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File Code:1570-1
Appeal No:07-05-00-0006-A215
Date:December 20, 2006

David Edelson, Attorney
840 Grizzly Peak Blvd.
Berkeley , CA 94708

Dear Mr. Edelson:

On November 13, 2006 you filed a Notice of Appeal (NOA) pursuant to 36 CFR 215 of the Plumas National Forest, Forest Supervisor's Record of Decision (ROD) approving Alternative D, as modified, of the Slapjack Project Final Environmental Impact Statement (FEIS) that was signed September 13, 2006. The legal notice was published September 27, 2006.

I have reviewed the entire appeal record, including your written Notice of Appeal (NOA), the ROD, FEIS, and supporting documentation. I have weighed the recommendation from the Appeal Reviewing Officer and incorporated it into this decision. A copy of the Appeal Reviewing Officer's recommendation is enclosed. This letter constitutes my decision on the appeal and on the specific relief requested.

FOREST ACTION BEING APPEALED

The purpose and need for action in the Slapjack project area is based on the current condition of resources and problems. The five objectives are to:

- Protect rural communities in the Wildland Urban Interface by reducing the risk of high-intensity wildfire.
- Move the project toward the desired future condition of a healthy, fire-resilient ecosystem
- Provide an adequate timber supply that contributes to the economic stability of rural communities.
- Implement restoration projects to achieve healthy aquatic riparian ecosystems and improve wildlife habitat.
- Control the spread of noxious weeds within forest communities in order to maintain native plant diversity, natural communities, and Defensible Fuels Profile Zones (DFPZ) effectiveness.

The actions proposed are:

1. Reduce fire hazards by constructing approximately 15 miles of DFPZs on approximately 4419 acres.
2. Harvest trees using group selection (219 acres) and individual tree selection (148 acres) harvest methods.
3. Perform associated road construction, reconstruction, maintenance, and decommissioning.
4. Restore and enhance aquatic, native plant, and wildlife habitat by removing or upgrading six culverts for fish passage improvement, restoring 59 acres of meadow, stabilizing 1,200 feet of streambank, and reducing fuel loads through prescribed underburning on 180 acres of California spotted owl habitat.
5. Utilize herbicide (Triclopyr BEE) in combination with non-chemical control tactics as part of an Integrated Pest Management (IPM) strategy to control noxious weeds. Control of noxious weeds would occur on a maximum of 33 acres, 30 acres of which could have herbicide treatment.

APPEAL REVIEWING OFFICER'S FINDINGS

The Appeal Reviewing Officer found that the Forest Supervisor's decision was appropriate and complied with existing laws, policies, and regulations.

The project is in compliance with the Plumas National Forest Land and Resource Management Plan as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (February, 2004) and as amended by the Herger-Feinstein, Quincy Library Group EIS Record of Decision (1999).

The purpose and need for the project were clear.

DECISION

I agree with the ARO's analysis as presented in the recommendation letter. The issues in your appeal are very similar to those you raised in your comments on the DEIS and the record is adequate to support the Forest Supervisor's decision. All appeal issues raised have been considered. I affirm the Forest Supervisors decision to implement Alternative D, as modified.

The project may be implemented on, but not before, the 15 th business day following the date of this letter [36 CFR 215.9(d)].

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

Sincerely,

/s/ Beth A. Giron Pendleton

BETH G. PENDLETON
Deputy Regional Forester Appeal Deciding Officer

Enclosure

File Code: 1570-1

Date: December 18, 2006

Subject: Slapjack Project, Appeal No. 07-05-00-0006-A215, Plumas National Forest

To: Appeal Deciding Officer

I am the designated Appeal Reviewing Officer for this appeal. This is my recommendation on disposition of the appeal filed by David Edelson, representing the Sierra Nevada Forest Protection Campaign (SNFPC) and the Sierra Club, appealing the Plumas National Forest Supervisor, James Peña, Record of Decision (ROD) for the Slapjack Project Final Environmental Impact Statement (FEIS).

BACKGROUND

Decision - The purpose and need for action in the Slapjack project area is based on the current condition of resources and problems. The five objectives are to:

- Protect rural communities in the Wildland Urban Interface by reducing the risk of a high-intensity wildfire.
- Move the project toward the desired future condition of a healthy, fire-resilient ecosystem
- Provide an adequate timber supply that contributes to the economic stability of rural communities.
- Implement restoration projects to achieve healthy aquatic riparian ecosystems and improve wildlife habitat.
- Control the spread of noxious weeds within forest communities in order to maintain native plant diversity, natural communities, and DFPZ effectiveness.

In comparing the desired conditions specified in the Plumas National Forest Land and Resource Management Plan and Record of Decision (1988), as amended by the Sierra Nevada Forest Plan Amendment and Record of Decision (2004), and as amended by the Herger Feinstein, Quincy Library Group EIS and Record of Decision (1999) and the existing conditions within the Slapjack Project analysis area, the Forest Supervisor selected Alternative D, with a modification, as he determined there is an immediate need to:

1. Reduce fire hazards by constructing approximately 15 miles of Defensible Fuels Profile Zones (DFPZs) on approximately 4,419 acres.
2. Harvest trees using group selection (219 acres) and individual tree selection (148 acres) harvest methods.
3. Perform associated road construction, reconstruction, maintenance, and decommissioning.
4. Restore and enhance aquatic, native plant, and wildlife habitat by removing or upgrading six culverts for fish passage improvement, restoring 59 acres of meadow, stabilizing 1,200 feet of streambank, and reducing fuel loads through prescribed underburning on 180 acres of California spotted owl habitat.
5. Utilize herbicides (Triclopyr BEE) in combination with non-chemical control tactics as part of an Integrated Pest Management (IPM) strategy to control noxious weeds. Control of noxious weeds would occur on a maximum of 33 acres, 30 of which would use herbicide treatment.

Scoping – The Slapjack Project was listed in the Schedule of Proposed Actions. The Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on September 16, 2005 . The scoping letter was mailed to approximately 400 local tribal organizations, other agencies, individuals, and groups potentially interested in or affected by the Proposed Action on September 14, 2005. Collaboration with the Butte Fire Safe Council and Yuba Watershed Protection and Fire Safe Council has been ongoing since 2003. Additional public meetings were held (May 2005, October 2006).

Comments to the DEIS – The Draft Environmental Impact Statement (DEIS) was published on February 16, 2006 . The Notice of Availability was published in the Federal Register on February 24, 2006 . The DEIS/Proposed Action was also placed on the Plumas National Forest web page. There were 42 agency and public comment letters received by the close of the comment period on April 10, 2006 . An additional nine comment letters were received after the close of the comment period. David Edelson on behalf of SNFPC and the Sierra Club, submitted timely comments, dated April 10, 2006 and has eligibility to appeal.

APPEAL SUMMARY

The legal notice of decision was published September 27, 2006; the deadline for filing appeals was November 13, 2006. The current appeal was filed on November 13, 2006 and is timely.

No informal disposition meetings was held for this appeal. Jane Beaulieu, appeals coordinator left voice mails for Mr. Edelson on November 20 and 27, 2006. He returned her call on November 28, 2006 . He was willing to meet, but was unable to schedule a meeting due to the short timeframe.

As relief the appellant requests the Forest Supervisor prepare a supplemental EIS and reconsider the decision.

ISSUES AND RESPONSES

Issue 1: The Forest Service failed to take a hard look at reasonable alternatives involving less intensive logging.

Contention A. All of the action alternatives in the Slapjack FEIS are virtually identical with respect to the amount and intensity of logging.

Response: The range of alternatives was crafted to respond to the purpose and need and significant issues raised by the public. For Slapjack the range accomplished this objective despite the fact that all the action alternatives had similar numbers of acres treated. The two significant issues raised during scoping were use of herbicides and watersheds over Threshold of Concern. Number of acres treated was not. CEQ regulations states that an EIS should focus on significant issues and seek to reduce unnecessary paperwork.

Several alternatives were considered but not analyzed in detail (FEIS, pp. 2-19 to 2-23). Under NEPA, the range of alternatives includes those alternatives considered but eliminated from detailed consideration. In this case alternatives with 20" dbh limits and 50% canopy closure and an alternative based in the 2001 Framework decision were considered but not analyzed in detail. These alternatives were eliminated from detailed consideration because they were inconsistent with the purpose and need, duplicative of alternatives already considered, or otherwise unreasonable. These alternatives were not analyzed in detail because they would not meet 1) the fuels reduction objective (FEIS, pg. 1-4 and Appendix H, pp. 33-35) nor 2) the stability and economic health of rural communities objective (FEIS, pg.1-6). These conclusions were based on analyses done for the Watdog and Empire EISs (FEIS, pg. 2-20) and data for the Slapjack project area. These needs were not only listed in the EIS, but they are also critical elements of the HFQLG Act, which defines the projects to be conducted under its authority.

I find that a range of reasonable alternatives was analyzed.

Contention B. There is substantial evidence, not considered in the Slapjack FEIS, that fire and fuels goals can be met with less intensive logging. By failing to address this researh and incorporate lower diameter limits into specific alternatives, the Slapjack FEIS fails to comply with NEPA.

Response: NEPA only requires that all reasonable alternatives be evaluated in an EA or EIS. Forest Service policy for consideration of alternatives is found in Forest Service Handbook (FSH) 1905.15 part 14. Several alternatives were analyzed in detail in the Slapjack FEIS. Alternatives that proposed 50% canopy closure requirements and 20" dbh harvest tree limits were considered but not analyzed in detail. These alternatives were not analyzed in detail because they would not meet the fuels reduction objective (Appendix H, pp. H 33-35). This objective is part of the purpose and need for the project (FEIS pg. 1-4). This conclusion was based on fire behavior modeling for two previous projects on the Plumas National Forest and site specific conditions for the Slapjack project area. Fire managers for the project area have concluded that 40% canopy closure is needed in

DFPZs for these to be effective. Fire and Fuels modeling analyses outputs supporting this conclusion can be found in the FEIS (pp. 3-58 to 3-74).

I find that the FEIS did analyze alternatives with less intensive logging although not in detail. The FEIS does comply with the NEPA requirement to analyze all reasonable alternatives.

Contention C. NEPA requires consideration of an alternative based upon the 2001 Framework.

Response: NEPA only requires that all reasonable alternatives be evaluated in an EA or EIS. Forest Service policy for consideration of alternatives is found in Forest Service Handbook (FSH) 1905.15 part 14. Several alternatives were analyzed in detail in the Slapjack FEIS. Alternatives that proposed 50% canopy closure requirements and 20" dbh harvest tree limits were considered but not analyzed in detail. These alternatives were not analyzed in detail because they would not meet the fuels reduction objective (Appendix H, pp. H 33-35). This objective is part of the purpose and need for the project (FEIS pg. 1-4). This conclusion was based on fire behavior modeling for two previous projects on the Plumas National Forest and site specific conditions for the Slapjack project area. Fire managers for the project area have concluded that 40% canopy closure is needed in DFPZs for these to be effective.

I find that there is no requirement to consider an alternative based upon the 2001 Framework.

Issue 2: Relying entirely on analyses from other projects (Empire and Watdog) that are not comparable is not supportable.

Response: The fuels analysis was based on fire behavior modeling for two previous projects on the Plumas National Forest and site specific conditions for the Slapjack project area. Fire managers for the project area have concluded that 40% canopy closure is needed in DFPZs for these to be effective. The analysis of fire and fuels modeling outputs can be found in the FEIS (pp. 3-58 to 3-74).

I find that the Slapjack FEIS fuels analysis was not based entirely on analysis from other projects but also on project specific data.

Issue 3: The assertion that maintaining greater canopy cover would make little difference in terms of environmental impacts is contrary to conclusions from leading scientists and the analysis for Slapjack.

Response: The SNFPA FSEIS (USDA 2004, Summary Section pg. 5) identifies that there are a number of special plans and projects underway to test alternative management strategies within the Sierra Nevada bioregion. The Herger-Feinstein Quincy Library Group Forest Recover Act Pilot Project (HFQLG) was developed under this premise and was intended to produce information needed to reduce scientific uncertainty. Specifically,

the Act was designed to test and demonstrate the effectiveness of certain fuels and vegetation management activities in meeting ecologic, economic, and fuels-reduction objectives. It is applicable to the Lassen National Forest, the Plumas National Forest and Sierraville Ranger District of the Tahoe National Forest. Full implementation of the HFQLG Pilot Project was approved through the HFQLG EIS and Record of Decision (1999 and 2000) and the SNFPA FSEIS and ROD (USDA 2004). The analysis for the Slapjack Project was designed to comply with these documents and their legal requirements, and is well documented in this regard.

The Slapjack Project Biological Assessment/Evaluation (BA/BE, Appendix J, pg. 158) and the MIS Report (BA/BE, Appendix A pp. 69-70) describe the habitat conditions associated with spotted owl use based on scientific research. The BA/BE discloses that forested stands reduced to 40% canopy cover would be at the lower range of acceptability from a foraging habitat perspective. The Slapjack Project FEIS ROD (Sept. 2006, pg. 5) clearly reflects this and discloses that the selection of Alternative D "involves some risk associated with reducing the suitability of owl habitat and subsequent uncertainty regarding owl activity in treated areas."

I find that in meeting the intent of HFQLG Pilot Project the decision maker considered the public concern and scientific information that vegetation treatments, especially canopy cover and diameter limits that may result in degradation or loss of important habitat for the California spotted owl.

Issue 4 : The Forest Service failed adequately consider the project's impacts to the California spotted owl and its habitat.

Contention A. The EIS failed to disclose the results of owl surveys within the project area.

Response: The methodology and results for the California spotted owl surveys conducted as part of Slapjack analysis were adequately discussed and disclosed in the Slapjack FEIS (pg. 3-221) and its supporting BA/BE (pg. 65). Surveys were completed in the Slapjack project area using the "Protocol for Surveying for Spotted Owls in Proposed Management Activity Areas and Habitat Conservation Areas" (Region 5; March 12, 1991). This is consistent with provisions stated in the SNFPA SFEIS ROD (USDA 2004, pg. 69). Owl surveys encompassed areas of suitable habitats in the Slapjack project area and were repeated over three consecutive years in 2003, 2004, and 2005. Results from this work were summarized in the BE/BA (pp. 65-66) and also presented in summary in the Slapjack FEIS (pg. 3-221). The analysis discloses there are seven Protected Activity Centers (PACs) that have been designated within the Slapjack Project Area.

I find that the EIS did disclose the results of owl surveys conducted within the project area and that surveys were conducted to Regional protocol.

Contention B. The EIS failed to analyze the project's impacts to owl habitat at the territory/home range scale.

Response: The Slapjack BA/BE tiers to two over-riding documents the HFQLG FEIS and ROD (1999) and the SNFPA FSEIS and ROD (USDA 2004). The SNFPA FSEIS established the overall spotted owl strategy for Sierra Nevada Forests in the Region 5 which included consideration of activities expected to occur as a result of implementing HFQLG pilot project in its entirety. The SNFPA owl strategy is consistent with the approach recommended by research scientists in the CASPO technical report and added subsequent suggestions made by researchers to further improve the conservation strategy adopted (SNFPA ROD, pp. 5- 7). As such, this strategy provides a series of standards and guidelines to minimize effects to this species from management actions.

Collectively these three documents have considered harvest and fuel reduction actions associated with HFQLG projects on the California spotted owl and its habitat at several spatial scales. See analyzes presented in the SNFPA FSEIS (Chapter 4, pp. 260-280), the Slapjack BE/BA (pp. 133 -149), and Slapjack BE/BA Appendixes E, F, I and L (pp. 132-133, 134-135, 148-155, and 190-192).

Based on these analyzes and proper implementation of required standards and guidelines, I find the determination reached in the Slapjack BE/BA for the spotted owl and its habitat are appropriate and involved adequate consideration of impacts at the owl territory and home range scale.

Contention C. The EIS failed to analyze the implications of planning logging within owl home range core areas.

Response: The BE/BA analyzed the implications of planning logging within owl home range core areas. This information was presented in the BA/BE in Table 22 (pg. 137) and discussed on pages 135-139.

I find the EIS analyzed the implications of planning logging within owl home range core areas.

Contention D. By utilizing an overly small analysis area, the EIS fails to disclose all of the project impacts on the owl and its habitat, including cumulative impacts of logging outside the project area boundaries.

Response: The methodology for assessing impacts on wildlife and fish was discussed in the Slapjack FEIS in section 3.13.3.1 on page 3-216 and in the Slapjack BE/BA on pages 41-42. These sections include a discussion on the scope of the analysis which defines the wildlife analysis area for direct, indirect and cumulative effects and the rationale used to define it.

For the California spotted owl, the analysis area included some 34,725 acres which included 22,939 acres of National Forest System land and 11,786 acres of private land. It was chosen based on the project treatment unit locations and natural topography. The cumulative effects analysis area evaluated actions within and outside of the wildlife analysis area in detail (FEIS, pp. 3-270 – 3-273). In addition, the cumulative effects of

HFQLG Project actions, such as the proposed action for the Slapjack Project, and other vegetation actions in the Sierra Nevada were assessed in the SNFPA FSEIS to which the Slapjack Project EIS is tiered (USDA 2004). The results from this analysis are summarized in the Slapjack FEIS on page 3-273 and considered expected habitat changes and current population trends for spotted owl in the HFQLG project and in the Sierra Nevada as whole (SNFPA FSEIS, Chapter 4, pp. 260-280).

I find that Slapjack FEIS disclosed the project's likely impacts on the owl and its habitat, including cumulative impacts of logging outside the project area boundary.

Contention E. The EIS failed to adequately analyze the cumulative impacts of private land logging on the owl and its habitat.

Response: The cumulative effect assessment regarding the spotted owl is provided in the Slapjack BE/BA (pp. 139-140) and in the Slapjack FEIS (pp. 3-270 and 3-271). The analysis disclosed the amount of private land within or adjacent to the Slapjack project area and some of the conservation measures implemented for the owl by the larger private land holders (i.e. Sierra Pacific Industries).

For this analysis, activities on private land within and outside of the wildlife analysis area were examined in detail. Information was summarized in order to establish larger trends or patterns in vegetation management. The analysis disclosed past actions that have occurred from 1984 through 2005 and several proposed actions scheduled to occur in the near future. A general assessment of habitat condition of private lands was conducted in terms of its current value or suitability for the spotted owl. The majority of this land was found to be minimally suitable or not suitable as habitat for mature/older-forest-dependent species like the spotted owl. Because of the intensity of past and proposed treatments, the analysis assumed that these acres did not provide suitable nesting or foraging habitat within the timeframe of the analysis.

The biologist found that ongoing timber operation on private land, in conjunction with the Slapjack Project, could have a negative cumulative impact on the California spotted owl. However, the Slapjack Project proposal to construct DFPZs to reduce hazardous fuels and remove thick underbrush, decommission roads, repair culverts, and enhance riparian areas worked to protect habitat for the long term. Short term habitat suitability reductions within the project area would be offset by the benefits of fuels treatments that, in the long term, would reduce the potential risk of habitat loss to wildfire.

I find that the Slapjack FEIS adequately analyzed the cumulative impacts of timber harvest on private land and its effect on the spotted owl and habitat.

Issue 5: The forest failed to obtain required MIS monitoring data before approving Slapjack.

Response: The Plumas National Forest identified 11 animal Management Indicator Species (MIS) under the 1988 Record of Decision. This was further clarified in a letter

dated May 30 th, 2006, “Clarification on Plumas National Forest MIS List”. The Plumas MIS species, and the habitats they represent, are identified in Table 1 and Attachment 2 in Appendix A (BE/BA). The Slapjack MIS Report followed guidance regarding the analysis of project-level effects on MIS as provided under the “Draft – MIS analysis Documentation in Project-Level NEPA letter” issued May 23, 2006. The direction and clarification provided by this letter instructed forests to analyze and disclose effects to MIS species as part of the NEPA process for projects implementing Forest Plans prepared under the 1982 planning rule (36 CFR 219.19, Source: 47 FR 43037, Sept. 30, 1982). Forests may eliminate MIS species from consideration if project level activities do not occur in habitat suitable for the species, provided adequate rationale is presented. The Slapjack MIS Report provided this rationale for four species: the largemouth bass, the brook trout, the marten and the prairie falcon which were dropped from consideration (FEIS, pg. 3-215 and Appendix A, pg. 4).

In analyzing the effects of the proposed project on each MIS potentially affected by the project, the Forest must comply with terms in the Forest’s LRMP relating to MIS. This generally entails examining the impacts of the proposed project on MIS habitat and MIS populations. However, the method of determining these impacts depends on the terms in the LRMP (See BE/BA, Attachment 1, pg. 45 of Appendix A). The ROD for the Plumas LRMP states that viability of species not on the Federal Endangered Species List will be maintained if adequate quality habitat is provided (see BE/BA Attachment 2, pg. 48). In addition, the ROD states that the Plumas National Forest will conduct selected species surveys, if needed, to establish background population levels on those species where information is lacking (ibid). Further Forest Plan guidance from the 1988 Plumas LRMP Chapter 5 provides general monitoring plan guidance for MIS population and habitat monitoring over the life of the LRMP.

The Slapjack MIS report clearly discusses and displays species information required under the clarification letter, the Forest LRMP, and for the species that apply to the Plumas Plan from Appendix E of SNFPA FEIS (USDA 2001). The analysis provides detailed data on existing habitat conditions and its distribution, as well as population and trend data. This information is analyzed in the context of the proposed action and the other alternatives. This included an analysis of direct, indirect and cumulative effects for each species (BA/BE Appendix A, pp. 3-44 and Attachment 2 pp. 49-76, and applicable discussions in the BA/BE for the California spotted owl and northern goshawk.)

I find that the Forest presented the required MIS monitoring data before approving Slapjack.

Issue 6: Monitoring data for snags in the project area was not disclosed so the existing condition cannot be determined.

Response: Snag data were collected using the Forest Inventory and Analysis methodology (FEIS, pg. 3-185) and are listed (FEIS, pg. 3-289). HFQLG standards and guidelines for snag retention will be followed (FEIS, pg. 3-259). Snag retention levels and effects were addressed in the HFQLG FEIS and the SNFPA FSEIS. Effects of the

alternatives on snags is addressed in the BA/BE (pg. 108). The BA/BE also states the action alternative treatments could increase recruitment of future large trees and snags (BA/BE, pg. 108).

I find that snag data was disclosed and existing condition can be determined.

Issue 7: The Forest Service has failed to make any showing that it will minimize the logging of trees greater than 30" dbh as required by law.

Response: The SNFPA ROD (2004) sets standards for retention of trees > 30" dbh (ROD pg. 68). In the Slapjack project action alternatives the only trees greater than 30" dbh that may be removed are those needed to allow for operability. This is consistent with the SNFPA decision. Desirable conifers and all black oaks greater than 30" would be retained (FEIS, pg. 2-10).

I find this direction does minimize the harvest of trees greater than 30" dbh.

RECOMMENDATION

My review was conducted pursuant to and in accordance with 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. I reviewed the appeal record, including the comments received during the comment period and how the Forest Supervisor used this information, the Appellant's objections and recommended changes.

Based on my review of the record, I recommend the Forest Supervisor's decision be affirmed on all issues. I recommend that the Appellants' requested relief be denied on all issues.

FINDINGS

Clarity of the Decision and Rationale - The Forest Supervisor's decision and supporting rationale are clearly presented in the Record of Decision. His reasons for selecting Alternative D, with modification, are logical and responsive and consistent with direction contained in the Plumas National Forest Land and Resource Management Plan as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (February, 2004), and the Herger-Feinstein Quincy Library Group EIS Record of Decision (1999).

Comprehension of the Benefits and Purpose of the Proposal - The purpose of the proposal as stated in the Background section above is clear and the benefits are displayed.

Consistency of the Decision with Policy, Direction, and Supporting Information - The decision is consistent with direction contained in the Plumas National Forest Land and Resource Management Plan as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (February, 2004), and the Herger-Feinstein Quincy Library Group EIS Record of Decision (1999).

Effectiveness of Public Participation Activities and Use of Comments - Public participation was adequate and well documented. A Notice of Intent and Notice of Availability of the DEIS were published in the Federal Register. The project was added to the quarterly Schedule of Proposed Actions. The Forest mailed scoping letters, hosted public meetings, and distributed draft and final EISs to interested groups and individuals. The Plumas National Forest has maintained current information on planning and activities on its web page. Responses to the comments received are detailed and included as part of the EIS. The decision of the Forest Supervisor indicates he considered and responded to public input.

CONCLUSION

Based on the finding above, I recommend the requested relief be denied and that the Forest Supervisor's decision to implement Alternative D, as modified, be affirmed.

/s/ Margaret J. Boland

MARGARET J. BOLAND
Appeal Reviewing Officer
Forest Supervisor, Klamath National Forest