



**File Code:** 1570-1

**Date:** August 29, 2003

**Route To:** (1570 - 215)

**Subject:** ARO Letter - Blacktail Trail DN - Dakota Prairie Grasslands - Appeal #03-01-00-0063 - Tom Braun and Del Newman

**To:** Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Tom Braun and Del Newman protesting the Blacktail Trail Decision Notice (DN) on the Dakota Prairie Grasslands.

The District Ranger's decision selected Alternative 1, which authorized the following activities in the Blacktail project area (DN, Doc. A-02, pp. 2-3):

- Construction of a loop trail approximately 6.5 miles in length. The Blacktail Trail would start at the fishing reservoir in the SW1/4 Section 4, T20N, R16E, head east through Sections 9 and 10, then turn north through Sections 3 and 34, then west through Section 33, and then south through Section 4, ending back at the fishing reservoir.
- The constructed trail tread would be between 18 and 24 inches wide and would be surfaced with gravel. The average grade of the trail would vary between 0 and 5 percent with some short pitches approaching 10 percent. The trail would be designated for non-motorized use.
- Wood sign posts would be placed along the trail to direct users.
- Construction of a developed trailhead in SW1/4 Section 4, T20N, R16E, which would include a gravel-surfaced parking area for six to eight vehicles, a unisex sweet-smelling toilet, three picnic tables, bulletin board, fence/gates, and signing. Trees would also be planted at the trailhead. A fence would also be constructed around the trailhead utilizing both jackleg and barbed wire fencing.
- Reconstruction of NFSR 5740, which is a weather dependent two-track road supplying access to the fishing reservoir. The reconstructed road would also provide access to the proposed trail and developed trailhead.
- Road reconstruction would include: road grading, surfacing, installing drainage features, and signing.

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. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The appellants allege violations of the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA). The appellants request a remand of the DN. An informal meeting was held but no resolution of the issues was reached.



## ISSUE REVIEW

### **Issue 1. Failure to properly inform publics of proposed action.**

- **There is nothing in the original scoping document indicating that the final completed trail would be surfaced with gravel as stated in the Decision Notice and Finding of No Significant Impact (FONSI). The omission of the information that the FS would use gravel on the entire 6.5-mile length of the trail is a significant deviation from what was presented to the public as the preferred alternative for this project.**
- **A marked trail has less impact on the land than a gravel-surfaced trail and thus meets the requirements “to minimize affects on the land.” Additionally, a marked trail will enhance user enjoyment of the area because it will blend into the landscape more effectively, thus facilitating a more natural experience for the visitor.**

**Response:** Although the Forest Service did not identify that gravel would be used on the entire length of trail during scoping, it is clearly identified in the Environmental Assessment (EA), which went out for public comment (PR, Doc. A-01, p. 2). The record also shows that the intent of graveling the trail is to reduce erosion and resource damage, as discussed in the EA (p. 15), the Sensitive Plant Biological Evaluation (PR, Doc. I-02) and in the Response to Comments (EA, Appendix A). I find that the project is consistent with the Dakota Prairie Grasslands Land and Resource Management Plan, and the National Forest Management Act. An adequate range of alternatives was presented, the public was adequately informed, and the public had the opportunity to comment, as required by the National Environmental Policy Act.

## RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellants. I recommend the District Ranger’s decision be affirmed and the appellants’ requested relief be denied.

/s/ Richard F. Roberts  
RICHARD F. ROBERTS  
Appeal Reviewing Officer  
Director of Ecosystem Assessment and Planning