



United States  
Department of  
Agriculture

Forest  
Service

Ottawa National Forest  
Supervisor's Office

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File Code: 1570  
Date: March 6, 2013

Mr. Frank Jeff Verito  
350-1/2 East Ridge Street  
Marquette, MI 49855

RE: Appeal of the Decision Notice and Finding of No Significant Impact for the Trans Superior Resources, Inc. – Federal Hardrock Minerals Prospecting Permit Project Environmental Assessment, Bergland Ranger District, Ottawa National Forest, Appeal # 13-09-07-0014 A215

Dear Mr. Verito:

On January 24, 2013, you filed a notice of appeal pursuant to 36 C.F.R. Part 215 for the above referenced Project on the Ottawa National Forest. The Decision Notice was signed by District Ranger Susanne M. Adams on December 14, 2012. The legal notice for the decision was published in *The Daily Globe* (Ironwood, Michigan) December 14, 2012.

I have reviewed the Project Record and considered the recommendation of District Ranger Brian M. Pentecost, Superior National Forest, the Appeal Reviewing Officer, regarding the disposition of your appeal. The Appeal Reviewing Officer's review focused on the decision documentation developed by the Responsible Official for this project and the issues in your appeal. The Appeal Reviewing Officer's recommendation is enclosed and incorporated by reference. This letter constitutes my decision on your appeal and on the specific relief that you requested.

### **FOREST ACTION BEING APPEALED**

This project responds to a hardrock minerals Prospecting Permit Application submitted by Trans Superior Resources, Inc., to the Bureau of Land Management (BLM) and makes a recommendation to the Regional Forester about whether to consent to the issuance of a permit. This action is needed because federal laws and policies require the Forest Service, as the surface managing agency, and BLM, as the agency responsible for sub-surface resources, to consider these applications. The BLM is the permitting agency. The analysis area for this project totals approximately 720 acres. This decision includes the use of existing Forest system roads and the construction of temporary roads in a portion of the project area and also includes the issuance of a special use permit for surface use and occupancy of National Forest System lands.

### **APPEAL REVIEWING OFFICER'S RECOMMENDATION**

The Appeal Reviewing Officer found no evidence the Responsible Official's decision violated law, regulation, or policy. He found the decision responded to the comments raised during the decision-making process and public comment period. In addition, he found the issues in the appeal were adequately



addressed in the decision documentation. Based on this review, the Appeal Reviewing Officer recommended the decision set forth in the Decision Notice for this project be affirmed. Please refer to the enclosed recommendation letter, dated March 1, 2013, for further details.

**DECISION**

After careful review of the Project Record and your appeal, as well as the recommendation of the Appeal Reviewing Officer, I have decided to affirm the decision for the Trans Superior Resources, Inc. – Federal Hardrock Minerals Prospecting Permit Project. I found no violation of law, regulation, or policy with respect to the issues in your appeal. The Appeal Reviewing Officer’s recommendation is enclosed and incorporated by reference.

Pursuant to 36 C.F.R. § 215.18(c), this decision constitutes the final administrative determination of the United States Department of Agriculture. This decision may be implemented on, but not before, the 15<sup>th</sup> business day following the date of this letter (See 36 C.F.R. § 215.9(b)).

Sincerely,

*/s/ Randal D. Charles*  
RANDAL D. CHARLES  
Appeal Deciding Officer  
Acting Forest Supervisor

Enclosure

cc: Susanne M Adams  
Leann S Colburn  
Brian M Pentecost  
Matthew Lechner  
Brenda Quale  
Shawn A Olson  
Patricia R Rowell  
Christine A Handler