



File Code: 1570-1 (215)
#03-01-00-0050
Date: July 1, 2003

Wayde Schafer
Dacotah Chapter of the Sierra Club
North Dakota Office
311 East Thayer, Suite #113
Bismarck, ND 58501

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Dear Mr. Schafer:

This is my decision on disposition on the appeal you filed on behalf of the Dacotah Chapter of the Sierra Club protesting the Upton Resources USA, Inc. Surface Use Plan of Operations with mitigation for the 12-2 oil and gas well, access road, and related production facilities Decision Notice (DN) signed by the Medora District Ranger on the Dakota Prairie Grasslands.

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

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 May 19, 2003, transmittal letter, 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.

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. 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 Upton 12-2 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 (1)

cc:
DPG