



United States  
Department of  
Agriculture

Forest  
Service

Southwestern  
Region

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File Code: 1570-1 FOR

Date: October 31, 1997

Mr. Peter Galvin  
Southwest Center for Biological Diversity  
P.O. Box 710  
Tucson, AZ 85702-0710

Certified Mail - Return  
Receipt Requested  
P 544 215 636

RE: Scott Ecosystem Management Area Appeal #97-03-00-0064-A215  
Kaibab National Forest

Dear Mr. Galvin:

I have completed a review of your appeal of September 18, 1997, of the Scott Ecosystem Management Area (EMA) decision notice and finding of no significant impact. The review was conducted in accordance with 36 CFR 215.

**BACKGROUND:** On July 28, 1997, the Forest Supervisor made a decision to implement Alternative B for the Scott EMA Environmental Assessment (EA). The project is located on the Tusayan Ranger District of the Kaibab National Forest. The legal notice of the decision was published in the Arizona Daily Sun on August 4, 1997. I received your appeal on September 22, 1997. I received the appeal record (AR) from the Forest on October 27, 1997.

On October 6, 1997, I received a letter from the Acting Forest Supervisor. In the letter, the Acting Forest Supervisor summarized the outcome of an informal disposition meeting between you, representing Southwest Center for Biological for Diversity (SWCBD), and several people from the Forest. I understand that resolution of the appeal issues was not possible during the teleconference meeting.

**DECISION:** After review of the appeal record, I find that you did not provide comments to the Forest Supervisor on the Scott EMA until after the 30 day EA notice and comment period expired. I note that you did request environmental documents relating to this and other projects. However, even after repeated notification from the Forest you did not comment on the Scott EMA.

The purpose of the comment period is to encourage interested parties to comment on the project so those comments can be considered in alternative selection prior to issuing a decision. The objective is to be responsive to those comments prior to a decision.



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I am dismissing your appeal due to lack of comments prior to the end of the comment period (36 CFR 215.15(a)(5)). In the future, I encourage you to provide written comments to the decision maker prior to the end of the notice and comment period.

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

Sincerely,

/s/ Gilbert Vigil  
GILBERT VIGIL  
Appeals Deciding Officer  
Acting Deputy Regional Forester, Resources

cc:  
Kaibab N.F  
P.Jackson  
C.Gonzalez  
FOR  
EAP