



tFile Code: 1570-1  
#08-04-00-0067 A-215  
Date: September 30, 2008

Erin Clark  
Lawson & Laski, PLLC  
675 Sun Valley Road, Suite A  
P. O. Box 3681  
Ketchum, ID 83340

CERTIFIED MAIL – RETURN  
RECEIPT REQUESTED  
7007 0710 0003 0192 9668

Dear Ms. Clark:

In accordance with 36 CFR 215.18, I have reviewed the appeal record, Environmental Assessment (EA), Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Galena Summit Communications Project on the Sawtooth National Forest.

My review focused on the project documentation and the issues raised in the appeal you filed on behalf of the Idaho Tower Company. In reviewing your appeal, I have considered the recommendations of the Appeal Reviewing Officer regarding the disposition of your appeal. A copy of that recommendation is enclosed.

### **APPEAL DECISION**

I am reversing the decision by Sawtooth Forest Supervisor Jane Kollmeyer. The record provided by the Forest Supervisor does not contain sufficient information to demonstrate that there was adequate notice and opportunity for public comment on the proposal to amend the Forest Plan to change Visual Quality Objectives (VQO) for the project area. Following reconsideration of the Forest Plan amendment, the Forest Supervisor shall determine the appropriate response to the special use permit application filed by Idaho Tower Company.

I am sympathetic to your concern about the time it has taken to respond to your proposal. The Forest Service endeavors to process proposals within 60 days, but is not required to do so by law or regulation. Nor is acceptance of a proposal as an application a guarantee of an authorization. Rights or privileges to occupy and use National Forest System lands are conveyed only through issuance of a special use authorization, not through filing an application (36 CFR 251.54(c)). In addition, the Forest Supervisor is required to balance various laws, regulations and policy in making her decision. The Telecommunications Act is just one of many laws that the Forest Supervisor must consider.



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

Sincerely,

/s/ Cathrine L. Beaty  
CATHRINE L. BEATY  
Appeal Deciding Officer

Enclosure

cc: Jane Kollmeyer