



United States
Department of
Agriculture

Forest
Service

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File Code: 1570-1/2400
Date: October 1, 2002

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**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Re: Appeal # 02-03-00-0029-A215, Agua Caballos Proposed Projects, El Rito Ranger District,
Carson National Forest

Dear Ms. Berde:

This is my review decision on the appeal you filed regarding the Record of Decision (ROD), for the Agua Caballos Proposed Projects, which provides for vegetation treatments, road construction, water developments, and road closures, on the El Rito Ranger District of the Carson National Forest.

BACKGROUND

On June 3, 2002, Carson National Forest Supervisor Martin Chavez signed a ROD on the Agua Caballos Proposed Projects on El Rito Ranger District. The Forest Supervisor is identified as the Responsible Official, whose decision is subject to administrative review under 36 CFR 215 appeal regulations.

Pursuant to 36 CFR 215.16, an attempt was made to seek informal resolution of the appeal. The record reflects that informal resolution was not reached.

My review of this appeal has been conducted in accordance with 36 CFR 215.17. I have thoroughly reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer (ARO). My review decision incorporates the appeal record.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The ARO recommended that the Responsible Official's decision on the Agua Caballos Proposed Projects be reversed because the Management Indicator Species (MIS) analysis is incomplete. These findings and recommendations are based upon a procedural requirement of 36 CFR 219.19 to evaluate the effects of the project on MIS identified in the Forest Plan. The ARO also found that the project would achieve the stated objective, adequately involved the public in the NEPA process, and complied with the Clean Water Act.



APPEAL DECISION

After a detailed review of the record, interested party comments, and the ARO's recommendation, I am reversing the Responsible Official's decision on the Agua Caballos Proposed Projects, El Rito Ranger District, Carson National Forest, with the following instructions:

- 1) Complete the analysis of effects on MIS, considering population and habitat information collected at the forest plan level or at an appropriate geographical scale for a particular species.
- 2) Upon completion of this analysis, circulate a Supplemental Environmental Impact Statement for public comment and issue a new decision under 36 CFR 215.

This decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c)).

Sincerely,

/s/ Abel M. Camarena
ABEL M. CAMARENA
Appeal Deciding Officer,
Deputy Regional Forester

cc:
Vallecitos Stables
Forest Guardians
Carson Forest Watch
Carson Forest Supervisor
El Rito District Ranger
R3, FFH
R3, Appeals & Litigation Staff