



File Code: 1570-1
#03-04-00-0029
Date: July 7, 2003

Steven A. Fulstone
Chairman
Smith Valley Conservation District
215 West Bridge Street, Suite 11 A
Yerington, NV 89447

CERTIFIED MAIL – RETURN
RECEIPT REQUESTED

Dear Mr. Fulstone:

In accordance with 36 CFR 215.17, I have reviewed the project record, the Environmental Assessment (EA), and the Decision Notice and Finding of No Significant Impact (FONSI) for the Rosaschi Ranch Restoration Project. The project is located on the Bridgeport Ranger District of the Humboldt-Toiyabe National Forest.

My review focused on the project documentation and the issues raised in your appeal. I have also considered the recommendation of the Appeal Reviewing Officer (ARO) regarding the disposition of your appeal. A copy of that recommendation is enclosed.

APPEAL DECISION

I am affirming District Ranger Kathy Lucich's decision for all issues in your appeal. I find the decision to approve Alternative 2 to be in compliance with applicable laws, regulations and policy. The ARO recommendation contains a more detailed response to your appeal issues. This decision constitutes the final administrative determination of the United States Department of Agriculture under 36 CFR 215.18(c).

Sincerely,

/s/ Cathrine L. Beaty
CATHRINE L. BEATY
Appeal Deciding Officer
Deputy Regional Forester

cc:
Forest Supervisor: (R. Vaught, K. Lucich, D.R.)





File Code: 1570-1

Date: June 27, 2003

Route To:

Subject: Appeal Reviewing Officer Review of the Rosaschi Ranch Restoration Project,
#03-04-00-0029

To: Appeal Deciding Officer

This is my recommendation on the disposition of the appeal on the Rosaschi Ranch Restoration Project on the Bridgeport District of the Humboldt-Toiyabe National Forest. Steven A. Fulstone, Chairman for the Smith Valley Conservation District filed the appeal.

My recommendation is based on my review of the record, conducted pursuant to and in accordance with 36 CFR 215.19. The purpose for my review was to ensure that the analysis and decision were in accordance with law, regulation, policy and direction. My review also focused on the documentation forming the basis for the decision and the issues raised in the appeal.

The appellant states in their appeal that although Alternative 2 is far superior to the custodial oriented Alternative 1, it does not go far enough in its restoration practices and scope. Based on my review of the record, I find that the Environmental Assessment (EA) meets the requirement for fully disclosing the environmental consequences of a proposed action. Specifically, I find that:

1. The District Ranger considered two alternatives in detail. Both are responsive to the stated purpose and need for the project:
 - A. Reduction of Soil Erosion
 - B. Restoration of compacted floodplain;
 - C. Establishment of native vegetation with high similarity;
 - D. Improvement of Wildlife habitat;
 - E. Maintenance of trophy fisheries;
 - F. Provision of fully accessible recreation;
 - G. Provision of adequate health and safety services and facilities.

Two other alternatives were considered but not analyzed in detail because they did not meet the purpose and need.

The National Environmental Policy Act (NEPA) requires federal agencies to analyze alternatives that display a range of environmental consequences sufficient to support the purpose and need and to make an informed decision. There is no requirement to analyze an infinite range of alternatives or to create a preferred alternative that exceeds the purpose and need.

2. The District Ranger involved the public in scoping and development of issues. The District Ranger responded clearly and completely to the comments received (EA, Appendix D).



3. The District Ranger fully considered the issues raised by the Smith Valley Conservation District (EA, Appendix D, pgs 4, 5, 9 and 22).

The District Ranger responded (EA, p.14) specifically to suggestions to expand Alternative 2, stating that such an expanded alternative:

- Is not consistent with the Multiple Use-Sustained Yield Act;
- Is not consistent with management direction in the LRMP; and
- Does not meet the stated purpose and need for restoration actions on the Ranch.

I concur with the District Ranger's rationale for not considering an expanded Alternative 2

The District Ranger also identified current and historic habitat (EA, pgs 25-28) and analyzed potential consequences to habitat (EA, pgs 31-37).

Based on my review of the appeal, I recommend that the decision on the Rosaschi Ranch Restoration Project, and the selection of Alternative 2, be affirmed.

/s/ Curt L. Peterson

CURT L. PETERSON
Appeal Reviewing Officer