



United States
Department of
Agriculture

Forest
Service

Washington Office

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Washington, DC 20090-6090

File Code: 1300/1900-1
Date: July 29, 2003

Mr. Rene Voss
John Muir Project/Earth Island Institute
P.O. Box 11236
Takoma Park, MD 20912

Dear Mr. Voss:

This letter is in response to your March 10, 2003, "Request for Correction of Information Contained in the Initial Data Set for Timber Harvest Effects Monitoring," related to the Forest Service's proposed limited timber categorical exclusions. Your request was submitted under the United States Department of Agriculture (USDA) Information Quality Guidelines. You filed this Request for Correction along with the Sierra Club and Heartwood. Your comments were directed at the January 8, 2003, Federal Register Notice at pages 1026-1030. You also provided this request concurrently with your comments submitted in response to the Federal Register Notice. The Forest Service responded in summary to your petition, along with responses to other comments, in the Federal Register notice containing the final agency National Environmental Policy Act (NEPA) procedures. The Federal Register notice, published July 29, 2003, may be viewed at <http://www.fs.fed.us/emc/lth/notice.pdf>. This letter responds in more detail to your request for "the correction of data and information used to monitor timber sales and suggested that the technique of 'measurements' must be used in place of 'observation' to comply with the USDA Information Quality Guidelines."

The Forest Service has given your request for correction careful consideration and your concerns have been thoroughly reviewed. According to USDA Quality Information Guidelines, the review of your request for correction must be based on the explanation and evidence provided in your request. We reviewed: (a) processes that were used to create and disseminate the information; (b) information being challenged; and (c) conformity of the information and those processes with both OMB and USDA Information Quality Guidelines.

Your request for correction of information asks that the Forest Service correct its reliance on "observation" as a monitoring technique and instead rely on the use of measurement on all parameters and data points for monitoring soils (compaction, displacement and ground cover), fish and wildlife (populations and trends), water quality (baseline and after implementation), and measurable data for other resources where appropriate. You request that the Forest Service, in so doing, present the specific measurement techniques used, present the entire data set, re-evaluate conclusions based on this data set, and start the rulemaking over.

The Forest Service evaluated the assessment of the 154 projects that provides the basis for its categorical exclusions, and found that this assessment complies with the USDA Information Quality Guidelines. The USDA Information Quality Guidelines, under "Objectivity of Regulatory Information" include the following: "Use reasonably reliable and reasonably timely



data and information (e.g., collected data such as from surveys, compiled information, and/or expert opinion).” The challenged “observation” is the use of expert opinion as allowed by the USDA Guidelines. The USDA Guidelines permit that within available timeframes and sources of funding, sometimes expert opinion may be the best scientific answer to a specific question. In addition to expert opinion the data quality was controlled using two methods. First, in addition to the documentation of professional judgment, respondents were also asked for their rationale. Second, data compilers were used to determine whether the rationale and the judgments were consistent. Where questions arose, the respondents were queried to clarify their responses.

The use of local expert opinion in resource disciplines such as soils, hydrology, fisheries biology, and wildlife biology is documented in the information on the study of the 154 projects, available on the website <http://www.fs.fed.us/emc/lth>. The first eight documents listed under “Background Information for Categorical Exclusions for Limited Timber Harvest” on this website pertain to the information requested from, and provided by, Forest Service field units. The last of these eight documents, Data Collection Methodology, details the methodology used in the data collection and review.

Forest Service resource specialists are highly trained, usually holding degrees in their specialties at the bachelor’s or master’s level. They are also provided ongoing training to assure currency in their discipline. They are familiar with current literature relating to their specialty and local area, as well as applicable laws, regulations, policies, and land and resource management plan standards and guidelines required for protection of the environment. They also possess field knowledge of local conditions. The combination of this expertise, complemented by the interdisciplinary approach used by the Forest Service in managing environmental resources, render the specialists well qualified to make site-specific judgments as to the effects of a particular practice on a particular resource in a particular area. Such expert opinions are appropriate for determining the individual and cumulative significance of effects on the human environment.

Furthermore, expert judgment is performed within the context of many protective laws, regulations and guidelines that operate at the larger scales, such as those of watersheds, and fish and wildlife populations. These include the Clean Water Act, the Endangered Species Act, and forest plan standards and guidelines. The best available scientific information goes into these regulations and guidelines. Regulators determine what actions and guidelines are needed to protect these resources at those levels. These guidelines then are used on each project at the local level. Expert judgment tests whether these guidelines are being followed when integrated with knowledge of current literature and experience with the local conditions.

The Forest Service carefully considered the information you provided. After consideration and review we conclude that the documented on-site observations of Forest Service resource specialists provide sufficient precision to determine the individual and cumulative significance of effects of limited timber harvest activities on the human environment. We find no compelling reason to exclude the use of observation in support of our analysis or to exclusively rely on the use of measurement on all parameters and data points for monitoring soils, fish and wildlife, and water quality. Accordingly, the Forest Service will not be presenting any additional

measurement techniques or new data. The Forest Service will continue to rely on the reasoned conclusions based on the current data set and will not start the rulemaking over.

You may submit a request for reconsideration, if you are dissatisfied with this decision. Details on how to file a request for reconsideration can be found on the USDA website:

http://www.ocio.usda.gov/irm/qi_guide/index/html. The request for reconsideration should reference this letter and follow the “Procedures for Requesting Reconsideration of USDA’s Decision.” Please submit written material to support your case for reconsideration, and a copy of the information originally submitted to support the request for correction, and a copy of this response. Requests for Reconsideration filed after the 45-day deadline may be denied as untimely. All requests for reconsideration must be submitted by overnight delivery service, letter, fax, or email to:

USDA Forest Service
Data Quality Team Leader ORMS Staff
Mail Stop 1150 1S Yates Building
14th & Independence Avenue SW
Washington D.C. 20250-1150

Phone 202 205 2938
FAX 202 260 6539
Email gcontreras@fs.fed.us

If you should have additional questions please contact Glen Contreras, Data Quality Team Leader at (202) 205-2938, gcontreras@fs.fed.us, or Sharon Friedman, Ecosystem Management Staff at (202) 205-0939, sfriedman@fs.fed.us. We appreciate your continued interest in Forest Service activities.

Sincerely,

/s/ Frederick Norbury
FREDERICK NORBURY
Director, Ecosystem Management Coordination