an entire region, or, nationally." (Appeal pp. 5-6). Appellant also asserts that "...the effects of the national forest system logging program on private timberland management must be considered at a national scale." (Appeal p. 6).

Response: The purpose of the Mint Springs Timber Sale environmental analysis was to disclose the effects of the proposed project and to determine if the project would have significant impacts as described in 40 CFR 1508.27. Significance is evaluated in terms of context and intensity. The Responsible Official made a reasonable determination that the proposed project will not

have a significant impact based on context when he stated "This project is a site specific action that by itself does not have international, national, regionwide, or statewide importance." (AR 65 p. 4). The same official also made a reasonable determination that the proposed project will not have a significant impact based on intensity (AR 65 pp. 4-5).

NEPA regulations clarify that "Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole." (40 CFR 1508.27(a)). Mint Springs Analysis Area was comprised of 15,581 acres of the Mormon Lake Ranger District and adjacent private land located just southeast of Mormon Lake. The proposed actions include: harvesting approximately 22,347 CCF of wood over approximately 3,894 acres, treating logging slash by piling, burning or lopping, precommercial thinning over 3,894 acres as needed, broadcast burning approximately 12,000 acres, closing approximately 9.8 miles of roads, and obliterating approximately 21.3 miles of road. In this site-specific case, the effects of the project are localized in nature. Therefore, it would not be appropriate for the Acting Forest Supervisor to consider the effects of the logging program for the entire U.S. Forest Service in this site-specific action.

I find that the Mint Springs Analysis Area Environmental Assessment and decision document disclose the appropriate level of site-specific information required by CEQ regulations for NEPA. I affirm the Acting Forest Supervisor on this issue.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer (ARO) has recommended that the Acting Forest Supervisor's decision be affirmed and that your request for relief be denied. The ARO found that the decision was consistent with regional principles to support and maintain forest health, the Forest was responsive overall to public comments, and the decision logic and rationale were clearly disclosed.

APPEAL DECISION

After a detailed review of the records and the ARO recommendation, I affirm the Acting Forest Supervisor's decision to implement the Mint Springs Analysis Area project (Modified Alternative C) and deny your request for relief. My decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c)).

Sincerely,

/s/ Douglas Shaw for

GILBERT VIGIL
Appeal Deciding Officer
Acting Deputy Regional Forester, Resources

Enclosure

cc:

Coconino NF EAP
C. Gonzalez FOR