



File Code: 1570 (215)
#98-01-00-0068

Date: July 17, 1998

Dana Jensen
The Ecology Center
801 Sherwood Street, Suite B
Missoula, MT 59802

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dear Ms. Jensen:

This is my decision on the appeal you filed (signed by Jeff Juel) on behalf of The Ecology Center, The Lands Council, and Alliance for the Wild Rockies protesting the Sandpoint Noxious Weed Control Project Record of Decision signed by the Sandpoint District Ranger (Idaho Panhandle National Forests).

FINDINGS

Following is my evaluation of the objections raised in your appeal and your requested changes.

Scope of Decision

Decisions made in Forest Plans are subject to administrative review under 36 CFR 217 and are not subject to review in project or activity decisions [36 CFR 215.8(a)(1)]. These decisions are considered to be beyond the scope of the project-level decision, and the opportunity to challenge these decisions has been exhausted.

Similarly, Appellants may not request review of activities that are not "connected" to the project decision being challenged or ask that additional decisions be made that are not "ripe" for decision. Under NEPA, the Responsible Official has the discretion to propose actions and determine which actions warrant a decision and which do not. I have determined your objections are within the scope of the decision.

APPEAL REVIEWING OFFICER RECOMMENDATION

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

DECISION

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 thoroughly reviewed the appeal record, your arguments, the information referenced in the District



Ranger's June 29, 1998, transmittal letter (copy enclosed) and the Appeal Reviewing Officer's analysis and recommendation (copy enclosed). The transmittal letter provides specific page references to discussions in the Environmental Impact Statement (EIS), the ROD (Record of Decision) 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 EIS/ROD. I agree with the Appeal Reviewing Officer's analysis and conclusions in regard to your appeal objections.

Although the District has set out a process for treatment of future sites, I believe a formal documentation process should be used in conjunction with the Adaptive Strategy Flow Chart in Appendix G. This process would clearly document that each new infestation site to be treated is within the scope of analysis in this decision, as well as documenting the steps of evaluation by the aquatics personnel and the botany specialist. This information can then be placed in the Project File.

I direct the District Ranger's decision be affirmed with instructions for documenting the adaptive management process on new infestations and the Appellants' requested relief be 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 (2)