



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570

Date: December 11, 1998

Mr. Douglas Cory
Northern Lights Balloon Expeditions
P.O. Box 1695
Sedona, Arizona 86339

Reference: Coconino National Forest Plan
Amendment 12
Appeal# 98-03-00-0040-A217

Dear Mr. Cory:

Pursuant to 36 CFR 217, this is my decision on your appeals regarding the Decision Notice and Finding of No Significant Impact for an amendment to the Coconino Forest Land and Resource Management Plan. The decision notice is for Amendment 12 and it was signed by Acting Forest Supervisor Fred S. Salinas on June 24, 1998. This amendment will provide new management direction for the Sedona/Oak Creek planning area.

My review of your appeal was conducted pursuant to and in accordance with 36 CFR 217. I thoroughly reviewed the appeal record regarding the disposition of your appeal. My review decision hereby incorporates by reference the entire appeal record.

APPEAL SUMMARY

I received your Notice of Appeal letters on August 13, 1998 and notified you on August 27, 1998 that your appeal was timely and would be processed under 36 CFR 217. I was notified by the District Ranger, Ken Anderson, that you did meet with him to discuss possible resolution of your appeal on September 21, 1998. However, I received nothing from you to indicate your points of appeal were resolved or changed as a result of the meeting. Therefore, I must respond to the issues you expressed in your August 5, letter. The District Ranger transmitted all the relevant decision documentation and Appeal Record (AR) to this office on September 25, 1998.

APPEAL ISSUES AND FINDINGS

Issue: Closure of FDR 9845 and ancillary roads.

Appellant contends that the road in question is the only access to the area southwest of Dry Creek and does not comply with any of the stated criteria for road closures that were discussed prior to the release of the amendment.



The primary objective of the Dry Creek Management Area in which FDR 9845 is located in, is to protect natural resources. FDR 9845 is located in sensitive and erosive soils as well as in Peregrine Falcon Habitat (Environmental Assessment, 7/97, Maps 15 and 16). The Environmental Assessment addressed the need to protect and preserve natural resources such as water quality and wildlife habitat by identifying approximately 61 miles of roads for closure, including FDR 9845.

Road closure criteria as identified in Amendment 12 and Decision Notice (6/98) include protection of water quality, protection of wildlife habitat, reduction of duplicate routes, and balancing resource protection and public access needs. This road meets these criteria. The decision to close FDR 9845 does not violate law, regulation, or policy and is well within the Forest Supervisor's discretion to balance resource damage and public access needs.

Finding: The Forest Supervisor is affirmed on this issue.

DECISION

After a detailed review of the record, I find the Forest Supervisor conducted a thorough process based on the National Environmental Policy Act regulations and Forest Service Policy to amend the Coconino National Forest Land and Resource Management Plan. The Supervisor is affirmed with respect to all issues and contentions made in your appeal.

This is the final administrative decision of the Department of Agriculture unless the Chief, on his own initiative, elects to review the decision within 15 days of receipt (36 CFR 217.7(d)(1) and 217.17 (d)) . By copy of this letter I am notifying all parties to the appeal of my decision.

Sincerely,

/s/ John R. Kirkpatrick

JOHN R. KIRKPATRICK
Appeal Reviewing Officer