



United States  
Department of  
Agriculture

Forest  
Service

Coconino  
National Forest,  
Supervisor's Office

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File Code: 1570-1

Date: May 2, 2005

Richard Kaupie  
4315 E. Tether Trail  
Phoenix, AZ 85050

CERTIFIED MAIL - RETURN  
RECEIPT REQUESTED -  
91 7108 2133 3931 1878 4034

RE: Appeal #05-03-04-0001-A215, Munds Park Roads and Trails Project

Dear Mr. Kaupie:

This is my review decision on the appeal filed regarding the Decision Notice (DN), Environmental Analysis (EA), and Finding of No Significant Impact (FONSI) on the above-referenced project, which provides for designation of a multi-use roads and trails system for motorized and non-motorized uses next to the community of Munds Park.

### **BACKGROUND**

District Ranger Terri Marceron made a decision and published it on February 4, 2005, for the Mormon Lake Ranger District, Coconino National Forest on the Munds Park Roads and Trails Project. The District Ranger is identified as the Responsible Official, whose decision is subject to administrative review under 36 CFR § 215 appeal regulations.

Pursuant to 36 CFR § 215.17, an attempt was made to seek informal resolution of the appeal. The record indicates that informal resolution was not reached.

My review of this appeal has been conducted in accordance with 36 CFR § 215.18. I have reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer. My review decision incorporates the appeal record.

### **APPEAL REVIEWING OFFICER'S RECOMMENDATION**

The Appeal Reviewing Officer found that: a) the decision logic and rationale were generally clearly disclosed; b) the benefits of the proposal were identified; c) the proposal and decision are consistent with agency policy, direction and supporting information; and d) public participation and response to comments were adequate.

### **APPEAL DECISION**

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision on the Munds Roads and Trails Project with the following instruction:

- Schedules of Proposed Actions with the Munds Roads and Trails Project will be added to the project record.



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

Sincerely,

/s/ Joseph P. Stringer  
JOSEPH P. STRINGER  
Appeal Deciding Officer

Enclosures (2)

cc: Constance J Smith, Terri Marceron, Diedre St Louis, Sandra Nagiller, Mailroom R3  
Coconino

**REVIEW AND FINDINGS**

of

**Richard Kaupie's****Appeal #05-03-04-0001-A215****Munds Roads and Trails Project, Coconino NF****ISSUE 1: The project decision violates NEPA requirements for public involvement.**

**Contention A:** Community residents who do not support the selected alternative (Alternative A) were not accounted for or contacted. Many who supported the project are outside the Munds Park community. The latest letter mailed to the public was mailed when many summer residents have already left. Appellant asks what happened to the input from the August 2 open house. The comment request letter did not reach all the interested people and again was during the winter months. Groups that participated do not represent all the members of their groups. Appellant asks that any decision be postponed until summer when majority of residents have the opportunity to participate.

**Response:** It is up to the Responsible Official to ensure scoping occurs on the project, that the public is kept informed, and that an appropriate level of environmental analysis and documentation occurs (FSH 1909.15 sections 10.4 and 11.52). The requirement is to provide public notice of hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected. Notice shall be mailed to those who have requested it on an individual action. Publication in local newspapers, notice to potentially interested community organizations, direct mailings, and holding public meetings are all tools that the agency can use at the local level (40 CFR1506.6).

The project record shows more than adequate notice was given on this proposed project. Communications to the public through notices, newspaper articles, news releases, letters, and Congressional inquiries are found in the record.

Newspaper articles from April 2002 through February 2005, throughout the summer (July August) and other months (PR14, 26, 36, 39, 42, 50, 56, 57, 139, 231, 252, 253 in the local Pinewood News) and Arizona Daily Sun notice (PR #120, July 2003) are in the record.

Public meetings are extensive with the local community beginning in January 2002 and every month through November 2002, then starting again in February 2003 and monthly through April 2003, and lastly in August 2003 (PR#1-4, 5-8, 10, 11, 13, 15-18, 21, 27, 28, 30, 31, 38, 40, 41, 45, 46, 53, 61, 62, 70, 82, 83, 88, 140, 142, 202.) The open house agenda and notes of August 2003 are PR #140 and 142.

Letters and personal notes of phone conversations, emails and other contacts are documented with individuals and groups who had an interest in the proposal. This includes copies of petitions filed that opposed the project, Congressional inquiries, meetings with various groups, and letters from the appellant (PR#12, 22, 90, 105, 106, 107, 115, 116, 117, 126, 118, 119, 121,

122, 124, 125, 127, 128, 132, 129-137, 144, 146-167, 170, 172, 175, 176, 196, 197, 203, 205, 206, 208, 210, 211, 224, 230, 237, 241).

Mailing lists include property owners (PR#5, 19), trail group (PR#35), and expanded mailing lists for the open house and document mailings (PR#175, 195, 226, 245) for this project.

The Munds Roads and Trails project was listed on the Coconino National Forest Schedule of Proposed Actions that were mailed to a Forestwide list (relevant SOPAs from scoping period on were not in project record). The proposed action was posted on the Coconino website (PR#242 DN).

As shown in the record, meetings and mailings were held over a 2 year period in both winter and summer months to gain input and comments from the public. The EA went out for 30-day comment period at end of September 2004 (PR #224). The Decision Notice was mailed out in February 2005.

As to the comments from the August 2, 2003 open house (PR#140, 142), the input was kept (PR#143), summarized (PR#180, 181), an update letter was sent out to the mailing list on September 10, 2003 (PR#174, 175), the issues were reviewed on the ground in a field trip (PR#183), and comments were responded to (PR#184, 185, 187). A letter was sent to the mailing list (PR #194) updating the process and how comments were reviewed. The comments response work was prepared for the analysis document (PR#214), and incorporated into the EA in Appendix D (PR# 246).

The appellant gave comments on the proposal by letter and phone (PR#127, 132, 145, 149, 177, 199, 200, 201, 202A, 207, 229), attended the open house (PR#142), and was contacted personally by the decision maker on this project before and after the decision (PR #207, 249). After March 2004, both his summer and winter address were placed on the mailing list.

**Finding:** The public involvement on this proposal was extensive, which allowed for further public input into the decision process. The amount of public involvement on the project was adequate to meet the agency responsibility.



**File Code:** 1570-1/2200

**Date:** May 2, 2005

**Route To:**

**Subject:** ARO, Appeal #05-03-04-0001-A215, Munds Park Roads and Trails Project, Mormon Lake District, Coconino National Forest

**To:** Joe Stringer, Deputy Forest Supervisor, Appeal Deciding Officer

This is my recommendation on the disposition of the appeal filed in protest of the Decision Notice and Finding of No Significant Impact concerning the Munds Park Roads and Trails Project, Mormon Lake Ranger District, Coconino National Forest.

District Ranger Terri Marceron signed the decision on January 28, 2005. The District Ranger is herein termed as the Responsible Official. Mr. Kaupie filed an appeal of this decision under the 36 CFR 215 appeal regulations.

### **Informal Disposition**

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of this appeal. The record reflects that informal resolution was not reached.

### **Review and Findings**

My review was conducted in accordance with 36 CFR 215.19 to ensure that the analysis and decision are in compliance with applicable laws, regulations, policies, and orders. The appeal records, including the appellant's issues and requests for relief have been thoroughly reviewed. Having reviewed the Environmental Assessment (EA), decision, and the project record file, as required by 36 CFR 215.19(b), I conclude the following:

- 1) The decision clearly describes the actions to be taken in sufficient detail that the reader can easily understand what will occur as a result of the decision.
- 2) The selected alternative should accomplish the purpose and need established. The purpose and need stated in the EA reflect consistency with direction in the Forest Plan for the Coconino National Forest as amended.
- 3) The decision is consistent with policy, direction, and supporting evidence. The record contains documentation regarding resource conditions and the Responsible Official's decision documents are based on the record and reflect a reasonable conclusion.
- 4) The record reflects that the Responsible Official provided ample opportunity for public participation during the analysis and decision making process. The Responsible Official's efforts enabled interested publics the opportunity to comment and be involved in the site-specific proposal.



After considering the claims made by the appellant and reviewing the record, I found that the Responsible Official conducted a proper and public NEPA process that resulted in a decision that is consistent with the Coconino National Forest Plan. I found no violations of law, regulations, or Forest Service policy.

**Recommendation**

I recommend that the Responsible Official's decision relating to this appeal be affirmed with respect to all of the appellant's contentions.

Signed,

/s/ Richard Stahn  
RICHARD STAHN  
District Ranger  
Appeal Reviewing Officer

cc: Constance J Smith  
Hard copy of this letter to be attached to ADO letter sent to appellants.