



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570-1

Date: September 13, 1999

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

Certified Mail-Return Receipt Requested
Z 056 822 056

Re: Appeal #99-03-00-0086-A215, Irishman Vegetative Treatment Project, Williams Ranger District, Kaibab National Forest.

Dear Mr. Segee:

This is my review decision concerning the appeal you filed on behalf of the Center for Biological Diversity, regarding the Decision Notice and Finding Of No Significant Impact which authorize implementation of the Irishman Vegetative Treatment Project.

BACKGROUND

District Ranger Skalski issued a decision on June 8, 1999, for the Irishman Vegetative Treatment Project. The decision resulted in the selection of the following alternative and authorization: Irishman Vegetative Treatment Project, Alternative 4, which authorizes savannah restoration on 832 acres, treatment of 904 acres of juniper woodland stands, 230 acres of stream channel stabilization and construction/reconstruction of 13 water developments within the project area.

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 215.16, an attempt was made to seek informal resolution of your appeal. The record indicates that informal resolution was not reached.

My review of this appeal has been conducted in accordance with 36 CFR 215.7. I have thoroughly reviewed the appeal record and the recommendation 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 be affirmed and that your request for relief be denied. The evaluation concluded: (a) decision logic and rationale were generally clearly disclosed; (b) the benefits of the proposal were identified; (c) the proposal and decision were consistent with agency policy, direction and supporting information; (d) public participation and response to comments were adequate; and (e) all of the major issues raised by the appellant were adequately addressed in the project record.



APPEAL DECISION

After a detailed review of the records and the Appeal Reviewing Officer's recommendations, I affirm the Responsible Official's decision concerning the Irishman Vegetative Treatment Project, which authorizes savannah restoration, juniper treatment, stream channel stabilization and water development on 1966 acres of the Williams Ranger District.

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

Sincerely,

/s/ James T. Galden
JAMES T. GLADEN
Appeal Deciding Officer
Deputy Regional Forester, Resources

Enclosure

cc:
Forest Supervisor, Kaibab NF
District Ranger, Williams RD
Director of Rangeland Management, R3
Appeals and Litigation Staff, R3

REVIEW AND FINDINGS**of the****Center for Biological Diversity Appeal #99-03-00-0086-A215****regarding the****Irishman Vegetative Treatment Project**

ISSUE 1: The Irishman EA failed to consider the indirect effects of the proposed juniper logging and range infrastructure projects.

Contention: Appellant contends that the Forest Service's main intent of the Irishman project is to increase grazing capacity and authorize increased numbers of cattle. The appellant concludes this will have environmental effects on soils, wildlife, water quality, etc. which must be analyzed under NEPA.

Response: Contrary to the appellant's assertions, the record clearly documents that the purpose of the Irishman project is to implement Forest Plan direction by moving toward a healthier, more biologically diverse ecosystem (Doc 66). Interruption of the fire cycle is cited as the primary reason that plant species and structural diversity, have declined. Key objectives of the project include; improving watershed condition through controlling gully erosion, maintaining a grass-forb component that contributes towards improvement of the soil, enhancing, winter deer browse, and improving water distribution and availability for both wildlife and livestock. The preferred alternative includes the use of prescribed fire and fuelwood sales to create a mosaic of vegetative patterns which will promote diversity within the ecosystem (Doc. 66; 67).

The environmental effects are documented in the EA and in various reports by resource specialists (Docs. 47-53; 66). Environmental effects, including cumulative effects, are disclosed for all affected resources including soil, water, vegetation and wildlife. Mitigation measures, including Best Management Practices, were incorporated in the analysis to ensure the effects would not exceed the threshold of significance (Doc. 66).

The appellant's contention that increasing the numbers of permitted livestock is the driving force behind the project is unsupported. The EA documents that recovery of herbaceous vegetation will be a slow process. Significant changes in herbaceous vegetation are not expected before 10 years with an estimated 15 - 35 percent increase over a 40 year period. The EA describes the long term benefits for wildlife in terms of; increased edge effect and mosaic vegetative patterns, improved browse conditions, and increased occurrence of cool season grasses and perennial forbs. Literature citations indicate 35 - 83 species of birds and 23 - 38 species of mammals could be expected to occupy the area under ideal plant species and structural diversity. Water development is expected to; reduce competition between wildlife and livestock, improve wildlife distribution, and provide resting and foraging areas for migratory birds (Doc. 66).

Finding: The Responsible Official clearly articulated the purpose and need for the Irishman project and conducted an adequate effects analysis within the scope of the proposed project.

ISSUE 2: The Irishman project violates the Administrative Procedure Act (APA).

Contention: The appellant asserts, "Due to the above described violations of NEPA, the Irishman project is clearly in violation of the APA".

Response: The record indicates that the EA displays the effects of implementing the proposed action and alternatives. The Responsible Official's decision rationale reflects consideration of the effects as disclosed in the EA (Doc. 67).

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