



File Code: 2810; 1950
Date: April 10, 2015

Dear Interested Parties:

Thank you for your interest in the proposed Sunnyside Project. This letter is to inform you that I signed a new Decision Memorandum (DM) for the Sunnyside Project on April 8, 2015. The Project is located on the Sierra Vista Ranger District in Santa Cruz County, Arizona, approximately 7 miles south of the town of Patagonia. The proposed activities include drilling at six locations that are mostly on existing Forest roads. The project will be implemented once the operator provides a reclamation performance bond, incorporates the design features from the decision document, and the Plan of Operations is approved. More information, including the DM, can be found online at:

http://www.fs.fed.us/nepa/nepa_project_exp.php?project=36219.

The proposal was described to the public, tribes, and other agencies for comment during scoping from November 2, 2011 through December 2, 2011, and again from July 16, 2013 to August 15, 2013. Letters soliciting comments were sent to approximately 370 individuals, organizations, and government entities on July 13, 2013 and a Legal Notice was published in the *Sierra Vista Herald* on July 16, 2013. Seventy-eight comments were received during the 2013 30-day scoping period. These comments were considered, along with prior comments, during analyses. A decision was issued on September 12, 2014 and then withdrawn on January 9, 2015 due to a need for additional consultation with the U.S. Fish and Wildlife Service (USFWS) on the western yellow-billed cuckoo which was listed as threatened on October 3, 2014. A new decision was signed on April 8, 2015 after USFWS concurrence was received.

The Forest Service no longer offers notice, comment and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects and this decision is not subject to objections pursuant to 36 CFR 218. This is a result of the following legislation:

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes "shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excludedunder the National Environmental Policy Act [NEPA]." On February 7, 2014, the President signed into law the Agricultural Act of 2014 (Farm Bill) (Pub. L. No. 113-79). Section 8006 of the 2014 Farm Bill repealed the Appeals Reform Act (ARA) (Pub. L. No. 102-381). The ARA's implementing regulation was 36 CFR 215. The 2014 Farm Bill also directs that the pre-decisional objection process established in the Consolidated Appropriation Act of 2012 shall not be applicable to categorically excluded projects or activities.

For more information concerning this decision, please contact Mindy Sue Vogel, Geologist,



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msvogel@fs.fed.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Ruggiero', with a long horizontal flourish extending to the right.

MARK RUGGIERO
District Ranger

