

File Code: 1570-1

Date: February 4, 2000

Prescott National Forest Friends
c/o Jim Powers
P.O. Box 10642
Prescott, AZ 86304

Certified Mail-Return Receipt Requested
P 556 954 729

Re: Appeal #00-03-00-0011-A215, Long Gulch Allotment, Verde Ranger District, Prescott National Forest

Dear Mr. Powers:

This is my review decision concerning the appeal you filed on behalf of Prescott National Forest Friends, regarding the Decision Notice and Finding Of No Significant Impact which authorize grazing and implement the grazing management strategy on the Long Gulch Allotment. This decision consolidates two additional appeals filed by Forest Guardians on December 3, 1999, and by Ms. Leslie Glustrom on December 18, 1999.

BACKGROUND

District Ranger Bonomo issued a decision on November 2, 1999, for the Long Gulch Allotment. The decision resulted in the selection of the following alternative and authorization: Long Gulch Allotment, Alternative A, which authorizes 200 head of cattle to graze yearlong with variable numbers.

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 the three appeals. The record indicates that informal resolution was not reached.

My review of these appeals has been conducted in accordance with 36 CFR 215.17. 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 and Technical Review Team concluded that the project record did not support the analysis as presented in the environmental assessment (EA) and that many of the procedural requirements of NEPA were not met. After reviewing these conclusions, I suspended further review of other issues in these appeals. Based upon these deficiencies the Appeal Reviewing Officer recommended that the decision to issue a new ten year term grazing

permit be reversed until the Responsible Official prepares a new EA, including the opportunity for public comment in accordance with 36 CFR 215.5, and issues a new decision.

In the appeal filed by Mr. Jim Powers, he posed many procedural questions of the Appeal Reviewing Officer which, although interesting, are outside the scope of this administrative review and therefore, will not be addressed in this decision. This review is confined to the issues raised by the appellants regarding the Long Gulch decision. If Mr. Powers wishes to pursue these general procedural questions outside the administrative review process I recommend he contact Patrick L. Jackson of my staff at (505) 842-3305.

APPEAL DECISION

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I am reversing the decision to issue a new ten year term grazing permit for the Long Gulch Allotment with the following instructions:

1. Within the next year prepare a new NEPA analysis and issue a new decision. The opportunity for public comment on the EA and appeal of a new decision must be provided for (36 CFR 215). The new analysis needs to:
 - a. Develop a clear purpose and need statement.
 - b. Develop a clear set of issues reflective of the conditions on the allotment.
 - c. Ensure the range of alternatives meet the stated purpose and need, and address one or more issues.
 - d. Evaluate and disclose environmental effects and address significance under NEPA.
2. Clarify in the record the geographical scope of the analysis.

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, Resources

cc:
Forest Supervisor, Prescott NF
District Ranger, Verde RD
Director of Rangeland Management, R3
Appeals and Litigation Staff, R3
Ms. Leslie Glustrom
Forest Guardians

CONSOLIDATED
REVIEW AND FINDINGS

of

Forest Guardians' Appeal #00-03-00-0011-A215
Leslie Glustrom's Appeal #00-03-00-0012-A215
Prescott National Forest Friends' Appeal #00-03-00-0013-A215

of the

Box Bar Ranch Coordinated Ranch Plan Project (Long Gulch Allotment)
Verde Ranger District, Prescott National Forest

BACKGROUND: Because of considerable issue overlap, the three appeals were consolidated for review purposes. NEPA issues common to all appeals were combined and have been addressed with a single response.

ISSUE: The Decision Notice (DN) and Finding of No Significant Impact (FONSI) for this project violate the National Environmental Policy Act (NEPA).

Contention: Appellants contend that the Forest Service failed to meet many procedural obligations under NEPA, specifically in the areas of issue identification, range of alternatives, environmental impacts analysis for soil, water and wildlife, cumulative impacts on soil, water and vegetation, economic analysis, and addressing public comments. In addition, appellants contend that the information in the project record does not support the conclusions made in the Decision Notice and FONSI.

Response: The National Environmental Policy Act sets forth a progressive and logical process to insure proper analysis and disclosure of effects. The process is initiated with a proposed action that includes a clear description of the purpose and need for that action. Issues related to the action are then identified, clarified and organized. Significant issues may be used for alternative formulation, tracking effects, and/or developing mitigation measures or monitoring plans. After alternatives are developed, environmental effects are measured, described and interpreted. After providing for public comments, the decision maker reviews the information collected in the environmental analysis and makes a decision relative to the proposed action. The environmental assessment (EA) is a summary report that documents the results and conclusion of the key process steps described above. The project record should contain all the relevant background and supporting information to document the NEPA process for the project.

The first steps in the NEPA process are critical since they lay the groundwork for the rest of the process. For the Box Bar Ranch/ Long Gulch Allotment project, the proposed action/purpose and need is not well defined and poorly connected with subsequent portions of the analysis. The stated geographic scope of the analysis (Forest Service, BLM, State & private) is not consistently maintained throughout the analysis.

The project record contains information that suggests water quality, soil condition, livestock distribution and wildlife forage availability in drought years are issues related to this action, yet the EA identifies only one significant issue. The majority of the issues section inappropriately identifies management goals to be tracked in lieu of issues during the rest of the process. This mixing of goals and issues leads to a poor foundation for the rest of the NEPA process and may have unduly limited the formulation of reasonable alternatives.

The environmental effects section was also designed to respond only to the project goals. As a result, the analysis lacked the required environmental effects discussions for the soil, water and air portions of the environment. The effects discussed for wildlife did not include all the appropriate management indicator species. In addition, the cumulative impact analysis was not adequate as it only addressed effects on wildlife habitat and species diversity.

Finally, many inconsistencies were found between the summary information in the environmental assessment and information contained in the project record. The project record was missing critical background information such as specialist's reports and condition assessments.

Finding: Upon review of the project record, it is apparent that many of the procedural requirements of NEPA were not met. The record contains insufficient environmental analysis upon which to make an informed decision.