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File Code: 1570-1/2400  
Date: March 18, 2003

Brian Segee  
Center for Biological Diversity  
P.O. Box 710  
Tucson, AZ 85702-0710

**CERTIFIED MAIL -  
RETURN RECEIPT REQUESTED**

RE: Appeal #03-03-00-0018-A215, Hidden Salvage Analysis Area, North Kaibab Ranger District, Kaibab National Forest

Dear Mr. Segee:

This is my review decision on the appeal you filed regarding the Decision Notice (DN), Environmental Analysis (EA), and Finding of No Significant Impact (FONSI) on the project noted above, which provides for salvage logging on 336 acres.

### **BACKGROUND**

On December 18, 2002, Ranger Jill Leonard issued a decision for the Hidden Salvage Analysis Area, North Kaibab RD, Kaibab NF. The Ranger is identified as the Responsible Official, whose decision is subject to administrative review under 36 CFR 215 appeal regulations. Pursuant to 36 CFR 215.16, 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 215.17. 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 concluded that: 1) decision logic and rationale were clearly disclosed; 2) the benefits of the proposal were identified; 3) public participation and response to comments were adequate; and 4) the project is in compliance with NEPA and other applicable federal laws and regulations.

The Appeal Reviewing Officer recommended that the Responsible Official's decision on the Hidden Salvage Analysis Area, North Kaibab Ranger District, Kaibab National Forest, 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 Hidden Salvage Analysis Area, North Kaibab Ranger District, Kaibab National Forest.

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

Sincerely,

/s/ Abel M. Camarena  
ABEL M. CAMARENA  
Appeal Deciding Officer,  
Deputy Regional Forester

Enclosures (2)

cc: Mailroom R3 Kaibab, Keith A Menasco, Daniel Crittenden, James L Dick, Christina Gonzalez

## **REVIEW AND FINDINGS**

**of the**

**Center for Biological Diversity's**

**Appeal #03-03-00-0018-A215**

**Hidden Salvage Analysis Area Project, Kaibab National Forest**

### **ISSUE 1: Hidden Salvage Analysis Area EA Fails to Meet the Management Requirements of the Grand Canyon Game Preserve.**

**Contention:** The proposed logging is inconsistent with the mandate established by the creation of the preserve.

**Response:** The Grand Canyon Game Preserve is discussed in the Wildlife Specialist's Report (PR # 29) and in the EA, p. 26 (PR # 41). Since the Preserve was designated for game animal, in particular mule deer, the analysis concludes that the proposed action will improve mule deer habitat by increasing hiding cover and reducing disturbance from associated road closures.

**Finding:** The proposed logging is consistent with the mandate established by the creation of the Grand Canyon Game Preserve.

### **ISSUE 2: Hidden Salvage Analysis Area EA Violates NFMA**

**Contention:** The analysis of management indicator species (MIS) fails to meet the requirements of the Kaibab Forest Plan and the National Forest Management Act, specifically the Kaibab squirrel and the pygmy nuthatch.

**Response:** A thorough discussion on MIS population and habitat trends for the Kaibab National Forest is in the Process Record (PR #40), including the pygmy nuthatch and Kaibab (aka: tassel-eared) squirrel. Further discussion is included in the EA (pp. 38-53, PR # 41).

**Finding:** The requirements of NFMA and the Kaibab Forest Plan have been met by their treatment and discussion of MIS in association with the proposed action.

### **ISSUE 3: Hidden Salvage Analysis Area EA Violates NEPA**

**Contention:** The Forest Service has failed to take a hard look at the environmental consequences of the Hidden Salvage Analysis Area.

**Response:** A “hard look” was taken in this environmental analysis. Alternatives were developed in response to public issues (restoration- Alternative 3) and internal issues (improving wildlife habitat - Alternative 4). Effects on areas within the Grand Canyon Game Preserve and the Natural National Landmark area for Kaibab squirrel were disclosed. Effects on other resources and economic effects of the four alternatives were analyzed and disclosed. These included such resources as scenery, vegetation survival and tree mortality, MIS trends, sensitive species, large trees, goshawk habitat, migratory bird species, fuels, air, soils, watershed, and social resources. The larger Jacob-Ryan proposed planning treatment area was referenced in the cumulative effects section for reasonably foreseeable future projects and effects were projected. The EA and Response to Comments appendix answered questions about application of the Beschta Report findings to this area. Rationale for selection and rationale for the finding of no significant effect was descriptive, referenced pertinent documents, and followed a train of logic from the original purpose and need stated for the action.

**Finding:** This Decision Notice/FONSI, EA, and related analysis documents followed the guidelines put forth under the Council of Environmental Quality regulations for NEPA.

**ISSUE 4: The Hidden Salvage Analysis Area timber sales violate the Administrative Procedure Act (APA).**

**Contention:** Because of and due to the first three issues, the project is arbitrary and capricious.

**Response:** The Hidden Salvage Analysis Area timber sale meets the requirements of the guidelines put forth under the Council of Environmental Quality regulations for NEPA. It follows requirements of NFMA and is consistent with the mandate established by the creation of the Grand Canyon Game Preserve.

**Finding:** The Hidden Salvage Analysis Area timber sales do not violate the Administrative Procedure Act.