



File Code: 1570

Date: December 19, 2003

Jeff Juel
The Ecology Center, Inc.
801 Sherwood Street, Suite B
Missoula, MT 59802

Dear Mr. Juel:

I have received your letter dated November 19, 2003, regarding the new appeal regulations, and I would like to respond to your questions.

Question 1: Referring to the new appeal regulations at 36 CFR 215.6 (“Comments on proposed actions”), precisely what constitutes “...or other means of verification” when one comment has only one sender/signer but multiple organizations listed?

The intent of the regulations is to ensure that an organization can verify that other organizations listed on their appeal have authorized their representation in the appeal. In your situation, if you sign an appeal on behalf of other organizations or individuals and they do not actually sign the appeal, I would recommend that you include a letter with your appeal from the other individuals or organizations authorizing you to file an appeal on their behalf.

Question 2: Also referring to the new appeal regulations, precisely what constitutes “another means of verifying the identity of the individual or organizational representative” when comments are emailed?

The intent of this regulation is to be able to verify that comments provided electronically are indeed representative of the individual or organization identified. In your case, if a unit receives an electronic comment from The Ecology Center with your name and email, we would be confident that you are representing The Ecology Center. However, if we received an email from another individual with no established relationship representing The Ecology Center, we may ask The Ecology Center to formally verify that the individual represents their organization.


Question 3: It seems that all these clauses of the new appeals regulations don't refer to actions categorically excluded, as per new regulations 36 CFR 215.4. So what regulates comment periods and therefore also determines standing to pursue judicial review on Categorically Excluded actions, such as all those new logging/thinning/salvage/fuel treatment categories adopted this year?



Actions categorically excluded from documentation as per the new regulation 36 CFR 215.4 are not subject to legal notices for an opportunity to comment. The court determines standing to pursue judicial review on categorically excluded actions.

I hope this letter answers your questions. If you have additional questions, please contact Claire Huking, Appeals and Litigations Group Leader, at 329-3696.

Sincerely,



BRADLEY E. POWELL
Regional Forester