



United States
Department of
Agriculture

Forest
Service

Southwestern Region
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File Code: 1570-1/2350

Date: July 30, 2009

Cyndi Tuell
Center for Biological Diversity
P.O. Box 710
Tucson, AZ 85702

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER: 7008 0150 0000 9801 8999**

RE: Appeal #09-03-00-0030-A215, Tusayan Ranger District Travel Management Plan, Kaibab National Forest

Dear Ms. Tuell (lead appellant):

This is our decision on your appeal filed electronically on June 15 of the Decision Notice and Finding of No Significant Impact (DN/FONSI) made by Mike R. Williams, Kaibab Forest Supervisor, to designate a system of roads for public access and motorized recreation travel. The appeal was filed on behalf of the Center for Biological Diversity, Grand Canyon Wildlands Council, Sierra Club-Grand Canyon Chapter, Public Employees for Environmental Responsibility, WildEarth Guardians, and Liz Boussard.

The Forest Supervisor's April 18 decision prohibits motorized cross-country travel off the designated system on the Tusayan Ranger District. The selected Alternative three removes about 143 miles of roads from the existing forest system, adds 6 miles of currently unauthorized routes to the designated system, prohibits use of 160 miles of other unauthorized routes, and allows for limited use of motorized vehicles for dispersed camping in designated camping corridors and big game retrieval for elk during elk hunting seasons.

The decision includes a non-significant Forest Plan amendment. The decision will result in the publication of a Motor Vehicle Use Map (MVUM). After the map has been released, travel off the designated system will be prohibited unless authorized by permit or other authorization. Your appeal was filed pursuant to 36 CFR 215.

BACKGROUND

The legal notice of the decision was published on May 1. Two timely notices of appeal were received under the 36 CFR 215 appeal regulations. Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of the appeals. The record indicates that informal resolution was not reached on either appeal. The lead appellant made an email request on July 27 to add an additional document regarding the informal disposition meeting to the record for review. Based on the regulations (36 CFR 215.15(a)), which state that any appeal attachment must be submitted by the end of the 45-day appeal filing period, my staff advised the appellant that this attachment could not be accepted.



We have reviewed the appeal record, including the two appeals and timely attachments, the Decision Notice and Finding of No Significant Impact (FONSI), EA, and supporting documentation in the electronic project record. I have weighed the recommendation from the Appeal Reviewing Officer and incorporated it into this decision. A copy of the Appeal Reviewing Officer's Recommendation is enclosed. This letter constitutes my decision on the appeal and on the specific relief requested.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer found that: a) the actions to be taken and the purpose and need are clearly described; b) the selected alternative should accomplish the purpose and need of the project; and c) there was ample opportunity for public participation. However, the range of alternatives did not address the main public issue of motorized big game retrieval, and the analysis of the effects from big game retrieval was not based on a consistent set of facts. Additionally, the reasons presented for dropping an alternative comprised of the wet weather system are not supported in the analysis. A copy of this recommendation letter is enclosed.

APPEAL DECISION

After a detailed review of the record and the Appeal Reviewing Officer's Recommendation, I reverse the Responsible Official's Decision on the Tusayan Ranger District Travel Management Plan Project.

The technical review and findings attachment explains the points that need to be addressed before a new decision can be issued. A new analysis, including an alternative without motorized big game retrieval, must be evaluated in a new project decision. The new decision must fully comply with notice, comment, and appeal provisions of 36 CFR 215.

This decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)]. A copy of this letter will be posted on the national appeals web page at <http://www.fs.fed.us/appeals>.

Sincerely,

/s/ Donald G. Delorenzo
DONALD G. DELORENZO
Acting Deputy Regional Forester
Appeal Deciding Officer

Enclosure

cc: Mike R Williams
Liz M Schuppert
Stu Lovejoy
Angela D Parker
Ruth Doyle

Mailroom R3
Mailroom R3 Kaibab
Daniel Jiron
Alvin R Brown
Danny R Montoya
Marjorie Apodaca