



File Code: 1570 (215)  
#00-01-00-0101

Date: August 24, 2000

Jeff Juel  
822 Cooper Street, #1  
Missoula, MT 59802

CERTIFIED MAIL – RETURN RECEIPT  
REQUESTED

Dear Mr. Juel:

This is my decision on disposition of the appeal you filed on behalf of yourself, The Lands Council, The Ecology Center, Alliance for the Wild Rockies, and American Wildlands regarding the Swamp Timber Sales Record of Decision (ROD) signed by the Fortine District Ranger, Kootenai National Forest.

### FINDINGS

Following is my evaluation of the objections raised in your appeal and your requested changes.

#### Scope of Decision

Decisions made in Forest Plans are subject to administrative review under 36 CFR 217 and are not subject to review in project or activity decisions [36 CFR 215.8(a)(1)]. These decisions are considered to be beyond the scope of the project-level decision, and the opportunity to challenge these decisions has been exhausted.

Similarly, Appellants may not request review of activities that are not “connected” to the project decision being challenged or ask that additional decisions be made that are not “ripe” for decision. Under the National Environmental Policy Act (NEPA), the Responsible Official has the discretion to propose actions and determine which actions warrant a decision and which do not. I have determined your objections are within the scope of the decision.

#### APPEAL REVIEWING OFFICER RECOMMENDATION

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

#### DECISION

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



thoroughly reviewed the appeal record, your arguments, the information referenced in the District Ranger's July 25, 2000, 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 Impact Statement (EIS), the ROD 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, Interested Party comments, and the Appeal Reviewing Officer's analysis and recommendation.

Based upon a review of the references and citations provided by the District Ranger, I find the objections were adequately considered in the EIS/ROD. I agree with the Appeal Reviewing Officer's analysis and conclusions in regard to your appeal objections. 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 Swamp Timber Sales 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)