



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570-1 (FOR)

Date: December 17, 1997

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

Certified Mail - Return
Receipt Requested
P 544 215 611

RE: Pocket-Baker Ecosystem Appeal #98-03-00-0001-A215
Coconino National Forest

Dear Mr. Talberth:

I have completed a review of your appeal, dated October 14, 1997, of the Pocket-Baker Ecosystem Record of Decision (ROD). The review was conducted in accordance with 36 CFR 215.

BACKGROUND: On July 11, 1997, the Forest Supervisor made a decision to implement Alternative 6 for the Pocket-Baker Ecosystem. The project is located on the Long Valley Ranger District of the Coconino National Forest. The legal notice of the decision was published on August 27, 1997, in the Arizona Daily Sun. I received the appeal record from the Forest on October 27, 1997.

I reviewed a letter summarizing the outcome of an informal disposition meeting held on October 28, 1997, between three people from the Forest and yourself. I understand that resolution of the appeal issues was not possible during the teleconference meeting.

RECOMMENDATION OF APPEAL REVIEWING OFFICER (ARO): The Appeal Reviewing Officer has reviewed the appeal record and forwarded his recommendation to me. I have attached a copy of the ARO's recommendation. The ARO found that the Forest Supervisor's decision was supported by the appeal record, and recommended I affirm the decision.



APPEAL ISSUES: Appellant alleges that the project violates: National Forest Management Act, and National Environmental Policy Act. These issues are addressed as follows:

ISSUE 1: PROJECT FAILS TO MEET NATIONAL FOREST MANAGEMENT ACT REQUIREMENTS

ISSUE 1A: Project fails to maximize long term public benefits

CONTENTION: "In preparing the Pocket-Baker timber sale, the Coconino National Forest failed to meet the substantive requirements regarding economic analysis set forth in the NFMA. Specifically, the Forest Service failed to incorporate a wide range of external economic costs that will be passed on to public agencies, private landowners, business owners, and others adversely affected by proposed logging in the Pocket-Baker timber sale in combination with other timber sales ongoing and planned across the Coconino National Forest, region three, and the national forest system, as a whole." (Appeal pt. 1)

RESPONSE: The purpose of the National Forest Management Act (NFMA) regulations under 36 CFR 219 are to "... set forth a process for developing, adopting, and revising land and resource management plans for the National Forest System..." The appellant's statement that ".... NFMA requires management of national forest system lands in a manner that 'maximizes long term net public benefits [36 CFR 219.1(a)]'" applies to forest plan level decisions, and not project level decisions. In addition, the external economic costs that the appellant feels are necessary to analyze cannot possibly be analyzed on a project specific level. FSM 2432.22c states "Complete a financial and, if necessary, economic analysis as guided by FSH 2409.18, for timber sales expected to exceed \$100,000 in advertised value..." FSH 2409.18 Chapter 32 states "Complete a financial analysis of each timber sale project alternative at gate 2."

An economic analysis of each alternative may be completed, if needed. The information can be used to select the most efficient alternative that achieves the desired objectives and improves the financial position of the timber sale program." An economics worksheet is provided (AR #146) that discusses costs and benefits by action alternative which are then summarized on page 137 of the FEIS. The Forest Supervisor has met the requirements for an economic analysis. This point of appeal is outside the scope of this project.

ISSUE 2: THE PROJECT CANNOT PROCEED UNTIL THE FOREST SERVICE COMPLETES AND ENVIRONMENTAL IMPACT STATEMENT ON THE NATIONAL FOREST SYSTEM LOGGING PROGRAM AS A WHOLE

RESPONSE: This entire issue relates to the National Forest System as a whole and does not relate to the project level analysis. Therefore, this point of appeal is outside the scope of this project.

APPEAL DECISION: The Appeal Reviewing Officer has recommended the Forest Supervisor's decision concerning the Pocket-Baker Ecosystem Area be affirmed. After reviewing the appeal record, I find that the Forest Supervisor has complied with the National Forest Management Act and the National Environmental Policy Act. I affirm the Forest Supervisor's decision to implement Alternative 6 for the Pocket-Baker Ecosystem Area.

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:
Coconino NF
P.Jackson
C.Gonzalez
B.Harris
FOR
EAP