



File Code: 1570-1
#06-04-00-0055-A215
Date: September 6, 2006

Katie Fite
Western Watersheds Project
P.O. Box 2863
Boise, ID 83701

CERTIFIED MAIL – RETURN
RECEIPT REQUESTED

Dear Ms. Fite:

In accordance with 36 CFR 215.18, I have reviewed the appeal record, Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) for the Martin Basin Rangeland project.

My review focused on the project documentation and the issues raised in the appeal you filed on behalf of Western Watersheds Project. In reviewing your appeal, I have considered the recommendations of the Appeal Reviewing Officer regarding the disposition of your appeal. A copy of that recommendation is enclosed.

APPEAL DECISION

I am reversing the decision by Humboldt-Toiyabe Forest Supervisor Robert Vaught. My decision is based on a review of the ROD and FEIS, statements in the appeal, and the project record. The project purpose and need are well described and I support the Forest Supervisor in his efforts to improve resource conditions. Much of the effects analysis is well supported, however, additional information is needed to support the effects determination on fisheries habitat.

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

Sincerely,

/s/ Mary Wagner
MARY WAGNER
Appeal Deciding Officer

Enclosure





File Code: 1570-1

Date: September 6, 2006

Route To:

Subject: Reviewing Officer Recommendation, Martin Basin Rangeland,
Appeal #06-04-00-0055-A215.

To: Appeal Deciding Officer

This is my review and recommendation on the disposition of the appeal filed by Katie Fite on behalf of Western Watersheds Project regarding the Martin Basin Rangeland project.

Project Background

The Martin Basin Rangeland project covers 191,000 acres on the Santa Rosa Ranger District (District), Humboldt-Toiyabe National Forest (Forest). The District prepared an Environmental Impact Statement (EIS) analyzing management options for 8 grazing allotments on the District, providing forage for 10,000 head of cattle and 25 horses. Six of the allotments currently have permits and two of the allotments have been vacant for approximately 10 years. The decision selected Alternative 1 which was the current management alternative along with the matrixes component of Alternative 2 and the collaborative process with permittees from Alternative 4. This decision sets up a three tier process that allows current management to continue unless unacceptable ecological conditions are identified at which time the Forest Service will use adaptive management and the matrixes in Alternative 2 to make adjustments to the management in collaboration with the permittees.

Appellant's Request for Relief

The appellant requests that the Regional Forester remand the Record of Decision (ROD) and order the District Ranger adopt protective utilization standards of Alternative 2 as interim measures for these damaged public lands, or alternatively, the grazing phase-out of Alternative 3.

The appellant also requests that the Regional Forester remand this decision and order the District Ranger to correct the Final Environmental Impact Statement (FEIS) to comply with the law bringing the analysis in a new FEIS into compliance with the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), and the Endangered Species Act (ESA).

Appeal Summary

Twenty-four appeal issues were identified through the appeal review process. A summary of major issues includes:

- Grazing capability and suitability analysis is inadequate.
- Inadequate analysis of cumulative effects.



- Inadequate analysis of management indicator species (MIS), sensitive species and threatened endangered species (TES) species.
- Lack of key data for riparian areas and the uplands.
- The ROD violates a Humboldt Settlement agreement, Forest Land and Resource Management Plan (Forest Plan) Amendment 2 and the Forest Plan in general.

Findings

As Appeal Reviewing Officer, my role is to review the substantive quality and correctness, or appropriateness of the project decision with respect to clarity, comprehension, effectiveness of public participation, and requested changes. My findings are based on my review of the decision and project record, in accordance with 36 CFR 215.19.

1. Clarity of the Decision and Rationale

The decision is a combination of three alternatives and is implemented in a tiered manner. Standards associated with Alternative 1 will be applied if the area is in acceptable ecological condition. Alternative 2 develops matrices for vegetation communities that include the components that define the ecological condition. Ecological condition assessments of the various vegetation communities will be verified using the matrices. If an allotment or portions thereof do not meet the desired ecological condition, Alternative 4, collaboration with the permittee to modify current grazing system will be implemented. The tiered approach is complicated, particularly when the matrices are applied, but overall it is understandable.

The rationale includes the fact that overall ecological conditions have improved over the past 15 years with implementation of grazing standards identified in Forest Plan Amendment 2. Based on monitoring ecological conditions, the Forest, working with permittees, will adjust future grazing to help ensure that areas meet desired ecological conditions. The rationale for the decision is not very clear and does not specify how it will result in improvement to other resources.

2. Comprehension of Benefits and Purpose of the Proposal

The purpose of the decision is to provide for permit renewal, maintain and improve overall ecological condition, and authorize grazing on two vacant allotments.

3. Consistency of the Decision with Policy, Direction, and Supporting Information

The decision selects the collaboration process with permittees from Alternative 4. This collaboration process requires that the Forest Service and permittees to discuss and agree on changes to grazing management. Although not clearly stated, the ultimate decision on management decisions remains the responsibility of the Forest Service.

The Lahontan cutthroat is a federally listed species. The project area has numerous streams. Five streams currently contain the cutthroat and 15 streams contained cutthroat within the last 10 years and are being considered for reintroduction. The Forest surveyed 10 streams, two of which

contain the cutthroat. However, the Biological Assessment (BA) only covers 7 of 8 allotments containing cutthroat habitat. Thus, there is not sufficient information to support the effects determination for the Indian Allotment.

4. Effectiveness of Public Participation Activities and Use of Comments

The Forest conducted a thorough scoping and public involvement process. The comment period on the draft EIS was extended in response to requests from the public. The comments were used to help develop issues and alternatives.

5. Requested Changes and Objections of the Appellant

In summary, the appellant argues that EIS fails to assess the cumulative effects of all the uncertainty including:

- The Forest developed an EIS based on little to no upland or soil vegetation data;
- The EIS calls for uncertain and open ended adaptive management; and
- The EIS fails to apply the basics of “range science”.

The appellants seek a new EIS with additional data for the uplands, wildlife including MIS species, cutthroat trout, riparian areas, including springs and seeps.

Recommendation

I recommend that the decision be reversed. Additional information about Lahontan trout is needed to support the effects determination.

/s/ Larry Timchak

Larry Timchak

Appeal Reviewing Officer