



File Code: 1570-1

Date: January 5, 2004

Route To: (1570 - 215)

Subject: ARO Letter - Windmill TS and Road Decommissioning Project ROD - Gallatin NF - Appeal #04-01-00-0006 - Alliance for the Wild Rockies, et al.

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Michael Garrity, on behalf of Alliance for the Wild Rockies and The Ecology Center, Inc., protesting the Windmill Timber Sale and Road Decommissioning Project Record of Decision on the Gallatin National Forest.

The Forest Supervisor's decision adopts Alternative 3, with modifications, which authorizes the following activities:

- Harvest of an estimated 4.5 million board feet (MMBF) of timber from approximately 690 acres of national forest lands within the Mill Creek drainage.
- Construction of approximately 0.4 miles of new temporary road.
- Reconditioning of about 1.5 miles of existing road.
- Restoration and stabilization of 22 miles of existing roads to reduce sediment and improve watershed conditions.
- Prescribed burning of approximately 500 acres to reduce fuels.
- Reforestation of select stands to be harvested.
- Implementation of all of the features common to all action alternatives and project-specific mitigation actions detailed in the Final Environmental Impact Statement (FEIS) in Ch. 2-16. Implement Appendix D, Best Management Practices, from the FEIS.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellants' objections and recommended changes, has been thoroughly reviewed.

The appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Clean Water Act (CWA), the Administrative Procedures Act (APA), the Endangered Species Act (ESA) and the Clean Water Act (CWA). The appellants request that the decision be reversed. An informal disposition meeting was held on December 3, 2003, but no resolution of the issues was reached.



RECOMMENDATION

I find that the Environmental Impact Statement (EIS) fails to provide a reasonable range of alternatives that meet the purpose and need for the project. I recommend that the Forest Supervisor's decision be reversed.

/s/ Gregory S. Greenhoe
GREGORY S. GREENHOE
Appeal Reviewing Officer
Deputy Director of Fire, Aviation and Air