



File Code: 1570-1 (215)

#02-01-00-0004

Date: December 13, 2001

Roger Flynn and Jeffrey C. Parsons
Attorneys for CRC and NPRC
Western Mining Action Project
2260 Baseline Road, Suite 101A
Boulder, CO 80302

CERTIFIED MAIL – RETURN RECEIPT
REQUESTED

Dear Messrs. Flynn and Parsons:

This is my decision on disposition of the appeal you filed on behalf of the Cottonwood Resource Council and the Northern Plains Resource Council regarding the Lodestar Mining and Exploration Decision Notice (DN) on the Gallatin National Forest (Big Timber Ranger District).

The Appeal Reviewing Officer has considered your arguments, the appeal record, and the transmittal letter and recommends the District Ranger's decision be affirmed and your requested relief be denied.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.17 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have reviewed the appeal record, including your arguments, the information referenced in the District Ranger's November 20, 2001, transmittal letter (copy enclosed), Interested Party comments, and the Appeal Reviewing Officer's analysis and recommendation (copy enclosed). The transmittal letter provides the specific page references to discussions in the Environmental Assessment (EA), the DN and project file which bear upon your objections. I specifically incorporate in this decision the appeal record, the references and citations contained in the transmittal letter, and the Appeal Reviewing Officer's analysis and recommendation.

The information in the transmittal letter regarding northern goshawks, flammulated owls, boreal toads and northern leopard frogs should have been updated in the project file. The Appeal Reviewing Officer recommends the wildlife biologist amend and update the BE to reflect the survey results for northern goshawks and flammulated owls, and the rationale for not surveying for boreal toads and northern leopard frogs.

Based upon a review of the references and citations provided by the District Ranger, I find the objections were adequately considered in the EA/DN. I agree with the Appeal Reviewing Officer's analysis and conclusions in regard to your appeal objections. However, I am instructing the District Ranger to amend the BE to reflect the survey results for northern goshawks and flammulated owls, and the rationale for not surveying for boreal toads and



northern leopard frogs. I find the District Ranger has made a reasoned decision and has complied with all laws, regulations, and policy.

After careful consideration of the above factors, I affirm the District Ranger's decision to implement the Lodestar Mining and Exploration project. Your requested relief is denied.

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

Sincerely,

/s/ Kathleen A. McAllister
KATHLEEN A. MCALLISTER
Appeal Deciding Officer
Deputy Regional Forester

Enclosures (2)