



United States
Department of
Agriculture

Forest
Service

Idaho Panhandle
National Forest

Coeur d'Alene River
Ranger District

P. O. Box 14
Silverton, ID 83867

2502 East Sherman Avenue
Coeur d'Alene, ID 83814

File Code: 1950

Date: October 25, 2005

Hello,

On June 22, 2004, Forest Supervisor Ranotta McNair issued a decision to implement vegetation and fuels treatment, aquatic restoration, and other related activities in the 7,600-acre Twomile Resource Area. The resource area is located in Shoshone County, Idaho, north of Interstate 90, on public lands administered by the Coeur d'Alene River Ranger District of the Idaho Panhandle National Forests (IPNFs). Her decision was appealed in August 2004 by environmental organizations alleging violations of the National Environmental Policy Act, National Forest Management Act, Administrative Procedures Act, Clean Water Act, Idaho Water Quality Standards, and standards and guidelines of the Forest Plan for the IPNFs. Following administrative review, the decision was affirmed and the appellants' requested relief was denied by the Appeal Deciding Officer for the Northern Region of the USDA Forest Service, with the following statement:

"I find the Forest Supervisor has made a reasoned decision and has complied with all laws, regulations and policy. After careful consideration of the above factors, I affirm the Forest Supervisor's decision to implement the Twomile Resource Area project. Your requested relief is denied. However, because of the recent 9th Circuit Opinion in Lands Council vs. Powell, I am directing the Forest to delay implementation of this project until further notice."

The Court of Appeals for the 9th Circuit Court decision affects the analysis and disclosure of environmental impacts. Revisions to the 2004 Twomile Environmental Assessment (EA) were prepared to document **additional** analysis required by the 9th Circuit Court of Appeals, disclose results to the public, and assist us in reaching a reasoned and informed decision in light of the additional information. The 2005 Revised EA was developed as guided by Forest Service Handbook 1909.15, Chapter 10, Part 18.4:

*"Revise an EA if the interdisciplinary review of new information or changed circumstances indicates that changes in the EA are needed to address environmental concerns that have a bearing on the action or its impacts. Upon completion of the revised EA, prepare a new finding of no significant impact (FONSI) which addresses the effects of the action. Reconsider the original decision and, based upon the EA and FONSI, issue a new decision **or** document that the original decision is to remain in effect and unchanged. A new decision may address all or a portion of the original decision."*

A Revised EA was issued in May 2005 for public review and comment. The additional information provided in the clearly validates our finding that the Proposed Action would be the most effective approach to meeting the stated purpose and need in the Twomile Resource Area. While Forest Supervisor McNair could have simply documented that the original decision would remain in effect and unchanged, she chose to issue a new decision in order to give concerned members of the public every available opportunity to participate in the planning process.

Enclosed is a compact disk (CD) with your copy of the 2005 Twomile Decision Notice (DN), identifying the Proposed Action (Alternative 2) as the Selected Alternative. For your convenience, a copy of the March 2004 Environmental Assessment and the May 2005 Revised Environmental Assessment are also included on the disk. For the convenience of our interested public and in an effort to conserve paper and reduce publication



costs, documents related to this proposal are also available to the public on our Forest's internet web page: <http://www.fs.fed.us/ipnf/eco/manage/nepa>.

Those who requested a printed copy of the decision document have been sent one. The documents are being provided to most people on compact disk (CD) because this format offers a number of convenient features. The documents are "book marked" so the viewer can easily navigate from one section of the document to another. The viewer can also "zoom" in on maps and other materials, which make them considerably easier to read. In addition, the charts and graphs are nearly all displayed in color, while the printed copy of the EA displays most charts, graphs and photographs in shades of gray. Printed copies will be provided to those who request them. If you received a CD but need to have a printed copy, please contact Kerry Arneson at our Fernan Office (208-769-3021).

This decision is subject to administrative review (appeal) pursuant to 36 CFR 215. Individuals or organizations that submitted substantive comments during the public comment period may appeal. Appeals, including attachments, must be filed (via regular mail, fax, email, hand delivery, express delivery or messenger service) with the Appeal Deciding Officer within 45 days following the date of publication of this legal notice. The publication date of the legal notice in the Spokesman-Review newspaper is the exclusive means for calculating the time to file an appeal. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Hard copy (printed appeals) must be mailed to: **USDA Forest Service, Northern Region, Attn: Appeal Deciding Officer, P.O. Box 7669, Missoula, MT 59807**; delivered to: **USDA Forest Service, Northern Region, Attn: Appeal Deciding Officer, 200 West Broadway, Missoula**; or submitted by fax to: **USDA Forest Service, Northern Region, Attn: Appeal Deciding Officer, (406) 329-3411**.

Electronic appeals must be submitted to: appeals-northern-regional-office@fs.fed.us. The subject line should contain the name of the project being appealed. There are three acceptable formats for electronically filed appeals: MS Word, Word Perfect, and rich text format or .rtf).

If an appeal is received on this project, there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: http://www.fs.fed.us/r1/projects/appeal_index.shtml.

The Responsible Official for this project is Forest Supervisor Ranotta K. McNair (3815 Schreiber Way, Coeur d'Alene, ID 83815; telephone 208-765-7223). For more information, please contact Deputy District Ranger Linda McFaddan (208-556-5101) or District Ecosystem Staff Officer Sherri Lionberger (208-769-3022). Thank you for your interest in this project.

Sincerely,

RANDY SWICK
District Ranger

enclosure