



File Code: 1470
Date: June 28, 2023

Dear Objectors,

This letter is in response to objections filed on the BMU 4 Access Environmental Assessment (EA) and Draft Decision Notice released by Chad Benson, Kootenai National Forest Supervisor. I have read your objections and reviewed the project record. My review of your objections 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 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 of objections, I considered issues related to the National Environmental Policy Act, economics, private property, mining access, and Americans with Disabilities Act.

RESOLUTION OF OBJECTIONS

Objection regulations at 36 CFR 218.11(a) allow for parties to meet to discuss issues raised in the objection and potential resolutions. An objection resolution meeting was hosted by Dan McKeague, objection reviewing officer, on May 18, 2023, attended by co-objectors Judy Hutchins and Tyson Jerald along with their legal counsel Kim Wilson. I really appreciated the dialogue and level of engagement by attendees.

During the resolution meeting, specific remedies were proposed by Ms. Hutchins and Mr. Jerald, adjacent landowners, regarding access to their properties. I did not make a decision at the resolution meeting but asked the responsible official, Chad Benson, to evaluate proposed remedies. Cabinet Ranger District staff led by District Ranger Michael Feiger, evaluated the proposed remedies against the proposed action. After several iterations and discussions remedies were agreed to by me, Supervisor Benson, and co-objectors Judy Hutchins and Tyson Jerald. As a result, Ms. Hutchins and Mr. Jerald retracted their objections to the revised proposed action.

Changes made to the proposed action comply with the need for action, and the effects of changes to the proposed action from this resolution are reflected in the analysis conducted for the Environmental Assessment.

RESPONSE TO OBJECTIONS

As specified at 36 CFR 218.11(b), this letter is my response to your objections. After my review of the EA, draft Decision Notice, and project record, I find the responsible official provided an



adequate analysis of issues raised and provided acceptable documentation showing compliance with applicable law, regulation, and policy. However, based on the results of objection resolution meetings, the following changes will be made to the proposed action by the responsible official and objectors.

1. Part of National Forest System Road (NFSR) 2290 and part of 2290B will remain gated for administrative use, connecting to private inheld property owned by Judy Hutchins.
2. A gate will be placed on NFSR 409 at an existing turnaround near the private property boundary, with the section of NFSR 409 from the gate to private property managed as accessible by administrative motorized use only.
3. A barrier will be placed on the private road segment 12290 and managed as closed to motor vehicle traffic.
4. Ms. Hutchins and Mr. Jerald will acquire special use authorizations for access to their private inholding and abide by road use quotas in coordination with the Kootenai National Forest. The special use authorization will specify that the responsible official, Ms. Hutchins, and Mr. Jerald will have a discussion each year, no later than August 1, to assess the status of each party's use towards the quota and allow for trip flexibilities between the parties if agreeable to all sides for use during the remainder of the season.

CONCLUSION

Upon incorporation of these instructions into the proposed action, the responsible official may sign the decision notice for this project. My review constitutes the final administrative determination of the United States Department of Agriculture; no further review from any other Forest Service or United States Department of Agriculture official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,

**DANIEL
MCKEAGUE**  Digitally signed by
DANIEL MCKEAGUE
Date: 2023.06.28
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Daniel McKeague
Deputy Regional Forester

CC: Chad Benson, Michael Feiger, Heidi McRoberts, Katelyn Miller, Ruth Heying, Janis Bouma, John Carlson, Jennifer Woods, Olga Troxel