



File Code: 1570

Date: August 13, 2012

Jenkins at Law, LLC  
ATTN: Mr. Alan R. Jenkins  
2265 Roswell Road  
Marietta, GA 30062

Dear Mr. Jenkins:

On June 28, 2012, Appeal Reviewing Officer Ken Arney affirmed Forest Supervisors Bain and Bradley and Acting Forest Supervisor Rubiacio decisions. You requested that the language in the decisions be amended to clarify property ownership rejecting an alternative that considers public use of private property, document impact of boating access at Green Creek, and post and enforce boundaries between public and private property. Appeal Reviewing Officer Arney determined that the Forest Supervisors complied with the National Environmental Policy Act, National Forest Management Act, and Wild and Scenic River Act.

The consideration of discretionary review was in accordance with the optional appeal procedures available during the planning rule transition period (section 17), as described at 36 CFR 219.35, Appendix A, and found at [http://www.fs.fed.us/appeals/appeals\\_related.php#app\\_work](http://www.fs.fed.us/appeals/appeals_related.php#app_work).

This letter is to advise you that on August 3, 2012, Associate Deputy Chief for the National Forest System James M. Peña, in his capacity as Reviewing Officer for the Chief, elected not to exercise a discretionary review of Appeal Reviewing Officer Arney's decision to affirm the Forest Supervisors' January 31, 2012, decisions.

This action constitutes the final administrative determination of the United States Department of Agriculture (optional appeal procedures section 17(d)).

Sincerely,

*/s/Tony Tooke*  
TONY TOOKE  
Director for Ecosystem Management Coordination

cc: Region 8 Appeals

