

**Malecek, Thomas -FS**

---

**From:** Malecek, Thomas -FS  
**Sent:** Friday, August 24, 2012 8:09 AM  
**To:** Dyer, Harold D -FS  
**Subject:** RE: Document in Correspondence: Delegation of Authority for the Wolf Creek Village Access and U

Talked to both Dan and Steve, we are on track....Dan's main concern wasn't the letter, but the emails around the letter that might be a little damaging in the event they are not all deleted in case we get a foia....remember we are swimming with sharks and need to keep emails from even the remote appearance of whatever, so make sure you burn this once read!

Tom Malecek  
Divide District Ranger  
Rio Grande NF  
(719) 657-6007; cell 850-2356

---

**From:** Dyer, Harold D -FS  
**Sent:** Friday, August 24, 2012 6:43 AM  
**To:** Malecek, Thomas -FS  
**Subject:** RE: Document in Correspondence: Delegation of Authority for the Wolf Creek Village Access and U

Tom,

I'm at a loss to know what this means. Do we just get a letter from the RO making Dan the decision maker? Do we have to send a supplemental DEIS? Do we proceed with the public meetings? Why didn't we know this was going to be a problem a year ago when we were advised that Dan could be the decision maker?

Frustrating!!!  
Dave

+++++

Harold D "Dave" Dyer - Forest Planner  
USDA Forest Service - Rio Grande National Forest  
1803 W. Highway 160  
Monte Vista, CO 81144  
719-852-6215

+++++

*"He who sacrifices freedom for security deserves neither."* - Ben Franklin

---

**From:** Rinella, Steven -FS  
**Sent:** Thursday, August 23, 2012 3:33 PM  
**To:** McClure, Tom -FS; Dallas, Dan -FS; Malecek, Thomas -FS; Dyer, Harold D -FS  
**Cc:** Hesch, Patricia -FS  
**Subject:** RE: Document in Correspondence: Delegation of Authority for the Wolf Creek Village Access and U

Dan has no authority to render a NEPA decision which he cannot implement (Alternative 2). Proceeding as-is facilitates a pre-decisional argument in that the easement alternative isn't technically a viable alternative.

---

**From:** McClure, Tom -FS  
**Sent:** Thursday, August 23, 2012 3:16 PM  
**To:** Rinella, Steven -FS; Dallas, Dan -FS; Malecek, Thomas -FS; Dyer, Harold D -FS  
**Cc:** Hesch, Patricia -FS  
**Subject:** RE: Document in Correspondence: Delegation of Authority for the Wolf Creek Village Access and U

My only question is could this trigger pre-decisional motives by one party or another?? Could it be written after the decision, prior to implementation??

---

**From:** Rinella, Steven -FS  
**Sent:** Thursday, August 23, 2012 3:01 PM  
**To:** Dallas, Dan -FS; Malecek, Thomas -FS; Dyer, Harold D -FS  
**Cc:** McClure, Tom -FS; Hesch, Patricia -FS  
**Subject:** FW: Document in Correspondence: Delegation of Authority for the Wolf Creek Village Access and U

Wanted you guys to see this before it got there. Just a technicality that we don't want to get called on. Dan cannot issue a decision for an action he doesn't have authority to implement. While all Forest Supervisors have exchange authority in this region only some of them have easement granting authority. Rio Grande does not. A delegation was given to Pete Clark to issue a decision on the first EIS. So, we have an EIS out there with an alternative you are without authority to select. OGC tells us that if you can't grant a FLPMA easement you can't issue a NEPA decision to grant one. Let me know if this doesn't make sense.

---

**From:** Hesch, Patricia -FS  
**Sent:** Thursday, August 23, 2012 2:53 PM  
**To:** Rinella, Steven -FS  
**Subject:** Document in Correspondence: Delegation of Authority for the Wold Creek Village Access and U