



United States  
Department of  
Agriculture

Forest  
Service

Southwestern  
Region

517 Gold Avenue, SW  
Albuquerque, NM 87102-0084  
FAX (505) 842-3800  
V/TTY (505) 842-3292

**File Code:** 1570-1 (FOR)

**Date:** October 8, 1998

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RE: Prescott Basin Vegetation Management Project Appeal #98-03-00-0053-A215  
Prescott National Forest

Dear Mr. Talberth:

I have completed a review of your August 21, 1998, appeal of the Prescott Basin Vegetation Management Project Decision Notice. The review was conducted in accordance with 36 CFR 215.

**BACKGROUND:** On July 6, 1998 the District Ranger issued a Decision Notice approving the implementation of the proposed Prescott Basin Vegetation Management Project. The project is located on the Bradshaw Ranger District of the Prescott National Forest. The legal notice of this decision was published in the Prescott Daily Courier on July 10, 1998 . I received your appeal on August 24, 1998. I received the appeal record from the Forest on September 4, 1998 .

Records indicate that on August 31, 1998, you were contacted by District Ranger Ernest Del Rio to discuss resolution of your appeal issues. It is noted that you rejected this offer stating your preference that the formal appeal process be carried out.

**APPEAL ISSUES:** Appellant alleges that the project fails to follow Forest Service guidance for economic and social analysis, violates legal requirements of the National Forest Management Act (NFMA) and its implementing regulations, the Forest and Rangeland Renewable Resources Planning Act (RPA), and the National Environmental Policy Act (NEPA) and its implementing regulations. These issues are addressed herein.



Issue I: Prescott Project EA Fails To Follow Forest Service Manual and Forest Service Handbook Guidance For Economic and Social Analysis

Contention: The appellant contends the analysis is facially inadequate, as the Forest Service has limited the economic analysis to a financial efficiency analysis. The appellant further contends that such analysis must include evaluation of economic efficiency, an economic impact analysis, and a social impact analysis.

Response: The terms financial efficiency analysis and economic efficiency analysis are clearly defined in Forest Service Handbook (FSH) 2409.18, sec 13, as amended on April 28, 1995. This direction also states that an economic efficiency analysis is not required, but may be useful and appropriate in some cases. Scoping is the procedure for determining the depth and focus of environmental analysis necessary for making an informed decision (FSH 1909.15, sec 05, and FSH 1909.17, sec 31). Economic analysis was not a key issue raised during the scoping of this project. Upon review of the environmental assessment and appeal record for the Prescott Basin Vegetation Management Project, I find nothing in the record that would indicate additional economic analysis is needed, as the appellant requests.

Appellants allege that an economic impact and social impact analyses were not, and must be, completed for the project. Once again the relevance of both analyses is determined during scoping (FSM 1972, 1973.03, FSH 1909.15, sec 05, and FSH 1909.17, sec 31) as ruled by 40 CFR 1501 and 1502.9. As stated in FSM 1970.6, "The responsible line officer determines the scope, appropriate level and complexity of economic and social analysis needed." No key issues included concerns relevant to social impacts, and therefore no impact analysis was necessary. As directed by FSM 1973.03, "initiate social impact analysis if the potential effects of Forest Service policies or actions are important in the decision. This determination is made by the responsible official early in scoping (FSH 1909.15, ch. 10)."

Upon thorough review of appeal record, environmental assessment and Forest Service directives (FSM 1970, FSH 1909.17, and FSH 2409.18, chapters 10 and 30), I find that the analysis performed in the Prescott Basin Vegetation Management Project EA is adequate and appropriate for the issues raised in association with this decision. Also see discussion of "net public benefit" under contention #2.

I affirm the District Ranger on this issue.

Issue 2: Project Fails To Meet NFMA And RPA RE: Managing Lands For Highest Net Public Benefits.

Contention: "Economic considerations relevant to forest planning apply equally to the national forest system logging program as a whole, individual forest plans, and individual timber areas (36 CFR 219.27(b)1)." (Appeal p. 4). Appellant also alleges that "If costs cannot be reasonably assessed on an individual timber sale basis, then the Forest Service must first complete the analysis on a national, regional, or watershed scale and then assign a proportion of these costs to individual areas using established quantitative methods." (Appeal p. 6). In addition, the appellant states that the project fails to discuss the "market and non-market benefits of unlogged forests in the Prescott Basin Vegetation Management area," (Appeal p. 6) and thus cannot meet

the intent of NFMA to assess value to all "forest resources and functions that have a market value (35 CFR 219.12(e)1ii,iii)." (Appeal p. 7).

Response: The 36 CFR 219 regulations that appellant cites are relevant to overall forest planning and not site-specific project planning. The appellant has also referenced RPA section 1605, but no reference to "net social and economic contribution to the Nation's well being" are found in that section. The agency recognizes that many values associated with natural resource management are best addressed in a qualitative manner.

The NFMA regulations define net public benefits as:

"An expression used to signify the overall long-term value to the nation of all outputs and positive effects (benefits) less all associated inputs and negative effects (costs) whether they can be quantitatively valued or not. Net public benefits are measured by both quantitative and qualitative criteria rather than a single measure or index." (36 CFR 219.3).

While applying the notion of "net public benefits" as stated in NFMA may be used by decision makers when establishing or revising a Forest Plan, nowhere does NFMA require such a decision rule for projects.

The appellant's reference to OMB Circular A-94 is the only non-agency reference that provides some general guidance for conducting benefit-cost and cost-effectiveness analyses. The appellant references the TSPIRS Economic Account instruction and to the Department of Interior's NRDA procedures. None of these programmatic or non-USDA procedures are binding or relevant to the individual timber sale analysis under appeal.

The Forest discussed qualitative considerations relevant to the environmental consequences of the alternatives considered within the Prescott Basin Vegetation Management document. Net public benefits were analyzed at the Forest Plan level, and are outside the scope of this analysis. I affirm the District Ranger on this issue.

Issue 3: Forest Service Must Complete An EIS For The National Forest System Logging Program As A Whole.

Contention: "In the absence of the national level EIS, the Forest Service must suspend implementation of individual timber areas, including the Prescott Basin Vegetation Management Project, to prevent the commitment of 'resources prejudicing selection of alternatives' for managing the national forest system logging program, including an alternative that considers no program at all (40 CFR 1502.2 (f))." (Appeal p. 9). Appellant asserts that "The decision to avoid preparation of a program-wide EIS violates NEPA as well because there are significant cumulative effects of the program which are hidden at the scale of an individual timber sale or forest, but visible only at the scale of an entire region, or nationally." (Appeal p. 9). Appellant also asserts that "...the effects of the national forest logging program on private timberland management must be considered at a national scale." (Appeal p. 9).

Response: The purpose of the Prescott Basin Vegetation Management environmental analysis was to disclose the effects of the proposed project and to determine if the project would have significant impacts as described in 40 CFR 1508.27. Significance is evaluated in terms of

context and intensity. The Responsible Official made a reasonable determination that the proposed project will not have a significant impact based on context and intensity (AR 67).

NEPA regulations clarify that "Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole." (40 CFR 1508.27(a)). Overall proposed actions in Prescott Basin Vegetation Management Project include: harvesting sawtimber and pulpwood through a series of silvicultural treatments over approximately 3,995 acres, and prescribed burning approximately 12,328 acres (EA p. 11). In this site-specific case, the effects of the project are localized in nature. Therefore, it would not be appropriate for the District Ranger to consider the effects of the logging program for the entire U.S.D.A. Forest Service in this site-specific action.

I find that the Prescott Basin Vegetation Management Project environmental assessment and decision document disclose the appropriate level of site-specific information required by CEQ regulations for NEPA. I affirm the District Ranger on this issue.

**RECOMMENDATION OF APPEAL REVIEWING OFFICER (ARO):** The Appeal Reviewing Officer has reviewed the appeal record and forwarded his recommendations to me. I have attached a copy of the ARO's letter. The ARO found that the District Ranger's decision was supported by the appeal record and recommended that the decision of the District Ranger be affirmed.

**APPEAL DECISION:** After reviewing the appeal record and considering recommendations from the Appeal Reviewing Officer, I find the District Ranger determined the appropriate scope of social and economic analysis needed for this project and complied with the National Forest Management Act, the Forest and Rangeland Renewable Resources Planning Act, and the National Environmental Policy Act. Appellant's request for relief is denied.

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

/s/ John Kirkpatrick  
JOHN R. KIRKPATRICK  
Appeals Deciding Officer  
Deputy Regional Forester, Resources

Enclosure

cc:  
Prescott NF  
C. Gonzalez  
Forestry