



File Code: 1570 (215)
#00-01-00-
0087/0090/0091/0092

Date: July 14, 2000

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Dear Appellants:

This is my consolidated decision on disposition of the appeals you filed regarding the North Lochsa Face Record of Decision (ROD) for Vegetation and Aquatic Management signed by the Clearwater National Forest Supervisor.

FINDINGS

Following is my evaluation of the objections raised in your appeals 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 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 records, and the transmittal

letters and recommends that the Forest Supervisor's decision be reversed and that a Supplemental Final EIS be prepared.

DECISION

My review of your appeals 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 records, your arguments, the information referenced in the Forest Supervisor's June 14, 2000, transmittal letters (copies enclosed), Interested Party comments, and the Appeal Reviewing Officer's recommendation (copy enclosed). The transmittal letters provide 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 records, the references and citations contained in the transmittal letters, Interested Party comments, and the Appeal Reviewing Officer's recommendation.

Based upon a review of the references and citations provided by the Forest Supervisor, I agree with the Appeal Reviewing Officer's analysis and conclusions. After careful consideration, I reverse the Forest Supervisor's decision to implement the Vegetation and Aquatic Management Record of Decision for the North Lochsa Face project. I direct the Forest Supervisor to prepare a Supplemental Final EIS that clarifies the environmental analyses related to the road obliteration effects.

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)

Interested Parties:

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