



United States
Department of
Agriculture

Forest
Service

Region One

Northern Region
200 East Broadway
Missoula, MT 59802

File Code: 1570-1 (215)
#05-01-00-0045
Date: August 17, 2005

Ken and Paula Breithaupt
40800 Yaak River Road
Troy, MT 59935

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dear Ken and Paula:

I have received your appeal of the Northeast Yaak Timber Sale Project Record of Decision on the Kootenai National Forest.

Regretfully, I must dismiss your appeal without review in accordance with 36 CFR 215.16. Your appeal fails to meet the content requirements of 36 CFR 215.14.

It is the appellant's responsibility to provide, in writing, sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed [36 CFR 215.14(a)(b)]. Your appeal fails to address the minimum appeal requirements of 36 CFR 215.14, including:

- State ... the name and title of the Responsible Official, and the date of the decision [CFR 215.14(b)(4)];
- State why you believe the Responsible Official's decision failed to consider the substantive comments [36 CFR 215.14(b)(8)]; and
- State how you believe the decision specifically violates law, regulation, or policy [36 CFR 215.14(b)(9)].

This decision is the final determination of the Department of Agriculture and is not subject to higher level review [36 CFR 215.18(c)].

Thank you for your interest in our National Forests. Please work with the Kootenai National Forest regarding the Northeast Yaak Timber Sale Project to resolve your concerns.

Sincerely,

/s/ Ray G. Smith (for)
KATHLEEN A. MCALLISTER
Appeal Deciding Officer

cc:
Kootenai NF

