



File Code: 1570
Date: July 15, 2022

Dear Objectors:

This letter is in response to your objections filed on the Spirit Lake Townsite Conveyance Environmental Assessment (EA) and Draft Decision Notice (DN) released by Carl Petrick, Forest Supervisor of the Idaho Panhandle National Forests. I have read your objections and reviewed the project record. My review of your objection was conducted in accordance with the administrative review procedures found at 36 CFR 218, Subparts A and B.

ADMINISTRATIVE REVIEW PROCESS

The regulations at 36 CFR 218.8 provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objections. In my review I considered the issue of whether the responsible official, Supervisor Petrick, provided sufficient public notice and opportunity to comment on the proposed land conveyance under the Townsite Conveyance Act. I also evaluated whether effects to the human environment from the proposed conveyance of 158.75 acres to the City of Spirit Lake are consistent with a Finding of No Significant Impact which would be sufficiently documented in an environmental assessment, or whether a more comprehensive analysis documented in an environmental impact statement is warranted (40 CFR 1501.6).

RESPONSE TO OBJECTIONS

Under the National Environmental Policy Act (NEPA) the responsible official is required to notify and involve the public when proposing federal actions. The objective is to inform persons and agencies who may be interested or affected by a proposed action and to solicit public input (40 CFR 1506.6). NEPA does not specify how the responsible official should provide public notice. Forest Service regulations under 36 CFR 218.24 and 218.25 require the responsible official to provide legal notice of the opportunity to comment on a proposed project or activity. For an environmental assessment (EA) notice is given in the newspaper of record, of a 30-day comment period beginning the day after publication of the legal notice.

Additionally, Forest Service regulations under 36 CFR 254.22 and Forest Service Handbook 5509.11 section 22.22 requires the responsible official to publish a public notice weekly for four consecutive weeks in a newspaper with circulation in the community that the proposed townsite would affect.



Supervisor Petrick provided Public Notice of the City of Spirit Lake Townsite Application for Land Conveyance in the Coeur d'Alene Press, the paper of record, for four consecutive weeks, starting on April 24, May 1, May 8, and May 15, 2019. Comments were accepted for 45-days (Spirit Lake EA, p. 6; Draft DN, p. 4).

Notice of opportunity to comment was also published in the Coeur d'Alene Press on November 24, 2021. In addition, information about the project was added to the Schedule of Proposed Actions (SOPA) for the Idaho Panhandle National Forests on November 18, 2021. Letters were mailed to 73 entities including adjacent landowners and local, state, and federal agencies on November 24, 2021 (Spirit Lake EA, pp. 6-7; Draft DN, pp. 4-5).

The Spirit Lake EA (pp. 5-6) and draft Decision Notice (pp. 3-4) disclose the scope of the decision to be made, which is whether or not to convey a 158.75-acre parcel of national forest land to the City of Spirit Lake in response to their Townsite Act application. Supervisor Petrick provided sufficient evidence and rationale to support a Finding of No Significant Impact (Draft DN, pp. 5-7). Therefore, an EA is sufficient, and a more comprehensive report is not warranted.

As specified at 36 CFR 218.11(b), this is my response to your objections to the Environmental Assessment, draft Decision Notice, and project record. The responsible official complied with public disclosure regulations in compliance with law, regulation, and policy. Furthermore, the effects of conveying national forest land to the City of Spirit Lake were considered and disclosed to the public in compliance with applicable law, regulation, and policy.

CONCLUSION

The responsible official may sign the Decision Notice for this project. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 CFR 218.11(b)(2)]. The final decision notice will disclose further information on opportunities for public involvement with the City of Spirit Lake. Please see <https://www.spiritlakeid.gov/>.

Sincerely,

JOSEPH
ALEXANDER

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JOSEPH ALEXANDER
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JOSEPH ALEXANDER
Acting Deputy Regional Forester

cc: Carl Petrick, Jessie Berner, Doug Nichek, Kerry Arneson, Cody Hutchinson, Olga Troxel