



File Code: 1570-1 (215)
#03-01-00-0017
Date: March 17, 2003

Rick Eichstaedt
Staff Attorney
Nez Perce Tribal Executive Committee
Office of Legal Counsel
P.O. Box 305
Lapwai, ID 83540-0305

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Dear Mr. Eichstaedt:

This is my decision on disposition of the appeal you filed on behalf of the Nez Perce Tribal Executive Committee regarding the North Lochsa Face Ecosystem Management Project Record of Decision (ROD) on the Clearwater National Forest.

The Appeal Reviewing Officer has considered your arguments, the appeal record, and the transmittal letter and recommends the Forest Supervisor'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 Forest Supervisor's February 13, 2003, transmittal letter, 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, and the Appeal Reviewing Officer's analysis and recommendation.

I agree with the Appeal Reviewing Officer's analysis and conclusions in regard to your appeal objections. Based upon a review of the references and citations provided by the Forest Supervisor, I find the objections were adequately considered in the EIS/ROD with the exception of the cumulative impacts due to grazing in the Pete King watershed. I also find the FEIS does not contain a summary.

I affirm the Forest Supervisor's decision, with the instructions to write a summary of the EIS. I also recommend the team pull together the information presented in the FEIS, DSEIS, FSEIS, the August 10, 1998, Biological Assessment for steelhead trout, fall Chinook salmon, and bull trout, and whatever other information is located in the project files concerning grazing in the project area, and document in the project file the cumulative impacts of



grazing to water quality, fish, and wildlife when combined with this project and all other past, present, and reasonably foreseeable future activities. 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 (1)