



File Code: 1570-1/2400

Date: September 5, 2001

Mr. Bryan Bird
Member of the Board
National Forest Protection Alliance
P.O. Box 8264
Missoula, MT 59807

Re: Appeal #01-03-00-0041-A215, Corner Mountain Fire Salvage Sale, Reserve Ranger District, Gila National Forest.

Dear Mr. Bird:

This is my review decision on the appeal you filed regarding the Decision Notice, Finding of No Significant Impact, and Environmental Assessment, which provide for salvage of wood fiber from 320 acres within the proposed Corner Mountain Fire Salvage Sale.

BACKGROUND

On June 8, 2001, Gila National Forest Supervisor Ms. Marcia Andre issued a Decision Notice on the Corner Mountain Fire Salvage Sale. 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, an attempt was made to seek informal resolution of the appeal. The record reflects that informal resolution 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 Corner Mountain Fire Salvage Sale be affirmed.



APPEAL DECISION

After a detailed review of the records and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision on the Corner Mountain Fire Salvage Sale.

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

Enclosure

cc:
Forest Supervisor, Gila National Forest
District Ranger, Reserve Ranger District
Appeals & Litigation Staff, R3
FFH, R3

REVIEW AND FINDINGS

of the

National Forest Protection Alliance,
Forest Conservation Council

Appeal #01-03-00-0041-A215

regarding

The Corner Mountain Fire Salvage Timber Sale

ISSUE 1: Socio-Economic Analysis – The Forest Service’s decision to implement the Corner Mountain Fire Salvage Timber Sale (TS) is the end result of inter-related planning decisions and analyses made at the national, forest, and project level, 36 CFR 219.4. The economic analysis fails to assign any economic value to existing uses of the area and fails to consider the externalized economic costs of logging. Failure to incorporate all natural resource benefits into timber sale planning decisions at the National Forest level and site-specific level is a violation of various Acts, and Forest Service Manual and Handbook requirements. Forest Service Manual and Handbook requirements include the Forest Service’s Economic and Social Analysis Handbook, Timber Sale Preparation Handbook, and the Forest Service Manual.

Contention 1a: The appellant alleges, "...the Forest Service has failed to complete an economic analysis of the Corner Mountain Fire Salvage TS project that provides the public with a full and fair accounting of net economic benefits."

Response: There is a requirement for programmatic social and economic analysis driven by 36 CFR 219 that was met when Forest Plans were adopted for implementation. Projects such as the Corner Mountain Fire Salvage TS are developed to be consistent with the direction described in the Forest Plan. Project-level requirements for social and economic analyses are described in Forest Service Manual (FSM) 1970 and Forest Service Handbook (FSH) 1909.17. However, FSM 1970.3(6) states, "Select cost effective methods of conducting economic and social impact analyses to ensure that the degree of analysis is commensurate with the scope and complexity of the proposed action." Obviously, not every project requires the same level of analysis. FSM 1970.6 adds, "The responsible line officer determines the scope, appropriate level, and complexity of economic and social analysis needed." An Environmental Assessment (EA) should briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a finding of no significant impact (40 CFR §1508.9). Economic effects are not intended by themselves to require preparation of an EIS (40 CFR §1508.14).

The purpose of the economic analysis in an EA is to assist in decision-making. The Forest has prepared an economic analysis that is included in the project record (PR). The economic analysis (PR 19) displays estimated costs and returns of the alternatives for the decision maker.

A summary of this analysis is displayed on pages 40-41 of the EA. Also see PR 10 - *Social Impact Analysis for the Corner Mountain Analysis*.

Finding: The economic analysis is consistent with regulation and manual and handbook direction for project-level analysis and is not in violation of applicable laws, regulation, or policy.

Contention 1b: The Corner Mountain Fire Salvage TS violates the Global Climate Change Prevention Act. The adverse ecological and economic effects of increases in atmospheric carbon caused by National Forest Timber Sales was not disclosed in the decision-making by the Forest Service, when the Corner Mountain Fire Salvage TS was prepared and authorized.

Response: The ecological and economic effects of atmospheric carbon caused by National Forest Timber Sales are outside the scope of analysis for this project.

Finding: The economic analysis is consistent with law, regulation, FSM and FSH direction, and there is no violation of the Global Climate Change Prevention Act.

Contention 1c: The appellant alleges that, due to all the other cited appeal points, the decision is arbitrary and capricious and violates the Administrative Procedures Act (APA).

Response: Reference is made to all the other responses and findings in this administrative review. For reasons stated in response to the appellant's contentions, the environmental analysis, documentation, and decision are complete.

Finding: The Responsible Official has conducted and documented a reasoned analysis of the Corner Mountain Salvage TS and disclosed the effects in the public arena. The Corner Mountain Salvage TS decision is in compliance with the APA.

ISSUE 2: The Corner Mountain Fire Salvage TS violates the National Environmental Policy Act.

Contention 2a: The appellant asserts the Forest Service has failed to meet its obligations to take a "hard look" at the scientific assumptions and environmental consequences of the Corner Mountain Fire Salvage TS proposed actions.

Response: The appellant's assertion does not suggest any specific environmental effects disclosure that is lacking. The EA discloses effects on soil, air, water, wildlife, and vegetation. It also includes social and economic effects and effects related to the significant issues. The effects disclosure is sufficient to reach a finding of no significant impact and to make a reasoned and informed decision.

Finding: The EA adequately discloses the environmental impacts of the proposed action and alternatives, consistent with policy, regulation, and law.

Contention 2b: The Corner Mountain Fire Salvage TS violates the Forest Service policy by not having a no-harvest, restorative-only alternative.

Response: Forest Service Manual 2432.22(c) states:

“Where timber harvest is proposed primarily for the purpose of achieving forest stewardship purposes (FSH 2409.18, sec. 26), a full range of alternatives, including practical and feasible non-harvest options, must be analyzed in the environmental analysis process. It is not necessary to include harvest or non-harvest options that are not practical or feasible...”

Forest Service Handbook 2409.18 Sec. 26.1(2) addresses stewardship purposes as follows:

“Use this description to identify timber harvest that is not for personal use or timber commodity purposes but is designed primarily to achieve forest stewardship objectives that require vegetation management as outlined in forest plans. If the Forest had no timber program or if there was no demand for the timber being harvested, these vegetation management projects should be accomplished through other means, such as controlled burning. Timber harvest must be the most financially efficient way of achieving the necessary vegetation management; that is, it produces the least net cost when both current costs and revenues are considered.”

The Corner Mountain Salvage is not designed primarily to achieve forest stewardship objectives that require vegetation management, as outlined in forest plans. Given the environmental assessment’s purpose and need, - to provide wood products to local communities - a non-harvest option is not practical.

Finding: The Responsible Official is not required to analyze a non-harvest alternative for the Corner Mountain Salvage.

Contention 2c: The appellant asserts that analysis of effects on wildfire behavior “is wholly inaccurate and does not disclose the potentially significant extent and nature of effects on wildfire behavior.”

Response: The decision and analysis of effects is in response to a wildfire, the BS Canyon Fire, ignited on September 28, 1998. It does not propose or contemplate wildfire at any greater frequency than similar forested stands within the Gila National Forest. The action includes the projected removal of over 54,000 wood stems that constitute fuels. Additionally, the Environmental Assessment (PR 55), page I-6, references cutting, lopping and scattering of non-merchantable trees, lopping and scattering of harvest slash to provide “ground protection.” These operations are standard methods to lower the fuels level and allow for re-incorporation of wood and wood decomposition products into the soil of the project area.

The Forest Aviation and Fire Management Officer, who made a fuels assessment as a result of the action (PR 22), stated; “Therefore, ground fuel creation from the removal of standing burnt

trees will be minimal. In the areas where the proposed harvest of burnt trees is planned, increase to fuel loading is not expected but rather reduced from the tree harvest activity.”

Finding: The Responsible Official and interdisciplinary team reviewed comments and identified significant issues as defined under 40 CFR 1501.7 (a)(3). (PR 55, page II-10). Of the five significant issues, “potentially significant extent and nature of effects on wildfire behavior” does not satisfy the criteria for significant issues.

ISSUE 3: Viability

Contention: The appellant alleges the proposed action “...will jeopardize the viability of species that thrive in intact forests or naturally disturbed forests and require standing and down wood and other structural attributes, intervene in natural disturbance processes that are vital to ecosystem sustainability, and degrade water quality and watershed condition. Effects on terrestrial species such as the Mexican spotted owl, flammulated owl, and northern goshawk are significant.”

Response: The BS Canyon Fire converted over 2,500 acres of suitable flammulated owl habitat, potentially suitable Northern goshawk habitat, and Mexican spotted owl restricted habitat, into habitat that no longer provides the characteristics used for nesting and roosting by these species. At best, these habitats now provide only marginal foraging habitat that would likely only be used when adjacent to habitat still providing the structural attributes of an intact forest (PR 44, 45, 46, 49, 55, 95). The proposed action would have an insignificant or discountable affect on these species, since only 5 percent of the burned area would receive treatment (PR 49).

The main species that would likely utilize the existing naturally disturbed forest would be ones requiring open grass/shrub habitats (mule deer, elk, etc.) and primary and secondary cavity-nesting species that do not require forested habitats (some woodpeckers, common flicker, etc.).

Finding: The record clearly shows the effects the proposed action would have on terrestrial species such as the Mexican spotted owl, flammulated owl, and Northern goshawk are not significant.

ISSUE 4: 1996 LRMP Amendments

Contention: The appellant alleges that the Corner Mountain Fire Salvage TS is in violation of the requirements of the 6/5/96 Record of Decision (ROD) which amended forest plans to adopt new standards and guidelines related to management of the Mexican spotted owl, Northern goshawk, riparian areas, old growth. Specifically, the appellant maintains that, “the Reserve Ranger District should have completed the Ecosystem Management Area (EMA) wide, old growth, [analysis?], before planning was undertaken on the Corner Mountain Fire Salvage TS to prevent the loss of potential old growth reserves” and “until the 20% allocation in the EMA is completed and quantitative methods used to determine the adequacy of such allocation, the timber sale cannot proceed.”

Response: Under old-growth standards on page 95 of the ROD, it states, "...until the forest plan is revised, allocate no less than 20 percent of each forested ecosystem management area to old growth." There is no requirement that this must all be allocated at one time or that the allocation is made prior to any activity within the EMA. As long as no action is taken that would preclude allocating 20 percent of an EMA to old growth, individual projects may proceed. It is the intent of this portion of the ROD that no existing old growth would be treated in any way that would cause it to no longer meet the standards for old growth, unless an EMA-wide assessment is made that shows that there is an excess of old growth above the amount needed to insure sustainability of the ecosystem (assumed to be at least 20 percent in this case). No existing old growth will be treated in the Corner Mountain Fire Salvage TS (PR 21; 22; 24; 28; 51).

Finding: The Forest exceeds the minimum requirements of the ROD and is, therefore, consistent with Forest Plan standards and guidelines.

ISSUE 5: The Corner Mountain Fire Salvage EA cumulative effects analysis is inadequate.

Contention: The appellant alleges the cumulative effects discussions in the EA and project record are devoid of the required analysis in most cases and that there are no cumulative effects analyses for many of the impacts sections, other than vegetation in the Corner Mountain Fire Salvage TS EA. The appellant believes the discussions are too brief and should be quantified.

Response: The appellant's assertion does not suggest any specific environmental effects disclosure that is lacking. The EA Project Record (PR 55) discloses direct, indirect, and cumulative effects on soil, air, water, wildlife, and vegetation. It also includes social and economic effects and effects related to the significant issues. The effects disclosure is sufficient to reach a finding of no significant impact and to make a reasoned and informed decision. Other pertinent documents include: PR 22, Fuels Assessment; PR 20, Wildlife Assessment; PR 21, Biological Assessment; PR 19, Economic Efficiency Analysis; and PR 1, Burned Area Report. All were used in preparation of the EA.

Finding: The EA adequately discloses the direct, indirect, and cumulative environmental impacts of the proposed action and alternatives consistent with policy, regulation, and law.

ISSUE 6: Gila LRMP expires in October 2001, and the Gila LRMP Final Environmental Impact Statement (FEIS) is outdated.

Contention: The Corner Mountain Fire Salvage TS must be suspended until the Gila National Forest revises its LRMP

Response: The LRMP will remain in effect until it is revised, consistent with the requirements of the NFMA. The Gila Forest Plan is not out-of-date. The Plan has been kept up-to-date through a series of amendments and environmental documentation.

Finding: The current plan is in effect until the revision process is completed. There are no requirements to suspend activities until the process is completed.

ISSUE 7: Conservation of Forests

Contention: The appellant alleges, “...by contributing to a vast global waste of wood products the Forest Service has failed to meet substantive obligations to conserve forests and promote use of recycled materials.”

Response: The objectives of the Corner Mountain Fire Salvage TS are to harvest 230,000 board feet of sawtimber from 150 acres within the 700-acre Corner Mountain Fire Salvage Analysis Area. The sawtimber would fulfill, in part, sawtimber volume in the Gila National Forest Plan for small operators. Other treatments would include group selection cuts, thinning from below between groups, precommercial thinning, mistletoe thinning, and prescribed burning. Another objective is to minimize erosion and sediment by providing road maintenance and improvements to erosion control structures on existing roads. By not proceeding with the sale, the Forest Service would be contributing to a waste of wood and/or products.

Finding: The Corner Mountain Fire Salvage TS does not forgo conservation of wood products or the use of recycled material.