



File Code: 1570

Date: August 13, 2012

Whiteside Cove Association  
ATTN: Mr. Mitchell Betty  
Post Office Box 2294  
Cashiers, NC 28717

RE: Appeals 12-08-03-0019 (Chattahoochee-Oconee Amendment 1); 12-08-11-0020 (Nantahala Plan Amendment 22); and 12-08-12-0021 (Sumter Plan Amendment 1)

Dear Mr. Betty:

On June 28, 2012, Appeal Reviewing Officer Ken Arney affirmed Forest Supervisors Bain and Bradley, and Acting Forest Supervisor Rubiaco decisions. You requested that the decisions be amended. 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

