



File Code: 1570 (251-1)
#00-01-00-0060

Date: January 23, 2001

Mary Ferriter
1133 Sampson
Butte, MT 59701

CERTIFIED MAIL – RETURN RECEIPT
REQUESTED

Dear Ms. Ferriter:

This letter is my review decision of your Notice of Appeal (NOA) on the decision to implement a new Recreation Fee Schedule for your recreation residence lot, Group A, Lot 113, located at Echo Lake, on the Beaverhead-Deerlodge National Forest. The recent appraisal and the fee based on the appraisal are at issue. You were notified of your right to administrative review (appeal) and your responsibilities in filing that appeal in the letter dated January 24, 2000, that accompanied your Bill for Collection. A discussion of the appeal process is presented in the Forest Supervisor’s Responsive Statement.

My review was conducted pursuant to, and in accordance with, 36 CFR 251, subpart C. My responsibility as Reviewing Officer is to ensure the analysis and decision are in compliance with applicable laws, regulations and policy. Since you did not request an oral presentation, the information that was acquired during oral presentations in Butte on October 16 and 17, 2000, and by Mr. Bernard Everett on October 13, 2000, is not included in your appeal record. This review decision hereby incorporates by reference the entire administrative appeal record for your appeal. The record for your appeal was closed August 8, 2000.

I. SUMMARY

On March 24, 2000, I notified you that several appeals were being consolidated pursuant to 36 CFR 251.95(b), due to significant similarities in their issues. The issues for the following appellants are similar and are consolidated for review. I will be using the July 14, 2000, Responsive Statement to make my review of your appeal.

<u>Appeal Number</u>	<u>Appellant(s)</u>
#00-01-00-0060	Mary Ferriter
#00-01-00-0061	Jacqueline Malee
#00-01-00-0062	Terrance Galle

The Forest Supervisor for the Beaverhead-Deerlodge National Forest succinctly summarized the history of the appraisal process as it has affected you in her Responsive Statement. I will



reference this document throughout my review.

II. OVERVIEW OF ISSUES AND RELIEF REQUESTED

The following issue, identified from your NOA, is consistent in all the above appeals. "I am affected by the decision because it (appraisal) does not reflect a true and correct assessment of the appraised fee simple value of the lot I occupy near Echo Lake. The fee increase simply does not represent the fair market value of the rights and privileges authorized to me under my special use permit."

Appellant's contention under this issue is:

1. The appellant's leased property does not have the value as reflected in the new annual fee. The Forest Service Bill for Collection is not based upon an appraisal of the fee simple value of the appellant's lot.

The relief requested is to reduce the fair market value of my recreation residence lot and the subsequent fee.

III. REVIEW FINDINGS

I have thoroughly reviewed the appeal record, including the concern raised in your NOA, the notes from the appeal resolution meeting of March 20, 2000, and the Forest Supervisor's Responsive Statement. I wish to commend you on the level of interest you have demonstrated, energy and financial resources you have expended, and genuineness with which you have expressed your concerns.

However, the Forest Supervisor and her staff have also dedicated considerable time and energy attempting to resolve your appeals. I agree with the Forest Supervisor's resolution process and the analysis and discussion in her Responsive Statement, and I will not reiterate those arguments here.

From the appeal record, I have developed my response to your appeal point and contention. I have relied heavily on the previous work of the Forest Supervisor, in particular her July 14, 2000, Responsive Statement.

1. *The appellant's leased property does not have the value as reflected in the new annual fee. The Forest Service Bill for Collection is not based upon an appraisal of the fee simple value of appellant's lot.*

The fee simple values of the recreation residence lots have been established through an appropriate appraisal that was reviewed and approved by the Forest Service. The Forest Supervisor covered this issue well in her Responsive Statement. The only basis for the permit fee is the approved Forest Service appraisal dated December 18, 1997.

IV. DECISION

After a careful review of the appeal record, I find the Forest Supervisor's decision to be reasonable and in conformance with applicable laws, regulations and policy. I find that the Forest Supervisor has appropriately discussed and addressed your concerns in her decision. I affirm the Beaverhead-Deerlodge National Forest Supervisor's decision to base the calendar year 2000 recreation residence permit fees for your Echo Lake lot on the existing, approved Forest Service appraisal. Your request for relief is denied.

This is the final determination of the Department of Agriculture, unless the Chief of the Forest Service, on his own initiative, elects to review the decision within 15 days of receipt (36 CFR 251.87(e) and 251.100).

Sincerely,

/s/ Gary A. Morrison

GARY A. MORRISON
Reviewing Officer
Director of Recreation, Minerals,
Lands, Heritage and Wilderness

cc:
Beaverhead-Deerlodge NF
R-1, Appeals
WO, Appeals
WO, Land Uses



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Forest
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File Code: 1570 (L)
00-01-00-0060-A251

Date: February 6, 2001

Ms. Mary Ferriter
1133 Sampson
Butte, MT 59701

Dear Ms. Ferriter:

We have received Reviewing Officer Gary A. Morrison's January 23, 2001, decision letter and accompanying documentation. You are appealing the Beaverhead-Deerlodge National Forest Supervisor's decision to implement a fee increase for your recreation residence special-use permit located in Group A, Lot 113, in the Echo Lake area, Beaverhead-Deerlodge National Forest.

I find the actions taken by the Reviewing Officer are consistent with current statutory regulations concerning the fee determination and appraisal process for your special-use permit, and adequate opportunities were provided for you to obtain a second appraisal.

Therefore, I have elected not to review this decision. This action is consistent with 36 CFR 251.100(c) of the Secretary of Agriculture's Appeal Regulations, and constitutes the final administrative determination of the Department of Agriculture.

Sincerely,

/s/ Sally D. Collins (for)

PAUL BROUHA
Reviewing Officer for the Chief