



United States
Department of
Agriculture

Forest
Service

Eastern Region

626 E. Wisconsin
Suite 800
Milwaukee, WI 53202

File Code: 1570
Date: May 13, 2011

Mr. Joe Hovel, President
Partners in Forestry Cooperative
6063 Baker Lake Road
Conover, WI 54519-9519

RE: Appeal of the Decision Notice and Finding of No Significant Impact for the Delich Land Exchange Project Environmental Assessment, Bergland, Ontonagon and Watersmeet Ranger Districts, Ottawa National Forest, Appeal # 11-09-07-0013 A215

Dear Mr. Hovel:

On March 20, 2011, you filed a notice of appeal pursuant to 36 C.F.R. § 215.11 for the Delich Land Exchange Project on the Ottawa National Forest (Ottawa). Acting Forest Supervisor Keith B. Lannom signed the Decision Notice and Finding of No Significant Impact (DN/FONSI) for this project on February 4, 2011, and the legal notice for the project was published in *The Daily Globe* (Ironwood, MI) on February 12, 2011.

I have reviewed the Project Record (PR) and also considered the recommendation of the Appeal Reviewing Officer (ARO), Forest Supervisor Leanne Marten, Allegheny National Forest, regarding the disposition of your appeal. The ARO's review focused on the decision documentation developed by the Responsible Official, Acting Forest Supervisor Keith B. Lannom, and the issues in your appeal. The ARO's recommendation is enclosed and incorporated by reference. This letter constitutes my decision on your appeal and on the specific relief requested.

FOREST ACTION BEING APPEALED

The Delich land exchange involves the conveyance of one parcel of non-federal land (421 acres) and five parcels of federal land (240 acres). Consolidation of federal landownership and acquisition of land in a semi-primitive, non-motorized area are important components of the purpose and need for the project.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The ARO found no evidence the Responsible Official's decision violated law, regulation, or policy. She found the decision responded to comments raised during the analysis process and public comment period and also found the decision adequately assessed the environmental effects of the selected alternative. In addition, she found the issues in your appeal were addressed, where appropriate, in the decision documentation. Based on this review, the ARO



recommended the DN/FONSI of February 4, 2011, be affirmed. Please refer to the enclosed recommendation letter, dated May 13, 2011, for further details.

DECISION

After careful review of the PR and your appeal, as well as the recommendation of the ARO, it is my decision to reverse the February 4, 2011, DN/FONSI for the Delich Land Exchange Project. Although the ARO recommended the decision be affirmed, I find the Ottawa should have more clearly documented and disclosed the analysis regarding hemlock and potential old growth on the federal properties to be exchanged. I found no violation in law, regulation or policy with respect to the issues in your appeal which were unrelated to the documented analysis of hemlock and potential old growth.

Pursuant to 36 C.F.R. § 215.18(c), this decision constitutes the final administrative determination of the U.S. Department of Agriculture.

Sincerely,

/s/ GENE BLANKENBAKER (for)

LOGAN LEE
Appeal Deciding Officer
Acting Regional Forester

Enclosure

cc: Mailroom R9 Ottawa
Mailroom R9 Allegheny
Marlanea L French-Pombier
Michelle M Holland
Shawn A Olson
Patricia R Rowell
Ronald.Mulach